



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

October 15, 2007

Ms. Sophia Wilson
Town Manager
586 Main Road
Brownville, Maine 04414

**RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100099
Maine Waste Discharge License (WDL) Application #W000829-5L-E-R
Final MEPDES Permit / WDL Renewal**

Dear Ms. Wilson:

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

Enc.

cc: Clarissa Trasko, DEP
Lori Mitchell, DEP
Sandy Lao, USEPA
File #829

AUGUSTA
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
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(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 BROWNVILLE)	MAINE POLLUTANT DISCHARGE
BROWNVILLE, PISCATAQUIS COUNTY)	ELIMINATION SYSTEM PERMIT
SUBSURFACE WASTEWATER DISPOSAL)	AND
PERIMETER DRAIN WASTE WATERS)	
#ME0100099)	WASTE DISCHARGE LICENSE
#W000829-5L-E-R APPROVAL)	RENEWAL

Pursuant to the provisions of the *Federal Water Pollution Control Act*, Title 33 USC, §1251, *Conditions of licenses*, 38 M.R.S.A. § 414-A, and applicable regulations, the Department of Environmental Protection (Department) has considered the application of the TOWN OF BROWNVILLE (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 a renewal of Waste Discharge License (WDL) #W000829-5L-D-R, which was issued on August 14, 2002 and expired August 14, 2007. The 8/14/02 WDL authorized the operation of eleven (11) subsurface waste water disposal systems for the treatment of domestic wastewater generated from residential dwellings, municipal buildings and businesses in Brownville, Maine, and the disposal of an unspecified quantity of secondary treated waste waters to ground water, Class GW-A, in Brownville, Maine. The design flow for all 11 systems is 82,110 gallons per day (GPD).

The Town has also applied to the Department for authorization to discharge an unspecified quantity of ground water associated with a perimeter drain established around the Town's largest subsurface system (referred to as System K in this permitting action) to the Pleasant River, Class B, in Brownville, Maine. This discharge had been regulated in WDL #W000829-59-B-R issued by the Department on July 19, 1991; however, in WDL #W000829-59-C-R issued on September 13, 1996, the Department made a best professional judgment determination to not establish effluent limitations or monitoring requirements for this discharge based on monitoring results, which indicated the perimeter drain waste waters were not contaminated by infiltration-bed effluent. WDL #W000829-59-C-R did not specify that discharges of ground water from the perimeter drain collection system to the Pleasant River were authorized, and the only reference to this outfall point in the 8/14/02 licensing action was a Department recommendation (in the fact sheet section) that the United States Environmental Protection Agency (USEPA) retire National Pollutant Discharge Elimination System (NPDES) permit #ME0100099 for this facility. The Department stated in the fact sheet of the 8/14/02 WDL that the discharge from the perimeter drain system was consistent in quality to that of ground water. The USEPA did not retire the 12/31/85 NPDES permit for this facility during the effective term of the previous licensing action.

REGULATORY SUMMARY

On January 12, 2001, the Department received authorization from the USEPA 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. The Department is issuing a combined Maine WDL (for the discharge of sanitary waste waters to ground water) and MEPDES permit (for the discharges of ground water from the perimeter drain to the Pleasant River) for this facility. This permitting action is utilizing a MEPDES permit number of ME0100099 (same as NPDES permit) as the primary reference number for the Town's discharges. Upon issuance of this MEPDES permit, all terms and conditions of NPDES permit #ME0100099, last issued by the USEPA on December 31, 1985, and modified on January 26, 1988, will be null and void.

PERMIT SUMMARY

This permitting action is similar to the 8/14/02 licensing action in that it is:

1. Carrying forward authorization to operate and discharge treated waste waters from eleven town-owned subsurface wastewater disposal systems;
2. Carrying forward the influent flow monitoring requirement for System "K" (Brownville Junction System); and
3. Carrying forward certain operational requirements and inspection requirements.

This permitting action is different from the 8/14/02 licensing action in that it is:

1. Assigning an administrative identification number of #001B for influent monitoring associated with the Brownville Junction System (System K) to assist in the management of data in the Permit Compliance System database;
2. Incorporating the requirements of the MEPDES permit program for the discharge of perimeter drain waste waters to the Pleasant River and assigning this outfall point an identification number of Outfall #002A;
3. Establishing daily maximum and quarterly total discharge flow reporting requirements for Outfall #002A;
4. Establishing a quarterly monitoring and reporting requirement and a daily maximum concentration limit of 427 colonies per 100 ml for *Escherichia coli* bacteria for Outfall #002A; and
5. Establishing Special Condition E, *General Operational Requirements*, and Special Condition F, *System Inspections*, which replace or revise several special conditions established in the previous license.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated October 10, 2007, 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, *Classification of Maine waters*, 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 discharge will be subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S.A. § 414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the above noted application of the TOWN OF BROWNVILLE to discharge a monthly average of up to 82,110 gallons per day (GPD) of treated municipal (sanitary and commercial) waste waters from eleven (11) subsurface wastewater disposal systems to ground water, Class GW-A, and an unspecified quantity of perimeter drain waste waters from a subsurface perimeter drain collection system to the Pleasant River, Class B, in Brownville, Maine, SUBJECT TO THE FOLLOWING 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 15TH DAY OF OCTOBER, 2007.

