STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JANET T. MILLS
GOVERNOR

MELANIE LOYZIM
COMMISSIONER

August 20, 2021

Ardis Brown
Danforth Wastewater Treatment Facility
P.O. Box 117
Danforth, Maine 04424

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100161
Maine Waste Discharge License (WDL) Application #W000819-6B-I-R
Final Permit/License

Dear Mrs. Brown,

Enclosed please find a copy of your **final** MEPDES permit and Maine WDL **renewal** which was approved by the Department of Environmental Protection. Please read this permit/license renewal and its attached conditions carefully. Compliance with this permit/license will protect water quality.

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 287-1298.

Your Department compliance inspector copied below is also a resource that can assist you with compliance. Please do not hesitate to contact them with any questions.

Thank you for your efforts to protect and improve the waters of the great state of Maine!

Sincerely,

B. Blaisdell

Breanne Blaisdell
Division of Water Quality Management
Bureau of Water Quality

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
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
(207) 764-0477 FAX: (207) 760-3143

website: www.maine.gov/dep

Enc.

cc:
Cindy Dionne, MDEP
Sean Bernard, MDEP
Pamela Parker, MDEP
Tom Danielson, MDEP
Lori Mitchell, MDEP
Irene Saumur, MDEP
Sandy Mojica, USEPA
Nathan Chien, USEPA
Richard Carvalho, USEPA

DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: November 2018 **Contact: (207) 287-2452**

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner: (1) an administrative process before the Board of Environmental Protection (Board); or (2) a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This information sheet, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S. §§ 341-D(4) & 346; the *Maine Administrative Procedure Act*, 5 M.R.S. § 11001; and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 C.M.R. ch. 2.

DEADLINE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed more than 30 calendar days after the date on which the Commissioner's decision was filed with the Board will be dismissed unless notice of the Commissioner's license decision was required to be given to the person filing an appeal (appellant) and the notice was not given as required.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017. An appeal may be submitted by fax or e-mail if it contains a scanned original signature. It is recommended that a faxed or e-mailed appeal be followed by the submittal of mailed original paper documents. The complete appeal, including any attachments, must be received at DEP's offices in Augusta on or before 5:00 PM on the due date; materials received after 5:00 pm are not considered received until the following day. The risk of material not being received in a timely manner is on the sender, regardless of the method used. The appellant must also send a copy of the appeal documents to the Commissioner of the DEP; the applicant (if the appellant is not the applicant in the license proceeding at issue); and if a hearing was held on the application, any intervenor in that hearing process. All of the information listed in the next section of this information sheet must be submitted at the time the appeal is filed.

INFORMATION APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time the appeal is submitted:

