



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAVID P. LITTELL  
COMMISSIONER

October 3, 2006

Mr. Steve Beveridge  
Public Works Director  
Town of Rockport  
P.O. Box 10  
Rockport, ME 04856

**RE: *Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0036307  
Maine Waste Discharge License (WDL) Application #W-008134-5V-B-R  
Final MEPDES permit and Maine WDL***

Dear Mr. Beveridge:

Enclosed, please find a copy of your **final** MEPDES permit and Maine WDL which was approved by the Department of Environmental Protection. Please read the permit/license 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 287-7659.  
Sincerely,

Bill Hinkel  
Division of Water Quality Management  
Bureau of Land and Water Quality

Enclosure

cc: Denise Behr, DEP  
Lori Mitchell, DEP  
Doug Koopman, USEPA

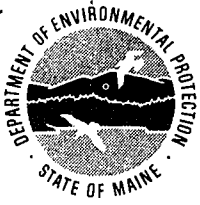
AUGUSTA File 8134  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826  
RAY BLDG., HOSPITAL ST.

BANGOR  
106 HOGAN ROAD  
BANGOR, MAINE 04401  
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PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
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PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769-2094  
(207) 764-0477 FAX: (207) 760-3143





STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
STATE HOUSE STATION 17      AUGUSTA, MAINE 04333

DEPARTMENT ORDER

**IN THE MATTER OF**

TOWN OF ROCKPORT	)	MAINE POLLUTANT DISCHARGE
WASTE SNOW DUMP	)	ELIMINATION SYSTEM PERMIT
ROCKPORT, KNOX COUNTY	)	AND
#ME0036307	)	WASTE DISCHARGE LICENSE
#W008134-5V-B-R <b>APPROVAL</b>	)	<b>RENEWAL</b>

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, §1251, *et seq.*, and Maine law, 38 M.R.S.A., §414-A *et seq.*, and applicable regulations, the Department of Environmental Protection (Department) has considered the application of the TOWN OF ROCKPORT (Town), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

**APPLICATION SUMMARY**

The Town has applied to the Department for renewal of Waste Discharge License (WDL) #W008134-5V-A-N/ Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0036307, which was issued on December 21, 2001, and is scheduled to expire on December 21, 2006. The WDL approved the discharge of waste snow collected from roadways, sidewalks, parking areas and two municipal fire stations in the Rockport Village area to Rockport Harbor, Class SB, in Rockport, Maine.

**PERMIT SUMMARY**

This permitting action is establishing a new requirement to implement best management practices (BMPs) for the discharge of waste snow to Rockport Harbor (Special Condition C). The permittee is required to employ BMPs to minimize contamination of waste snow with street litter and sand or sand-salt mixtures. This permit does not authorize the discharge of waste snow that is contaminated with oil, petroleum products, chemicals, hazardous wastes or substances, or solid waste (other than incidental street litter).

## CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated October 2, 2006, 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. No practicable upland alternative location(s) exists for the disposal of waste snow collected by the Town of Rockport.
6. The discharge will not have a significant impact on navigation.
7. The Town will restrict the use of sand or sand-salt mixtures in those areas treated for snow removal and from which the snow will be collected for disposal in Rockport Harbor.
8. The Town will employ best management practices to minimize contamination of waste snow by litter.
9. The Town shall not discharge waste snow that is contaminated with oil, chemicals, hazardous wastes or substances, or solid waste (other than incidental street litter) such that the discharge violates Conditions 1 through 3 of this section.

**ACTION**

THEREFORE, the Department APPROVES the above noted application of the TOWN OF ROCKPORT to discharge an unspecified quantity of waste snow to Rockport Harbor, Class SB, in Rockport, 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. The expiration date of this permit is five (5) years from the date of signature below.