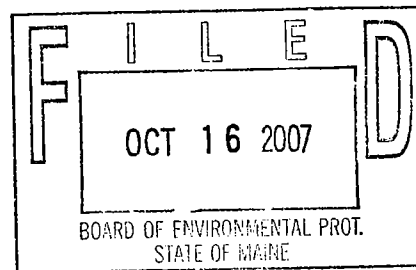
DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: , FCR
DAVID P. LITTELL, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: July 19, 2007

Date of application acceptance: July 23, 2007



Date filed with Board of Environmental Protection: _____

SPECIAL CONDITIONS

A. INFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Influent monitoring to System "K" (Brownville Junction System), identified as **Pipe #001B** in this permitting action, shall be limited and monitored by the permittee as specified below⁽¹⁾:

Parameter	Influent Limitations			Minimum Monitoring Requirements		
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow [50050]	0.065 MGD [03]	---	---	---	Continuous [99/99]	Recorder [RC]

The italicized numeric values bracketed in the table above are code numbers that Department personnel utilized to code the monthly Discharge Monitoring Reports. See **Page 6 of this permit for applicable footnotes.**

B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge perimeter drain waste water from the perimeter drain associated with **Subsurface Treatment System K (Brownville Junction System)** via **Outfall #002A** to the Pleasant River and shall be limited and monitored by the permittee as specified below⁽¹⁾:

	Quarterly Total	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
	Flow [50050]	Report Total Gallons [57]	---	---	---	---	Continuous [99/99]
<i>E. coli</i> Bacteria [31633]	---	---	---	---	427 col/100 ml [13]	1/Quarter ⁽²⁾ [01/90]	Grab [GR]

The italicized numeric values bracketed in the table above are code numbers that Department personnel utilized to code the monthly Discharge Monitoring Reports. See **Page 6 of this permit for applicable footnotes.**

SPECIAL CONDITIONS

FOOTNOTES FOR SPECIAL CONDITIONS A AND B:

1. **Sampling** – 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. Samples that are sent to a POTW licensed pursuant to *Waste discharge licenses*, 38 M.R.S.A. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended February 13, 2000).

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. If a non-detect analytical test result is below the respective RL, the concentration result shall be reported as <Y where Y is the actual 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.

2. **Bacteria Monitoring** – For instances when there is no effluent flow via Outfall #001B for an entire reporting period during normal Town business hours, the permittee shall enter “NODI-9” on the Discharge Monitoring Report. The Department reserves the right to impose year-round or seasonal numeric *E. coli* bacteria limitations for Outfall #002A based on the results of monitoring and to protect the designated uses for Class B waters.

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 discharge 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.

SPECIAL CONDITIONS

D. AUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on July 23, 2007; 2) the terms and conditions of this permit; and 3) only from Outfall #002A and the eleven (11) subsurface wastewater disposal systems identified in Attachment B of the fact sheet associated with this permitting action. Discharges of wastewater from any other point source are not authorized under this permit and shall be reported in accordance with Standard Condition B(5), *Bypasses*, of this permit. The collection, treatment or discharge of waste water which has constituents unlike that or significantly higher in strength than that of domestic waste water is prohibited without written authorization from the Department.

E. GENERAL OPERATIONAL REQUIREMENTS

1. The permittee shall operate the system consistent with the requirements of the *Maine Subsurface Waste Water Disposal Rules*, 10-144 CMR 241 (effective August 1, 2005) and other pertinent regulations, as well as the limitations of the design.
2. All upgrades, replacements or authorized expansions of the treatment systems shall be in accordance with 10-144 CMR 241 and be approved by the Department.
3. The permittee shall maintain a file on the location of all system components and relevant features. Each component shall be mapped and field-located sufficiently to allow adequate inspections and monitoring by both the permittee and the Department. Septic tanks and distribution box covers shall be accessible for inspections and pumping.
4. All septic tanks shall be watertight and tanks must be constructed of materials approved by the Department and in accordance with 10-144 CMR 241.
5. Septic tanks and other treatment tanks (including grease traps) shall be regularly inspected and maintained to ensure that they are providing best practicable treatment.
6. Septic tank contents shall be removed whenever the sludge and scum occupies one-third of the tank's liquid capacity, or at any level that impairs the proper function of the unit. The permittee shall maintain a log of septic tank pumping activities, including the dates of pumping events and system identifier and other relevant observations.
7. The permittee shall require any commercial or institutional food preparation facility to install a grease interceptor in accordance with 10-144 CMR 241. Grease interceptors serving year-round facilities shall be inspected by the permittee at least two times per year and seasonal facilities shall be inspected at least twice per year to determine the volume of grease present. Tanks shall be cleaned, at a minimum, when the volume of grease equals more than 50% of the liquid capacity of the tank or at any level that impairs the proper function of the unit.

SPECIAL CONDITIONS

F. SYSTEM INSPECTIONS

1. The permittee shall conduct at least one inspection per year for disposal fields treating solely domestic wastewater. The permittee shall conduct at least three inspections per year for systems treating waste waters (in whole or in part) generated by commercial entities.
2. The inspection report or log shall include the date of the inspection, the names of the person performing the inspection, and other relevant system observations.
3. Disposal field inspections shall include: any signs of hydraulic failure; condition of the surface vegetation; level of ponding within the chamber and on the disposal area; physical encroachments into the disposal area; and other sources of hydraulic loading.

G. MAINTENANCE LOGS

Maintenance logs shall be maintained for each system component including pumps, dosing chambers, distribution boxes, septic tanks and absorption fields. This shall include for each system: 1) the alphanumeric ID; 2) a summary of the results of all inspections; 2) a summary of all significant maintenance activities and repairs, and other specific action(s) taken to ensure the proper functioning of the systems; 3) a listing of all additions and deletions to the system or individual system components; 4) a summary of pumping activity for all septic tanks and other treatment components; 5) a summary of relevant performance observations; and 6) the volumes of wastewater directed to each disposal field.

H. OPERATIONS AND 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 the 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 personnel upon request.