1. *Aggrieved Status*. The appeal must explain how the appellant has standing to maintain an appeal. This requires an explanation of how the appellant may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions, or conditions objected to or believed to be in error.* The appeal must identify the specific findings of fact, conclusions regarding compliance with the law, license conditions, or other aspects of the written license decision or of the license review process that the appellant objects to or believes to be in error.
3. *The basis of the objections or challenge.* For the objections identified in Item #2, the appeal must state why the appellant believes that the license decision is incorrect and should be modified or reversed. If possible, the appeal should cite specific evidence in the record or specific licensing requirements that the appellant believes were not properly considered or fully addressed.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those matters specifically raised in the written notice of appeal.
6. *Request for hearing.* If the appellant wishes the Board to hold a public hearing on the appeal, a request for public hearing must be filed as part of the notice of appeal, and must include an offer of proof in accordance with Chapter 2. The Board will hear the arguments in favor of and in opposition to a hearing on the appeal and the presentations on the merits of an appeal at a regularly scheduled meeting. If the Board decides to hold a public hearing on an appeal, that hearing will then be scheduled for a later date.
7. *New or additional evidence to be offered.* If an appellant wants to provide evidence not previously provided to DEP staff during the DEP's review of the application, the request and the proposed evidence must be submitted with the appeal. The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered in an appeal only under very limited circumstances. The proposed evidence must be relevant and material, and (a) the person seeking to add information to the record must show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process; or (b) the evidence itself must be newly discovered and therefore unable to have been presented earlier in the process. Specific requirements for supplemental evidence are found in Chapter 2 § 24.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, and is made easily accessible by the DEP. Upon request, the DEP will make application materials available during normal working hours, provide space to review the file, and provide an opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer general questions regarding the appeal process.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed, the license normally remains in effect pending the processing of the appeal. Unless a stay of the decision is requested and granted, a license holder may proceed with a project pending the outcome of an appeal, but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, and will provide the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, any materials submitted in response to the appeal, and relevant excerpts from the DEP's application review file will be sent to Board members with a recommended decision from DEP staff. The appellant, the license holder if different from the appellant, and any interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. The appellant and the license holder will have an opportunity to address the Board at the Board meeting. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, the license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court (see 38 M.R.S. § 346(1); 06-096 C.M.R. ch. 2; 5 M.R.S. § 11001; and M.R. Civ. P. 80C). A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452, or for judicial appeals contact the court clerk's office in which your appeal will be filed.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF DANFORTH	)	MAINE POLLUTANT DISCHARGE
DANFORTH, WASHINGTON COUNTY, MAINE	)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS	)	AND
#ME0100161	)	WASTE DISCHARGE LICENSE
#W000819-6B-I-R **APPROVAL**	)	**RENEWAL**

In compliance with the applicable provisions of *Pollution Control*, 38 M.R.S. §§ 411 – 424-B, *Water Classification Program*, 38 M.R.S. §§ 464 – 470 and *Federal Water Pollution Control Act*, Title 33 U.S.C. § 1251, and applicable rules of the Department of Environmental Protection (Department), the Department has considered the application of the TOWN OF DANFORTH (Town), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

On March 13, 2020, the Department accepted as complete for processing, a renewal application from the Town for Maine Pollutant Discharge Elimination System (MEPDES) #ME0100161 /Waste Discharge License (WDL) #W000819-6B-H-R, which was issued on April 9, 2015 for a five-year term. The 4/9/2015 MEPDES permit authorized the monthly average discharge of 0.049 million gallons per day (MGD) of secondary treated municipal wastewater from a publicly owned treatment works (POTW) to Baskahegan Stream, Class A, in Danforth, Maine.

PERMIT SUMMARY

This permitting action is carrying forward all the terms and conditions of the previous permitting action except it is:

1. Incorporating 1000 gallons/year of transported waste exclusively from the Town's portable toilets. No additional waste streams or transported wastes are approved by this licensing action; and

2. Amending the "pH Range Limitation" footnote, in the Footnotes section of Special Condition A.

CONCLUSIONS

Based on the findings summarized in the attached Fact Sheet dated August 19, 2021 and subject to the special and standard conditions that follow, 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. § 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 natural 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 *Conditions of licenses,* 38 M.R.S. § 414-A(1)(D).

5. The applicant has objectively demonstrated to the Department's satisfaction that the discharge is necessary and that there are no other reasonable alternatives available, as required by *Standards for classification of fresh surface waters,* 38 M.R.S. § 465(2)(C) for the discharge to Class A water.

ACTION

Based on the findings and conclusions as stated above, the Department APPROVES the above noted application of the Town of Danforth to discharge a monthly average of 0.049 MGD of secondary treated municipal wastewater to the Baskahegan Stream, Class A in Danforth, Maine, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

1. *Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits*, revised July 1, 2002, copy attached.