DONE AND DATED AT AUGUSTA, MAINE, THIS 3<sup>RD</sup> DAY OF OCTOBER, 2006.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

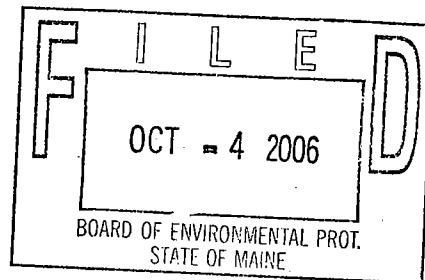
BY: \_\_\_\_\_

DAVID P. LITTELL, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: August 23, 2006

Date of application acceptance: August 23, 2006



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

This Order prepared by William F. Hinkel, BUREAU OF LAND & WATER QUALITY

#ME0036307 / #W008134-5V-B-R

October 2, 2006

## **SPECIAL CONDITIONS**

### **A. NOTIFICATION REQUIREMENT**

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

1. Substantial expansion of the areas from which snow is collected for disposal.
2. Substantial increases in development in the areas from which snow is collected for disposal, including new commercial or industrial developments.
3. Any substantial change in the volume of waste snow or snow dump area. For the purposes of this section, notice regarding substantial change shall include information on:
  - a. the quality and quantity of waste snow introduced to the snow dump; and
  - b. any anticipated impact caused by the change in the quantity or quality of the waste snow to be discharged from the snow dump area.
4. Any substantial change in snow dumping activities that may affect navigation.

### **B. UNAUTHORIZED DISCHARGES**

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from the municipal parking lot located adjacent to the Rockport Town Landing. Discharges of waste snow from any other point source are not authorized under this permit.

### **C. CONDITIONS FOR THE DISCHARGE OF WASTE SNOW**

1. The discharge shall not cause a visible oil sheen, foam, or floating solids, other than ice or snow, at any time, or which would impair the usage 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 discharge shall not impart color, taste, turbidity, toxicity, radioactivity or other properties, which cause those waters to be unsuitable for the designated uses and characteristics ascribed to their class.
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.
5. The discharge of snow shall not cause impoundment of the receiving waters or alter its flow and snow shall not be allowed to accumulate on the inter-tidal areas or wetland.

## **SPECIAL CONDITIONS**

### **C. CONDITIONS FOR THE DISCHARGE OF WASTE SNOW (cont'd)**

6. The discharge of snow shall only occur at the municipal parking lot adjacent to the Town Landing, or any other site approved by the Department.
7. Only snow which is removed from areas where the use of sand or sand/salt mixtures is restricted may be discharged. All waste snow collected for disposal via discharge must be removed from the collection area within 72 hours following the end of a snow event.
8. Snow, which is visibly contaminated with oil, chemicals, hazardous wastes or substances, or solid waste (other than incidental street litter) shall not be discharged. Snow collected from areas affected by chemical spills or other circumstances which may result in the presence of toxic compounds in toxic amounts shall not be discharged.
9. The permittee shall conduct weekly litter removal of the areas from which waste snow will be discharged.

### **D. RECORD OF ACTIVITIES FOR WASTE SNOW DUMPS**

The permittee shall maintain a record for snow removal and disposal activities which includes information on:

1. Changes in development or snow removal practices that may affect the quality or quantity of waste snow discharged.
2. The approximate quantity (gallons, cubic yards or other measure) of waste snow discharged overboard per day.
3. Reports or observations of floating materials, deposits, changes to navigation or other circumstances that result from the discharge of waste snow from the approved site.
4. Best Management Practices (BMPs) conducted to minimize the discharge of pollutants, such as street litter and debris.

The Record Log shall be kept on-site at all times and made available to Department and USEPA personnel upon request.

## **SPECIAL CONDITIONS**

### **E. REOPENING OF PERMIT FOR MODIFICATION**

Upon evaluation of the tests results in the 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 anytime 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 monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

### **F. 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: **OCTOBER 2, 2006**

MEPDES PERMIT: #ME0036307  
WASTE DISCHARGE LICENSE: #W008134-5V-B-R

NAME AND ADDRESS OF APPLICANT:

**TOWN OF ROCKPORT  
P.O. BOX 10  
ROCKPORT, MAINE 04856**

COUNTY: **KNOX**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**MUNICIPAL PARKING LOT ADJACENT TO ROCKPORT TOWN LANDING**