Within 90 days of completion of new and substantial upgrades of the wastewater treatment facility, the permittee shall submit the updated O&M Plan to their Department inspector for review and comment.

The site plan(s) and schematic(s) should be suitable for reproduction on 11" x 17" paper and shall include but not limited to all manholes, septic tanks and other treatment tanks including holding and polishing tanks, pump stations and disposal fields. Each system component shall be provided with a unique alphanumeric identifier.

SPECIAL CONDITIONS

I. MONITORING AND REPORTING

Monitoring results obtained during the previous calendar quarter shall be summarized for each calendar quarter and reported on separate Discharge Monitoring Report (DMR) forms provided by the Department and **postmarked on or before the thirteenth (13th) day of the month or hand-delivered to the Department's Regional Office such that the DMR's are received by the Department on or before the fifteenth (15th) 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:

Department of Environmental Protection
Eastern Maine Regional Office
Bureau of Land and Water Quality
Division of Engineering, Compliance and Technical Assistance
106 Hogan Road
Bangor, Maine 04401

J. 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 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 monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

K. 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 POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT
MAINE WASTE DISCHARGE LICENSE**

FACT SHEET

DATE: OCTOBER 10, 2007

**PERMIT COMPLIANCE TRACKING NUMBER: #ME0100099
WASTE DISCHARGE LICENSE NUMBER: #W000829-5L-E-R**

NAME AND MAILING ADDRESS OF APPLICANT:

**TOWN OF BROWNVILLE
586 MAIN ROAD
BROWNVILLE, MAINE 04414**

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

**BROWNVILLE SUBSURFACE WASTEWATER TREATMENT SYSTEMS
BROWNVILLE JUNCTION SYSTEM K PERIMETER DRAIN OUTFALL
BROWNVILLE, MAINE**

REGION WHERE FACILITY DISCHARGE OCCURS: PISCATAQUIS COUNTY

**RECEIVING WATER/ CLASSIFICATION: GROUND WATER/CLASS GW-A
PLEASANT RIVER, CLASS B**

**COGNIZANT OFFICIAL AND TELEPHONE NUMBER: MR. STEVEN JAY
TREATMENT PLANT OPERATOR
(207) 965-2561**

1. APPLICATION SUMMARY

Application: #W000829-5L-D-R, which was issued on August 14, 2002 and expired August 14, 2007. The 8/14/02 WDL authorized the operation of eleven (11) subsurface waste water disposal systems for the treatment of domestic wastewater generated from residential dwellings, municipal buildings and businesses in Brownville, Maine, and the disposal of an unspecified quantity of secondary treated waste waters to ground water, Class GW-A, in Brownville, Maine. The design flow for all 11 systems is 82,110 gallons per day (GPD).

1. APPLICATION SUMMARY (cont'd)

The Town has also applied to the Department for authorization to discharge an unspecified quantity of ground water associated with a perimeter drain established around the Town's largest subsurface system (referred to as System K in this permitting action) to the Pleasant River, Class B, in Brownville, Maine. This discharge had been regulated in WDL #W000829-59-B-R issued by the Department on July 19, 1991; however, in WDL #W000829-59-C-R issued on September 13, 1996, the Department made a best professional judgment determination to not establish effluent limitations or monitoring requirements for this discharge based on monitoring results, which indicated the perimeter drain waste waters were not contaminated by infiltration-bed effluent. WDL #W000829-59-C-R did not specify that discharges of ground water from the perimeter drain collection system to the Pleasant River were authorized, and the only reference to this outfall point in the 8/14/02 licensing action was a Department recommendation (in the fact sheet section) that the United States Environmental Protection Agency (USEPA) retire National Pollutant Discharge Elimination System (NPDES) permit #ME0100099 for this facility. The Department stated in the fact sheet of the 8/14/02 WDL that the discharge from the perimeter drain system was consistent in quality to that of ground water. The USEPA did not retire the 12/31/85 NPDES permit for this facility during the effective term of the previous licensing action.

2. REGULATORY SUMMARY

Regulatory: On January 12, 2001, the Department received authorization from the USEPA 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. The Department is issuing a combined Maine WDL (for the discharge of sanitary waste waters to ground water) and MEPDES permit (for the discharges of ground water from the perimeter drain to the Pleasant River) for this facility. This permitting action is utilizing a MEPDES permit number of ME0100099 (same as NPDES permit) as the primary reference number for the Town's discharges. Upon issuance of this MEPDES permit, all terms and conditions of NPDES permit #ME0100099, last issued by the USEPA on December 31, 1985, and modified on January 26, 1988, will be null and void.

3. PERMIT SUMMARY

- a. Terms and Conditions: **This permitting action is similar to the 8/14/02 licensing action in that it is:**
1. Carrying forward authorization to operate and discharge treated waste waters from eleven town-owned subsurface wastewater disposal systems;
 2. Carrying forward the influent flow monitoring requirement for System "K" (Brownville Junction System); and
 3. Carrying forward certain operational requirements and inspection requirements.

3. PERMIT SUMMARY (cont'd)

This permitting action is different from the 8/14/02 licensing action in that it is:

1. Assigning an administrative identification number of #001B for influent monitoring associated with the Brownville Junction System (System K) to assist in the management of data in the Permit Compliance System database;
 2. Incorporating the requirements of the MEPDES permit program for the discharge of perimeter drain waste waters to the Pleasant River and assigning this outfall point an identification number of Outfall #002A;
 3. Establishing daily maximum and quarterly total discharge flow reporting requirements for Outfall #002A;
 4. Establishing a quarterly monitoring and reporting requirement and a daily maximum concentration limit of 427 colonies per 100 ml for *Escherichia coli* bacteria for Outfall #002A; and
 5. Establishing Special Condition E, *General Operational Requirements*, and Special Condition F, *System Inspections*, which replace or revise several special conditions established in the previous license.
- b. History: This section provides a summary of significant licensing actions and milestones that have been completed for the Brownville Subsurface System.