2. The attached Special Conditions, including any effluent limitations and monitoring requirements.

3. This permit and the authorization to discharge become effective upon the date of signature below and expire at midnight five (5) years from the effective date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the authorization to discharge and the terms and conditions of this permit and all modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (amended June 9, 2018)]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS __19____ DAY OF __August____ 2021.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:_____
For Melanie Loyzim, Commissioner

FILED

AUG 19, 2021

State of Maine
Board of Environmental Protection

Date filed with Board of Environmental Protection _____

Date of initial receipt of application: March 11, 2020
Date of application acceptance: March 13, 2020

This Order prepared by Breanne Blaisdell, BUREAU OF WATER QUALITY

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge **secondary treated municipal wastewater from <u>Outfall #001A</u>** to the Baskahegan Stream at Danforth. Such discharges are limited and must be monitored by the permittee as specified below[(1)]:

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow *[50050]*	0.049 MGD *[03]*	---	---	---	---	---	Continuous *[99/99]*	Recorder *[RC]*
Biochemical Oxygen Demand (BOD_5) *[00310]*	12 lbs./day *[26]*	18 lbs./day *[26]*	20 lbs./day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	2/Month *[02/30]*	24-Hour Composite *[24]*
BOD_5 % Removal[(2)] *[81010]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
Total Suspended Solids (TSS) *[00530]*	12 lbs./day *[26]*	18 lbs./day *[26]*	20 lbs./day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	2/Month *[02/30]*	24-Hour Composite *[24]*
TSS % Removal[(2)] *[81011]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
Settleable Solids *[00545]*	---	---	---	---	---	0.3 ml/L *[25]*	2/Month *[02/030]*	Grab *[GR]*
Total Residual Chlorine[(4)] *[50060]*	---	---	---	---	---	1.0 mg/L *[19]*	4/Week *[04/07]*	Grab *[GR]*
pH (Std. Units) *[00400]*	---	---	---	---	---	6.0 – 9.0 SU[(5)] *[12]*	5/Week *[05/07]*	Grab *[GR]*
Mercury (Total)[(6)] *[71900]*	---	---	---	14.3 ng/L *[3M]*	---	21.4 ng/L *[3M]*	1/Year *[01/YR]*	Grab *[GR]*
Phosphorus (Total)[(7)] ***(June 1st – September 30th)*** ***[00665]***	---	---	---	---	---	Report µg/L *[28]*	2/Month *[02/30]*	Grab *[GR]*
E. coli Bacteria ***(May 15th-September 30th)*** ***[31633]***	---	---	---	64 CFU /100 ml[(3)] *[13]*	---	427 CFU /100 ml *[13]*	2/Month *[02/30]*	Grab *[GR]*

The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports.

<u>FOOTNOTES:</u> See Pages 6 through 7 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

FOOTNOTES

1. **Sampling** – All effluent monitoring must be conducted at a location following the last treatment unit in the treatment process as to be representative of end-of-pipe effluent characteristics. Any change in sampling location must be approved by the Department in writing. The permittee must conduct sampling and analysis 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 must be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services for wastewater. Samples that are sent to a POTW licensed pursuant to *Waste discharge licenses*, 38 M.R.S. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (effective December 19, 2018). 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 this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report.

2. **Percent Removal** - The permittee must achieve a minimum of 85 percent removal of both total suspended solids and biochemical oxygen demand for all flows receiving secondary treatment. The percent removal is calculated based on influent and effluent concentration values.

3. **Bacteria Reporting –** The monthly average *E. coli* bacteria limitation is a geometric mean limitation and sample results must be reported as such.

4. **TRC Monitoring** – Limitations and monitoring requirements are in effect any time elemental chlorine or chlorine-based compounds are utilized to disinfect the discharge(s). The permittee must utilize a US Environmental Protection Agency (USEPA) -approved test method capable of bracketing the TRC limitations specified in this permitting action. Monitoring for TRC is only required when elemental chlorine or chlorine-based compounds are in use for effluent disinfection. For instances when a facility has not disinfected with chlorine-based compounds for an entire reporting period, the facility must report "N9" for this parameter on the monthly DMR.