RECEIVING WATER/CLASSIFICATION: **ROCKPORT HARBOR/CLASS SB**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **MR. STEVE BEVERIDGE  
PUBLIC WORKS DIRECTOR  
TOWN OF ROCKPORT  
(207) 236-6245**

**1. APPLICATION SUMMARY**

Application: The Town of Rockport (Town) has applied to the Department of Environmental Protection (Department) for renewal of Waste Discharge License (WDL) #W008134-5V-A-N/Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0036307, which was issued on December 21, 2001, and is scheduled to expire on December 21, 2006. The WDL approved the discharge of waste snow collected from roadways, sidewalks, parking areas and two municipal fire stations in the Rockport Village area to Rockport Harbor, Class SB, in Rockport, Maine.

## 2. PERMIT SUMMARY

- a. Terms and Conditions: This permitting action is establishing a requirement to implement best management practices (BMP) (Special Condition C) for the discharge of waste snow to Rockport Harbor in Rockport. The permittee is required to employ BMPs to minimize contamination of waste snow with street litter and is not authorized to discharge snow that is contaminated with oil, petroleum products, chemicals, hazardous wastes or substances, or solid waste (other than incidental street litter).
- b. Facility History: This section provides a summary of significant licensing/permitting actions that have been completed for the Town.

January 12, 2001 – The Department received authorization from the USEPA to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine, excluding areas of special interest to Maine Indian Tribes.

December 21, 2001 – The Department issued WDL #W008134-5V-A-N/MEPDES permit #ME0036307 to the Town for the discharge of an unspecified quantity of waste snow collected from the Rockport Village area to Rockport Harbor. The 12/21/01 permit is scheduled to expire on December 21, 2006.

August 23, 2006 – The Town submitted a timely and complete General Application to the Department for renewal of the 12/21/01 MEPDES permit. The application was accepted by the Department on August 23, 2006.

- c. Source Description: During snow events, the Town public works department pushes snow from the roadways to the side, which results in an accumulation of snow at the roadway/sidewalk margin. The Town must clear this snow to maintain safe, adequate room for both pedestrians and vehicular traffic. Snow clearing will occur when total accumulation is in excess of two feet or when any single snow storm is ten inches or more. The removal activity will occur within 72 hours of the snow storm. The Town minimizes the use of sand to the maximum extent possible in the village area. The Town clears approximately 0.8 miles of roadways and sidewalks and 0.3 acres of impervious areas associated with the two fire station lots. The Town reports using a maximum of 28 cubic yards of sand per year and 12 tons of salt. The mixture applied to roadways and sidewalks in the village area is approximately 70% salt and 30% sand. The Town utilizes extra plowing runs to compensate for reduced sand usage. The Town stated that in the past five years, there have been 12 storms that were large enough to necessitate overboard discharge of collected snow.

Best management practices (BMPs) currently employed by the Town include, but are not limited to, seasonal operation of a street sweeper, maintenance of trash receptacles in the downtown area, restriction of sand use in the village area, litter control at the fire stations, and disposal of waste snow, when necessary within 72 hours following snow removal activities.

The Town included with its application, a letter from the U.S. Army Corps of Engineers, dated March 20, 2001, which identified that Rockport Harbor was most recently dredged in the autumn of calendar year 1987. Approximately 10,000 cubic yards of material was removed

## 2. PERMIT SUMMARY (cont'd)

and placed in the Rockland Disposal Site. The Town provided a statement from the U.S. Coast Guard, dated August 22, 2006, in which the Commander stated that the proposed snow dump activities on the west shore of Rockport Harbor do not appear to pose any significant hazard to navigation for marine transportation. The Town provided a letter from the Rockport Harbor Master, dated August 10, 2006, which states that the proposed snow dump activities will not cause negative impacts on navigation or harbor activities.

The permittee has evaluated the suitability of other town-owned land for an upland snow dump and has determined them to be unsuitable or not practicable for one or more of the following reasons: watershed protection, wetland protection, sufficient area, suitable vehicle access, interference with other existing site uses, or nuisance to neighboring lands.