December 31, 1985 – The USEPA issued NPDES renewal permit #ME0100099 to the Town for a five-year term. At the time of issuance, the Town's wastewater treatment system discharged to the Pleasant River in Brownville.

January 26, 1988 - The USEPA issued a NPDES permit modification to the Town to reduce monitoring frequencies associated with the discharge to the Pleasant River.

November 1989 – The Town completed construction of the subsurface wastewater disposal system and eliminated the discharge of treated waste waters to surface waters. It is noted that the largest subsurface system, the Brownville Junction System K, was designed with a perimeter ground water drain that maintained an outfall to the Pleasant River.

August 14, 2002 – The Department issued WDL #W000829-5L-D-R to the Town for a five-year term. The 8/14/02 WDL did not establish numeric effluent limitations for the discharge of secondary treated sanitary waste waters from the eleven (11) Town-owned subsurface disposal systems or for the discharge of waste waters from the perimeter drain system. The 8/14/02 WDL superseded WDL #W000829-59-C-R issued on September 13, 1996, WDL Amendment #W000829-59-C-A issued on October 19, 1992, WDL #W000829-59-B-R issued on July 19, 1991, and WDL #W000829-59-A-R issued on January 31, 1986 (earliest Order on file with the Department).

2. PERMIT SUMMARY (cont'd)

July 19, 2007 – The Town submitted a timely and complete General Application to the Department for renewal of the 8/14/02 WDL. The application was accepted for processing on July 23, 2007 and was assigned WDL #W000829-5L-E-R. It is noted that the Department has replaced the compliance tracking system number of MEU5000829 with a MEPDES permit number of ME0100099 as the facility will now have a combined Maine WDL and MEPDES permit for the discharges to ground water and surface waters.

- c. Source Description: Sanitary waste waters are generated by residential and light commercial users in the Town of Brownville. There are no industrial users connected to the collection or treatment systems. The facility is not authorized to receive septage. A map showing the location of the Town of Brownville is included as Attachment A of this fact sheet. The source of waste waters discharged via Outfall #002A is a perimeter drain that was constructed around the Brownville Junction System (System K) to divert and collect ground water in order to prevent excessive hydraulic loading of the infiltration bed.
- d. Wastewater Treatment: The Town provides a secondary level of wastewater treatment via eleven (11) subsurface wastewater disposal systems. Systems A-J specified on "Town of Brownville Subsurface Systems" included as Attachment B of this fact sheet are located in the Brownville Village area while System K, the Brownville Junction system, is located to the north of the village area in Brownville Junction. Each system provides a primary level of treatment via septic tanks and secondary treatment via subsurface wastewater disposal fields. The design capacity of the 11 systems is 82,110 gallons per day. See Attachment B of this fact sheet for individual treatment system specifications. It is noted that System K was designed and constructed with an emergency bypass structure to allow for primary treated waste waters to bypass the subsurface system in the event of mechanical failures at the facility. The Town reported that the valve-controlled bypass pipe was mechanically plugged in the spring of calendar year 2007 such that bypasses from this point are not possible. This permit does not authorize bypasses of wastewater from this emergency bypass point.

3. RECEIVING WATER QUALITY STANDARDS

Classification of ground water, 38 M.R.S.A. § 470 states "All ground water shall be classified as not less than Class GW-A, except as otherwise provided in this section." Standards of classification of ground water, 38 M.R.S.A. § 465-C(1) contains the standards for the classification of ground waters. "Class GW-A shall be the highest classification and shall be of such quality that it can be used for public drinking water supplies. These waters shall be free of radioactive matter or any matter that imparts color, turbidity, taste or odor which would impair usages of these waters, other than that occurring from natural phenomena."

Classification of major river basins, 38 M.R.S.A. § 467(8)(2) classifies the Pleasant River at the point of discharge as Class B waters. Standards for classification of fresh surface waters, 38 M.R.S.A. § 465(4) describes the standards for Class B waters.

4. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2004 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 361.6 miles of the Pleasant River and its tributaries (Hydrologic Unit Code #ME0102000404 / Waterbody ID #216R) as, "Category 2: Rivers and Streams Attaining Some Designated Uses – Insufficient Information for Other Uses." The Report lists all of Maine's fresh waters as, "Category 4-B-3: 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, "the impairment is presumed to be from atmospheric contamination and deposition. The advisory is based on probability data that a stream, river, or lake may contain some fish that exceed the advisory action level. Any freshwater may contain both contaminated and uncontaminated fish depending on size, age and species occurrence in that water."

The Department has no information at this time that the discharge from the Town will cause or contribute to the failure of the receiving water to meet the designated uses of its assigned classification.

5. INFLUENT AND EFFLUENT MONITORING REQUIREMENTS

- a. Flow: The previous licensing action established a monthly average influent flow limit of 0.065 million gallons per day (MGD) for the Brownville Junction System (System K) and a daily maximum reporting requirement for influent flow to the subsurface system. The monthly average limitation is being carried forward in this permitting action. The daily maximum reporting requirement is being eliminated. This information is recorded by the facility and is maintained on forms available at the treatment facility. This permitting action is assigning an administrative identification number of Pipe #001B for influent monitoring at the Brownville Junction System for data management purposes.

This permitting actions establishing daily maximum and quarterly total discharge flow reporting requirements for Outfall #002A (System K). The Town currently monitors flow from this system.