5. **pH Range Limitation** – Effluent pH results outside the range of 6.0 – 9.0 SU are not to be reported as exceptions provided the cause(s) for the exceedances are naturally occurring. The permittee must provide the Department with written documentation as to the cause(s) of the pH results if determined to be outside the 6.0 – 9.0 SU range and must provide documentation of ambient receiving water pH from a sampling location immediately above the point of discharge.

SPECIAL CONDITIONS

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

6. **Mercury** – The permittee must conduct all mercury sampling required by this permit or required to determine compliance with interim limitations established pursuant to 06-096 CMR 519 in accordance with the USEPA's "clean sampling techniques" found in USEPA Method 1669, *Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels*. All mercury analysis must be conducted in accordance with USEPA Method 1631, *Determination of Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Fluorescence Spectrometry.* For a mercury test results reporting form, select "Whole effluent Toxicity, Chemistry and Mercury Reporting forms" at https://www.maine.gov/dep/water/wd/municipal_industrial/index.html . Compliance with the monthly average limitation established in Special Condition A of this permit will be based on the cumulative arithmetic mean of all mercury tests results that were conducted utilizing sampling Method 1669 and analysis Method 1631E on file with the Department for this facility.

7. **Phosphorus (Total)** – Effluent total phosphorus sampling must be done in accordance with Fact Sheet **Attachment C**.

B. NARRATIVE EFFLUENT LIMITATIONS

1. The permittee must not discharge effluent that contains a visible oil sheen, foam or floating solids at any time which would impair the usages designated for the classification of the receiving waters.

2. The permittee must not discharge effluent that contains materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated for the classification of the receiving waters.

3. The permittee must not discharge wastewater that causes visible discoloration or turbidity in the receiving waters that causes those waters to be unsuitable for the designated uses and characteristics ascribed to their class.

4. The permittee must not discharge effluent that lowers the quality of any classified body of water below such classification, or lowers the existing quality of any body of water if the existing quality is higher than the classification.

C. TREATMENT PLANT OPERATOR

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

SPECIAL CONDITIONS

D. LIMITATIONS FOR INDUSTRIAL USERS

Pollutants introduced into the wastewater collection and treatment system by a non-domestic source (user) must not pass through or interfere with the operation of the treatment system. The permittee must conduct an Industrial Waste Survey (IWS) any time a new industrial user proposes to discharge within its jurisdiction; an existing user proposes to make a significant change in its discharge; or at an alternative minimum, once every permit cycle and submit the results to the Department. The IWS must identify, in terms of character and volume of pollutants, any Significant Industrial Users discharging into the POTW subject to Pretreatment Standards under section 307(b) of the federal Clean Water Act, 40 CFR Part 403 (general pretreatment regulations) or *Pretreatment Program*, 06-096 CMR 528 (last amended March 17, 2008).

E. 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 March 13, 2020; 2) the terms and conditions of this permit; and 3) only from Outfall #001A. Discharges of wastewater from any other point source(s) are not authorized under this permit, and must be reported in accordance with Standard Condition D(1)(f), *Twenty-four hour reporting*, of this permit.

F. NOTIFICATION REQUIREMENT

In accordance with Standard Condition D, the permittee must notify the Department of the following:

1. Any introduction of pollutants into the wastewater collection and treatment system from an indirect discharger in a primary industrial category discharging process wastewater; and

2. Any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants to the system at the time of permit issuance. For the purposes of this section, notice regarding substantial change must include information on:

    a. the quality and quantity of wastewater introduced to the wastewater collection and treatment system; and

    b. any anticipated impact caused by the change in the quantity or quality of the wastewater to be discharged from the treatment system.

G. WET WEATHER MANAGEMENT PLAN

The permittee must maintain an approved Wet Weather Management Plan to direct the staff on how to operate the facility effectively during periods of high flow. The Department acknowledges that the existing collection system may deliver flows in excess of the monthly average design capacity of the treatment plant during periods of high infiltration and rainfall. A specific objective of the plan must be to maximize the volume of wastewater receiving secondary treatment under all operating conditions.