A map showing the Town's snow dump area and receiving water is included as Fact Sheet Attachment A.

- d. Wastewater Treatment: The Town does not provide treatment of waste snow prior to overboard discharge. The Town employs best management practices to minimize debris and sand in the waste snow collected for disposal. The waste snow is discharged to a tidal portion of Rockland Harbor below the normal low water line that is approximately 6 to 9 feet deep and influenced by tidal action.

## 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. §469 states, "*all estuarine and marine waters lying within the boundaries of the State and which are not otherwise classified are Class SB waters.*" Rockport Harbor at the point of discharge is not otherwise classified and is therefore a Class SB water. Maine law, 38 M.R.S.A. §465-B(2) describes the standards for Class SB waters.

## 5. RECEIVING WATER QUALITY CONDITIONS

The *State of Maine 2004 Integrated Water Quality Monitoring and Assessment Report*, prepared pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the marine and estuarine waters at Rockport (Waterbody ID #722-11) as, "Category 5-B-1: Estuarine and Marine Waters Impaired Only by Bacteria (TMDL Required)." Impairment in this context refers to the designated uses of recreation in and on the water and the harvesting of shellfish. The Department has no information at this time that the snow dumping activities performed by the Town (12 discharges during the five-year period preceding the date of this permitting action) cause or contribute to the non-attainment of the standards for Class SB waters.

Currently, the Maine Department of Marine Resources shellfish harvesting area #C30 is closed to the harvesting of shellfish based on ambient water quality data, which indicate the harvesting area does not meet the standards in the National Shellfish Sanitation Program. The shellfish closure area is identified on the map included as Fact Sheet Attachment A. The Department does not have any information or reason to conclude that the discharge of waste snow by the Town causes or contributes to the non-attainment of the standards for Class SB waters.

## 6. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As permitted, the Department has determined the existing water uses will be maintained and protected and the discharge will not cause or contribute to the failure of Rockport Harbor to meet standards for Class SB classification.

## 7. PUBLIC COMMENTS

Public notice of this application was made in the *Camden Herald* newspaper on or about August 24, 2006. 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.