- b. Escherichia coli bacteria: This permitting action is establishing a daily maximum *E. coli* bacteria limit of 427 colonies per 100 ml, which is based on the State's Water Classification Program criteria for Class B waters, for the discharge from the Brownville Junction System perimeter drain (Outfall #002A) to the Pleasant River. Fecal coliform monitoring data (performed between calendar years 2001-2006 for compliance demonstration purposes for the Town's NPDES permit) indicates a maximum reported value of <1 col/100ml for fecal coliform bacteria. The perimeter drain was constructed to serve as a ground water diversion and collection system to protect the subsurface disposal field from excessive hydraulic loading. This permitting action is establishing a quarterly monitoring requirement for *E. coli* bacteria for the perimeter drain discharge to ensure only uncontaminated ground waters are being discharged via Outfall #002A. It is noted

5. INFLUENT AND EFFLUENT MONITORING REQUIREMENTS (cont'd)

that the Town reports that Outfall #002A does not discharge continuously and has requested provisions for periods when monitoring cannot be performed due to lack of flow in the outfall pipe. For instances when there is no flow in Outfall #002A for an entire calendar quarter reporting period during normal Town business hours, the permittee shall enter "NODI-9" on the quarterly Discharge Monitoring Report (DMR).

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 the water body to meet standards for Class GW-A or Class B classifications.

7. PUBLIC COMMENTS

Public notice of this application was made in the *Piscataquis Observer* newspaper on or about June 6, 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 *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR 522 (effective January 12, 2001).

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 Fax: (207) 287-3435
e-mail: bill.hinkel@maine.gov

9. RESPONSE TO COMMENTS

During the period of August 23, 2007, 2007 through September 24, 2007, the Department solicited comments on the proposed draft Maine Pollutant Discharge Elimination System Permit to be issued to the Town for the proposed discharges. The Department received one significant comment on the proposed draft permit from internal staff to include a numeric limitation for *E. coli* bacteria for System K, which has been included in this final permit.

ATTACHMENT A



Map created by Maine DEP
May 15, 2007

Legend

- Wastewater_Facilities
- Wastewater_Outfalls

River Class

- AA
- A
- B
- C

Major_Roads.lyr JURISDICTION

- State aided
- State hwy
- Toll highway
- Roads_E911

Stream Class

- AA
- A
- B
- C

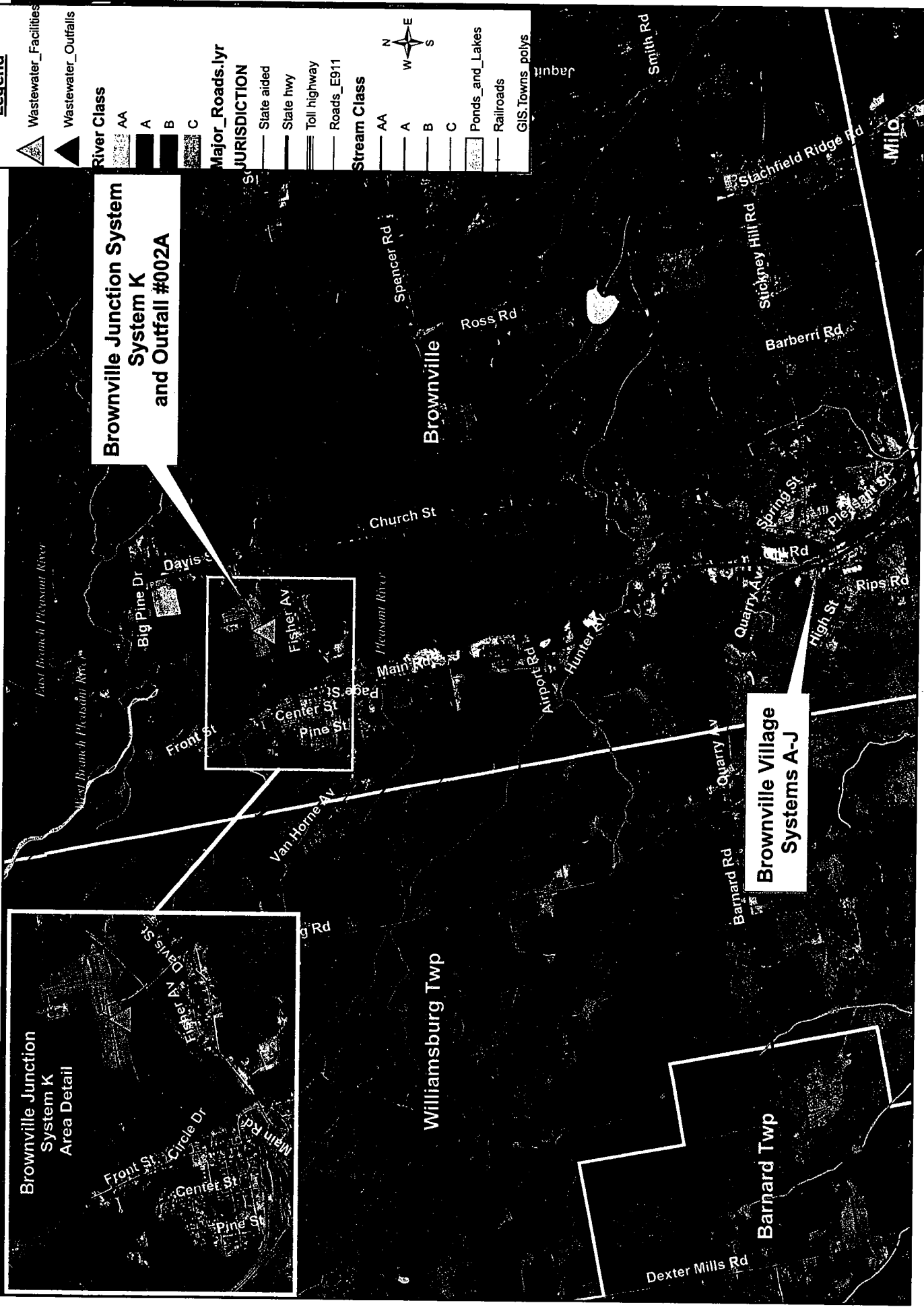
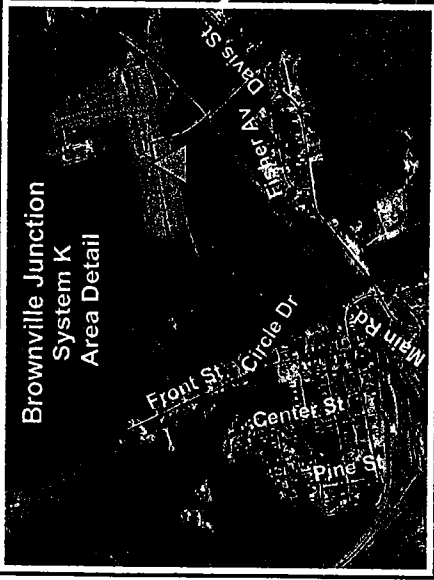
Ponds_and_Lakes