SPECIAL CONDITIONS

G. WET WEATHER MANAGEMENT PLAN (cont'd)

The plan must include operating procedures for a range of intensities, address solids handling procedures (including septic waste and other high strength wastes if applicable) and provide written operating and maintenance procedures during the events.

The permittee must review their plan at least annually and record any necessary changes to keep the plan up to date. The Department may require review and update of the plan as it is determined to be necessary.

H. OPERATIONS AND MAINTENANCE (O&M) PLAN

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

By December 31 of each year, **or within 90 days of any process changes or minor equipment upgrades,** the permittee must 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 must be kept on-site at all times and made available to Department and USEPA personnel upon request.

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

I. MONITORING AND REPORTING

Electronic Reporting

NPDES Electronic Reporting, 40 C.F.R. 127, requires MEPDES permit holders to submit monitoring results obtained during the previous month on an electronic discharge monitoring report to the regulatory agency utilizing the USEPA electronic system.

Electronic Discharge Monitoring Reports (DMRs) submitted using the USEPA NetDMR system, must be:

1. Submitted by a facility authorized signatory; and

2. Submitted no later than **midnight on the 15th day of the month** following the completed reporting period.

Documentation submitted in support of the electronic DMR may be attached to the electronic DMR. Toxics reporting must be done using the DEP Toxsheet reporting form. An electronic copy of the Toxsheet reporting document must be submitted to your Department compliance inspector as an attachment to an email. In addition, a hardcopy form of this sheet must be signed and submitted to your compliance inspector, or a copy attached to your NetDMR submittal will suffice.

SPECIAL CONDITIONS

I. MONITORING AND REPORTING (cont'd)

Documentation submitted electronically to the Department in support of the electronic DMR must be submitted no later than midnight on the 15th day of the month following the completed reporting period.

Non-electronic Reporting

If you have received a waiver from the Department concerning the USEPA electronic reporting rule, or are permitted to submit hardcopy DMR's to the Department, then your monitoring results obtained during the previous month must be summarized for each month 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 a Department 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.

Toxsheet reporting forms must be submitted electronically as an attachment to an email sent to your Department compliance inspector. In addition, a signed hardcopy of your Toxsheet must also be submitted.

A signed copy of the DMR and all other reports required herein must be submitted to the Department assigned compliance inspector (unless otherwise specified) following address:

Department of Environmental Protection
Northern Maine Regional Office
Bureau of Land and Water Quality
Division of Water Quality Management
1235 Central Drive
Skyway Park
Presque Isle, ME 04769

J. PRACTICAL ALTERNATIVES ANALYSIS

Standards for classification of fresh surface waters, 38 M.R.S. §465(2)(C) states, *"Prior to issuing a discharge license [to a Class A waterbody], the Department must require the applicant to objectively demonstrate to the Department's satisfaction that the discharge is necessary and that there are no other reasonable alternatives available. Discharges into waters of this classification licensed prior to January 1, 1986 are allowed to continue only until practical alternatives exist."*

Prior to reissuing a waste discharge license, 38 M.R.S. § 465(2)(C) requires applicants to demonstrate to the Department's satisfaction that no practical alternatives exist. Therefore, **on or before 90 days prior to the expiration of this permit, or upon submission of an application for permit renewal,** the permittee must submit to the Department, for review and approval, a practical alternatives analysis for the discharge from the Danforth Wastewater Treatment Facility (WWTF) ***[PCS Code 20099]***.

SPECIAL CONDITIONS

K. DISPOSAL OF PORTABLE TOILET (PORT O POTTY) WASTE INTO WASTEWATER TREATMENT FACILITY

During the effective period of this permit, the permittee is authorized to receive into the treatment process or solids handling stream up to a yearly maximum of 1000 gallons of portable toilet waste, subject to the following terms and conditions.

1. Sources of portable toilet waste are limited to Town port-o-potties located at the transfer station, annual summer events, and public boat launch.