## 8. DEPARTMENT CONTACTS

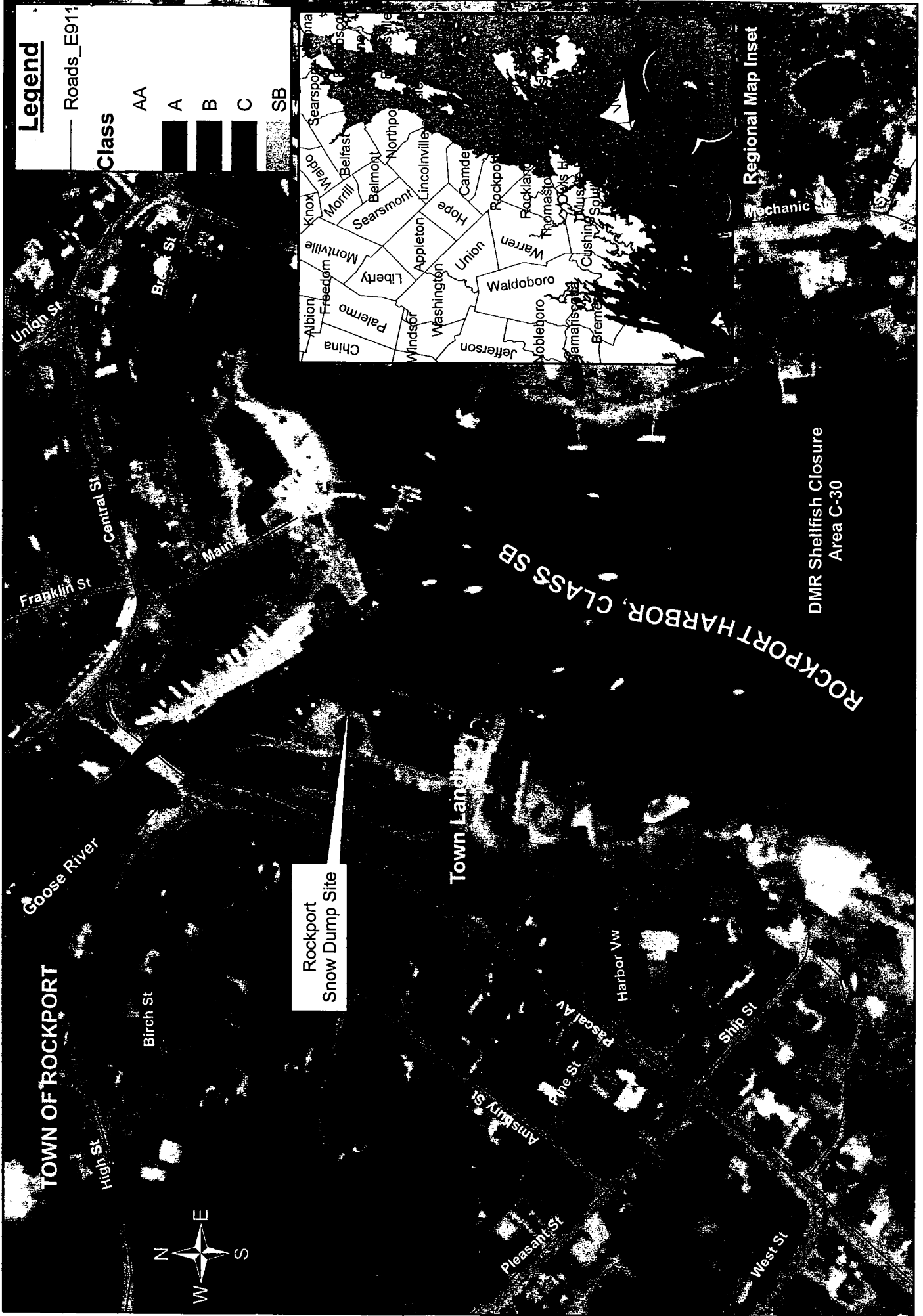
Additional information concerning this permitting action may be obtained from, and written comments sent to:

William F. Hinkel  
Division of Water Quality Management  
Bureau of Land & Water Quality  
Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333-0017 Telephone: (207) 287-7659

## **9. RESPONSE TO COMMENTS**

During the period of August 31, 2006 through September 29, 2006, the Department solicited comments on the proposed draft Maine Pollutant Discharge Elimination System Permit to be issued to the Town of Rockport for the proposed discharge. The Department received no significant comments on the proposed draft permit; therefore, a response to comments was not prepared.

# **ATTACHMENT A**



**Legend**

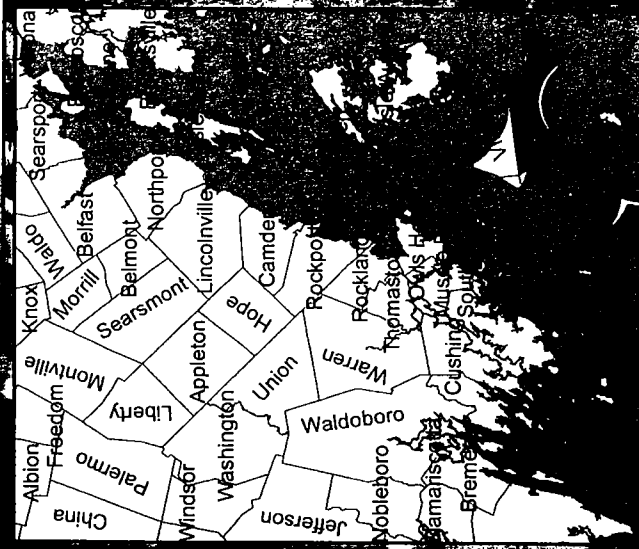
—	Roads_E911
Class	
AA	(Thin black line)
A	(Medium black line)
B	(Thick black line)
C	(Thick black line)
SB	(Stippled pattern)



Rockport  
Snow Dump Site

DMR Shellfish Closure  
Area C-30

Regional Map Inset



# Rockport, Maine

Map created by Maine DEP  
August 31, 2006