Railroads

GIS.Towns_polys

Brownville Junction System K and Outfall #002A

Brownville Village Systems A-J



Brownville Subsurface Wastewater Disposal Systems, Brownville, Maine

ATTACHMENT B

System	AKA	Street	Existing Dwellings	Treatment Tanks	Distribution	Disposal Field	Design Flow (GPD)
A	Emery	Main St	3 Bedroom 3 Bedroom	T-1 1000 gallon septic T-2 1000 gallon septic	LS-1 Lift Station LS-2 Lift Station	A-1 16 x 40 Chambers A-2 16 x 40 Chambers	360 360
B	Richards	Main St	3 Bedroom	T-3 1000 gallon septic	Gravity	B-1 16 x 48 Chambers	360
C	Mobil Station	Main St	3 Bedroom	T-4A 1000 gallon septic T-4B 1000 gallon septic	LS-4 Lift Station	C-1 24 x 72 Chambers	980**
	Restaurant	Main St	Restaurant (3000 gpd)	T-12 9000 gallon septic (2000 gallon grease trap & settling tank, G-12)	LS-12 Lift Station	C-2 48 x 96 Chambers C-3 48 x 96 Chambers	1500** 1500**
D	Chase & Stone	Main St	3 Bedroom 4 Bedroom	T-6 1000 gallon septic T-7 1000 gallon septic	Gravity LS-7 Lift Station	D-1 24 x 60 Chambers	840
E	Wagg & Wood	Main St	4 Bedroom 5 Bedroom	T-8 1000 gallon septic T-9 1500 gallon septic	LS-8 Lift Station Gravity	E-2 20 x 40 Chambers E-1 20 x 56 Chambers	480 600
F	North Main	Main St	3 Bedroom 3-Bedroom	T-10A 1000 gallon septic T-10B 1000-gallon-septic	LS-10 Lift Station	F-1 24 x 60 Chambers	720
G	Old School	Church St	School (480 gpd) Chapel (480 gpd) 5 Dwellings (16 Bedrooms)	T-11A 5000 gallon septic T-11B 4000 gallon septic (In Series)	LS-11 Lift Station (Duplex)	G-1 28 x 64 Chambers G-2 28 x 64 Chambers	1800** 1800**
H	Bragdon	Pleasant St	4 Bedroom	T-14 1000 gallon septic	LS-14 Lift Station	H-1 20 x 40 Stone	600
I	Hamlin	Main St	Two Family Apt (6 Bedrooms)	T-15 1500 gallon septic	LS-15 Lift Station	I-1 16 x 76 Chambers	720**
J	Pleasant	Pleasant St	7 Dwellings (27 Bedrooms) & Municipal BLDG (1000 gpd)	T-13 10,000 gallon septic (1500 gallons standby tank, SBT-13)	LS-13 Lift Station (Duplex)	J-1A 40 x 80 Chambers J-1B 40 x 80 Chambers J-2A 40 x 80 Chambers J-2B 40 x 80 Chambers (Plus Four Reserve Beds)	1060** 1060** 1060** 1060**

K Brownville Junction System (see License Fact Sheet for details,

** HHE-200 forms not available at time of licensing



MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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A. GENERAL PROVISIONS

1. **General compliance.** All discharges shall be consistent with the terms and conditions of this permit; any changes in production capacity or process modifications which result in changes in the quantity or the characteristics of the discharge must be authorized by an additional license or by modifications of this permit; it shall be a violation of the terms and conditions of this permit to discharge any pollutant not identified and authorized herein or to discharge in excess of the rates or quantities authorized herein or to violate any other conditions of this permit.

2. **Other materials.** Other materials ordinarily produced or used in the operation of this facility, which have been specifically identified in the application, may be discharged at the maximum frequency and maximum level identified in the application, provided:

(a) They are not

- (i) Designated as toxic or hazardous under the provisions of Sections 307 and 311, respectively, of the Federal Water Pollution Control Act; Title 38, Section 420, Maine Revised Statutes; or other applicable State Law; or
- (ii) Known to be hazardous or toxic by the licensee.

(b) The discharge of such materials will not violate applicable water quality standards.