2. The addition of portable toilet wastes into the treatment process or solids handling stream must not cause the treatment facilities design capacity to be exceeded. If, for any reason, the treatment process or solids handling facilities become overloaded, introduction of portable toilet wastes into the treatment process or solids handling stream must be reduced or terminated in order to eliminate the overload condition.

3. During wet weather events, portable toilet wastes may be added to the treatment process or solids handling facilities only in accordance with a current high flow management plan approved by the Department that provides for full treatment of portable toilet waste without adverse impacts.

4. The permittee must maintain records for each load of portable toilet wastes in a daily log which must include at a minimum the following:

   (a) The date;
   (b) The volume of transported wastes received;
   (c) The source of the transported wastes;
   (d) The person transporting the transported wastes;
   (e) The results of inspections or testing conducted;
   (f) The volumes of transported wastes added to each treatment stream; and
   (g) The information in (a) through (d) for any transported wastes refused for acceptance.

These records must be maintained at the treatment facility for a minimum of five years.

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SPECIAL CONDITIONS

L. REOPENING OF PERMIT FOR MODIFICATION

In accordance with 38 M.R.S. § 414-A(5) and upon evaluation of the tests results or monitoring requirements specified in Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at any time and with notice to the permittee, modify this permit to: 1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded, (2) require additional monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

M. SEVERABILITY

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

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MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
MAINE WASTE DISCHARGE LICENSE

FACT SHEET

DATE: **August 19, 2021**

PERMIT NUMBER: **#ME0100161**

WASTE DISCHARGE LICENSE: **#W000819-6B-I-R**

NAME AND ADDRESS OF APPLICANT:

DANFORTH WASTEWATER TREATMENT FACILITY
P.O. BOX 117
DANFORTH, MAINE 04424

COUNTY: **WASHINGTON**

NAME AND ADDRESS WHERE DISCHARGE(S) OCCUR(S):

DANFORTH WASTEWATER TREATMENT FACILITY
BANCROFT STREET
DANFORTH, MAINE 04424

RECEIVING WATER CLASSIFICATION: **BASKAHEGAN STREAM/CLASS A**

COGNIZANT OFFICIAL CONTACT INFORMATION:

ARDIS BROWN
(207) 448-2321
e-mail: townofdanforth@gmail.com

1. APPLICATION SUMMARY

Application: On March 13, 2020 the Department of Environmental Protection (Department) accepted as complete for processing, a renewal application from the Town of Danforth (Town) for Maine Pollutant Discharge Elimination System (MEPDES) #ME0100161 /Waste Discharge License (WDL) #W000819-6B-H-R, which was issued on April 9, 2015 for a five-year term. The 4/9/2015 MEPDES permit authorized the monthly average discharge of 0.049 million gallons per day (MGD) of secondary treated municipal wastewater from a publicly owned treatment works (POTW) to the Baskahegan Stream, Class A, in Danforth, Maine.

2. PERMIT SUMMARY

a. Terms and Conditions: This permitting action is carrying forward all the terms and conditions of the previous permitting action except it is:

1. Incorporating 1000 gallons/year of transported waste exclusively from the Town's portable toilets. No other additional waste streams or transported wastes are approved by this licensing action; and

2. PERMIT SUMMARY (cont'd)

2. Amending the "pH Range Limitation" footnote, in the Footnotes section of Special Condition A.

b. History: This section provides a summary of significant licensing actions and milestones that have been completed for the Town of Danforth Wastewater Treatment Facility.

May 1, 1997 - The U.S. Environmental Protection Agency (USEPA) issued National Pollution Discharge Elimination System (NPDES) permit #ME0100161.

April 17, 1997 – The Department issued WDL #W000819-58-D-R to the Town for the monthly average discharge of up to 0.049 MGD of treated sanitary wastewater to Baskahegan Stream. The April 17, 1997 WDL expired on April 17, 2002 and replaced WDL #W000819-58-C-R issued on December 5, 1991, WDL #W000819-45-A-R issued on April 23, 1985 and subsequent WDL Amendment #W000819-45-B-A issued on May 20, 1986.