3. **Duty to comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of State law and the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

- (a) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act, and 38 MRSA, §420 or Chapter 530.5 for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- (b) Any person who violates any provision of the laws administered by the Department, including without limitation, a violation of the terms of any order, rule license, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

4. **Duty to provide information.** The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

5. **Permit actions.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

6. **Reopener clause.** The Department reserves the right to make appropriate revisions to this permit in order to establish any appropriate effluent limitations, schedule of compliance or other provisions which may be authorized under 38 MRSA, §414-A(5).

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

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7. Oil and hazardous substances. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject under section 311 of the Federal Clean Water Act; section 106 of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; or 38 MRSA §§ 1301, et. seq.

8. Property rights. This permit does not convey any property rights of any sort, or any exclusive privilege.

9. Confidentiality of records. 38 MRSA §414(6) reads as follows. "Any records, reports or information obtained under this subchapter is available to the public, except that upon a showing satisfactory to the department by any person that any records, reports or information, or particular part or any record, report or information, other than the names and addresses of applicants, license applications, licenses, and effluent data, to which the department has access under this subchapter would, if made public, divulge methods or processes that are entitled to protection as trade secrets, these records, reports or information must be confidential and not available for public inspection or examination. Any records, reports or information may be disclosed to employees or authorized representatives of the State or the United States concerned with carrying out this subchapter or any applicable federal law, and to any party to a hearing held under this section on terms the commissioner may prescribe in order to protect these confidential records, reports and information, as long as this disclosure is material and relevant to any issue under consideration by the department."

10. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

11. Other laws. The issuance of this permit does not authorize any injury to persons or property or invasion of other property rights, nor does it relieve the permittee of its obligation to comply with other applicable Federal, State or local laws and regulations.

12. Inspection and entry. The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the EPA Administrator), upon presentation of credentials and other documents as may be required by law, to:

- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

B. OPERATION AND MAINTENANCE OF FACILITIES

1. General facility requirements.

- (a) The permittee shall collect all waste flows designated by the Department as requiring treatment and discharge them into an approved waste treatment facility in such a manner as to

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

maximize removal of pollutants unless authorization to the contrary is obtained from the Department.

- (b) The permittee shall at all times maintain in good working order and operate at maximum efficiency all waste water collection, treatment and/or control facilities.
- (c) All necessary waste treatment facilities will be installed and operational prior to the discharge of any wastewaters.
- (d) Final plans and specifications must be submitted to the Department for review prior to the construction or modification of any treatment facilities.
- (e) The permittee shall install flow measuring facilities of a design approved by the Department.
- (f) The permittee must provide an outfall of a design approved by the Department which is placed in the receiving waters in such a manner that the maximum mixing and dispersion of the wastewaters will be achieved as rapidly as possible.

2. Proper operation and maintenance. 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. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

3. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

4. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. Bypasses.

(a) Definitions.

- (i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
- (ii) Severe property damage means 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.

(b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c) and (d) of this section.

(c) Notice.

- (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

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(ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph D(1)(f), below. (24-hour notice).

(d) Prohibition of bypass.

(i) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) 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 back-up 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

(C) The permittee submitted notices as required under paragraph (c) of this section.

(ii) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph (d)(i) of this section.

6. Upsets.

(a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and that the permittee can identify the cause(s) of the upset;

(ii) The permitted facility was at the time being properly operated; and

(iii) The permittee submitted notice of the upset as required in paragraph D(1)(f), below. (24 hour notice).

(iv) The permittee complied with any remedial measures required under paragraph B(4).

(d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

C. MONITORING AND RECORDS

1. General Requirements. This permit shall be subject to such monitoring requirements as may be reasonably required by the Department including the installation, use and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). The permittee shall provide the Department with periodic reports on the proper Department reporting form of monitoring results obtained pursuant to the monitoring requirements contained herein.

2. Representative sampling. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. If effluent limitations are based wholly or partially on quantities of a product processed, the permittee shall ensure samples are representative of times when production is taking place. Where discharge monitoring is required when production is less than 50%, the resulting data shall be reported as a daily measurement but not included in computation of averages, unless specifically authorized by the Department.

3. Monitoring and records.

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (b) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.
- (c) Records of monitoring information shall include:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The individual(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
- (d) Monitoring results must be conducted according to test procedures approved under 40 CFR part 136, unless other test procedures have been specified in the permit.
- (e) State law provides that any person who tampers with or renders inaccurate any monitoring devices or method required by any provision of law, or any order, rule license, permit approval or decision is subject to the penalties set forth in 38 MRSA, §349.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

D. REPORTING REQUIREMENTS

1. Reporting requirements.

- (a) Planned changes. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - (i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
 - (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Section D(4).
 - (iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;
- (b) Anticipated noncompliance. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) Transfers. This permit is not transferable to any person except upon application to and approval of the Department pursuant to 38 MRSA, § 344 and Chapters 2 and 522.
- (d) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - (i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Department for reporting results of monitoring of sludge use or disposal practices.
 - (ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Department.
 - (iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.
- (e) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (f) Twenty-four hour reporting.
 - (i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

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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 noncompliance.

- (ii) The following shall be included as information which must be reported within 24 hours under this paragraph.
 - (A) Any unanticipated bypass which exceeds any effluent limitation in the permit.
 - (B) Any upset which exceeds any effluent limitation in the permit.
 - (C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.
- (iii) The Department may waive the written report on a case-by-case basis for reports under paragraph (f)(ii) of this section if the oral report has been received within 24 hours.
- (g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (d), (e), and (f) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (f) of this section.
- (h) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

2. Signatory requirement. All applications, reports, or information submitted to the Department shall be signed and certified as required by Chapter 521, Section 5 of the Department's rules. State law provides that any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained by any order, rule, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

3. Availability of reports. Except for data determined to be confidential under A(9), above, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. As required by State law, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal sanctions as provided by law.

4. Existing manufacturing, commercial, mining, and silvicultural dischargers. In addition to the reporting requirements under this Section, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Department as soon as they know or have reason to believe:

- (a) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (i) One hundred micrograms per liter (100 ug/l);
 - (ii) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
 - (iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

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- (b) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
- (i) Five hundred micrograms per liter (500 ug/l);
 - (ii) One milligram per liter (1 mg/l) for antimony;
 - (iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
 - (iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

5. Publicly owned treatment works.

- (a) All POTWs must provide adequate notice to the Department of the following:
- (i) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA or Chapter 528 if it were directly discharging those pollutants.
 - (ii) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
 - (iii) For purposes of this paragraph, adequate notice shall include information on (A) the quality and quantity of effluent introduced into the POTW, and (B) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (b) When the effluent discharged by a POTW for a period of three consecutive months exceeds 80 percent of the permitted flow, the permittee shall submit to the Department a projection of loadings up to the time when the design capacity of the treatment facility will be reached, and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans.

E. OTHER REQUIREMENTS

1. Emergency action - power failure. Within thirty days after the effective date of this permit, the permittee shall notify the Department of facilities and plans to be used in the event the primary source of power to its wastewater pumping and treatment facilities fails as follows.

- (a) For municipal sources. During power failure, all wastewaters which are normally treated shall receive a minimum of primary treatment and disinfection. Unless otherwise approved, alternate power supplies shall be provided for pumping stations and treatment facilities. Alternate power supplies shall be on-site generating units or an outside power source which is separate and independent from sources used for normal operation of the wastewater facilities.
- (b) For industrial and commercial sources. The permittee shall either maintain an alternative power source sufficient to operate the wastewater pumping and treatment facilities or halt, reduce or otherwise control production and or all discharges upon reduction or loss of power to the wastewater pumping or treatment facilities.

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2. Spill prevention. (applicable only to industrial sources) Within six months of the effective date of this permit, the permittee shall submit to the Department for review and approval, with or without conditions, a spill prevention plan. The plan shall delineate methods and measures to be taken to prevent and or contain any spills of pulp, chemicals, oils or other contaminants and shall specify means of disposal and or treatment to be used.

3. Removed substances. Solids, sludges trash rack cleanings, filter backwash, or other pollutants removed from or resulting from the treatment or control of waste waters shall be disposed of in a manner approved by the Department.

4. Connection to municipal sewer. (applicable only to industrial and commercial sources) All wastewaters designated by the Department as treatable in a municipal treatment system will be cosigned to that system when it is available. This permit will expire 90 days after the municipal treatment facility becomes available, unless this time is extended by the Department in writing.

F. DEFINITIONS. For the purposes of this permit, the following definitions shall apply. Other definitions applicable to this permit may be found in Chapters 520 through 529 of the Department's rules

Average means the arithmetic mean of values taken at the frequency required for each parameter over the specified period. For bacteria, the average shall be the geometric mean.

Average monthly discharge limitation means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. Except, however, bacteriological tests may be calculated as a geometric mean.

Average weekly discharge limitation means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Best management practices ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Composite sample means a sample consisting of a minimum of eight grab samples collected at equal intervals during a 24 hour period (or a lesser period as specified in the section on monitoring and reporting) and combined proportional to the flow over that same time period.

Continuous discharge means a discharge which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes, or other similar activities.

Daily discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

Discharge Monitoring Report ("DMR") means the EPA uniform national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees. DMRs must be used by approved States as well as by EPA. EPA will supply DMRs to any approved State upon request. The EPA national forms may be modified to substitute the State Agency name, address, logo, and other similar information, as appropriate, in place of EPA's.

Flow weighted composite sample means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

Grab sample means an individual sample collected in a period of less than 15 minutes.

Interference means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Maximum daily discharge limitation means the highest allowable daily discharge.

New source means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

- (a) After promulgation of standards of performance under section 306 of CWA which are applicable to such source, or
- (b) After proposal of standards of performance in accordance with section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.

Pass through means a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Permit means an authorization, license, or equivalent control document issued by EPA or an approved State to implement the requirements of 40 CFR parts 122, 123 and 124. Permit includes an NPDES general permit (Chapter 529). Permit does not include any permit which has not yet been the subject of final agency action, such as a draft permit or a proposed permit.

Person means an individual, firm, corporation, municipality, quasi-municipal corporation, state agency, federal agency or other legal entity.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

Point source means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.

Pollutant means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or byproducts, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

Process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Publicly owned treatment works ("POTW") means any facility for the treatment of pollutants owned by the State or any political subdivision thereof, any municipality, district, quasi-municipal corporation or other public entity.

Septage means, for the purposes of this permit, any waste, refuse, effluent sludge or other material removed from a septic tank, cesspool, vault privy or similar source which concentrates wastes or to which chemicals have been added. Septage does not include wastes from a holding tank.

Time weighted composite means a composite sample consisting of a mixture of equal volume aliquots collected over a constant time interval.

Toxic pollutant includes any pollutant listed as toxic under section 307(a)(1) or, in the case of sludge use or disposal practices, any pollutant identified in regulations implementing section 405(d) of the CWA. Toxic pollutant also includes those substances or combination of substances, including disease causing agents, which after discharge or upon exposure, ingestion, inhalation or assimilation into any organism, including humans either directly through the environment or indirectly through ingestion through food chains, will, on the basis of information available to the board either alone or in combination with other substances already in the receiving waters or the discharge, cause death, disease, abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in such organism or their offspring.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Whole effluent toxicity means the aggregate toxic effect of an effluent measured directly by a toxicity test.