September 18, 1999 – The First Regular Session of the 119th Maine Legislature amended the Maine Surface Water Classification Program at 38 M.R.S.A. §467(7) by reclassifying Baskahegan Stream at the point of discharge from Class B to Class A (P.L. 1999 Chapter 277).

May 23, 2000 – The Department administratively modified WDL # W000819-58-D-R by establishing interim average and maximum concentration limits for the discharge of mercury.

January 12, 2001 – The Department received authorization from the USEPA to administer the NPDES permitting program in Maine, excluding areas of special interest to Maine Indian Tribes. From this point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) program, and MEPDES permit #ME0100161 has been utilized for this facility.

December 22, 2009 – The Department issued combination MEPDES permit #ME0100161/WDL #W000819-6B-F-R for a five-year term. This permit superseded the previous permits issued by the Department on 12/27/04, 4/17/97, 12/5/91 and 4/23/85.

February 6, 2012 – The Department issued permit modification # ME0100161/WDL#W002696-6B - G-M to incorporate the average and maximum concentration limits for total mercury.

December 10, 2014 – The Town submitted a timely and complete General Application to the Department for renewal of the December 22, 2009 MEPDES permit. The application was accepted for processing on August 15, 2014, and was assigned WDL #W000819-6B-H-R / MEPDES #ME0100161.

April 9, 2015 – The Department issued combination MEPDES permit #ME0100161/WDL #W000819-6B-H-R for a five-year term.

March 11, 2020 – The Town submitted a timely and complete General Application to the Department for renewal of the April 9, 2015 MEPDES permit. The application was accepted for processing on March 13, 2020 and was assigned WDL #W000819-6B-I-R / MEPDES #ME0100161.

2. PERMIT SUMMARY (cont'd)

c. Source Description: The Town operates a municipal wastewater treatment facility on Bancroft Road to provide secondary treatment of sanitary wastewater generated by approximately 136 residential and 24 commercial users (population of approximately 350 people) in the Town of Danforth. Construction of the facility was completed in 1986. There are no industrial users and the facility is not required to implement a formal pretreatment program.

The collection system is 100% separated and consists of approximately 2 miles of gravity and force main sewer lines. In addition to the gravity sewer lines, the Town utilizes three (3) pump stations to convey flows to the treatment facility, which are equipped with audible and visual alarms and emergency back-up power supplies. There are no combined sewer overflow (CSO) points associated with the collection system. A map showing the location of the treatment facility is included as Fact Sheet **Attachment A**.

d. Wastewater Treatment: The Town provides conventional primary wastewater treatment via sedimentation followed by secondary treatment via sand filtration. Raw influent is conveyed to the treatment facility and through a flow distribution box containing an integrated and manually-cleaned bar rack via gravity and force main sewer lines. Flows are equally-distributed to two (2) 16,000-gallon capacity primary sedimentation basins operated in parallel. Primary treated wastewater continues to one of two available 6,000-gallon capacity dosing siphons operated on an alternating basis where the flow can be treated with sodium hypochlorite to control growth in the sand filter media. From there, the wastewater flows to an intermittent sand filtration system consisting of five (5) 9,000 square foot (45,000 sq. ft. total) filter beds, which provides secondary wastewater treatment. The loading rate of the filtration system is 1.0 gallon per day per square foot of surface area (1.0 gal/day/ft^2). Secondary treated wastewater flows to a 3,000-gallon, baffled chlorine contact tank, which provides a detention time of 2.0 hours at average flow rate of 0.036 MGD and 0.5 hours at peak flow rate of 0.144 MGD.

Effluent flow is measured using a Parshall flume and an ultrasonic flow meter installed just beyond the contact chamber. Final effluent is conveyed for discharge to Baskahegan Stream via a reinforced concrete effluent distribution box measuring approximately 3.5 feet long by 2.5 feet wide by 4.5 feet deep. The effluent box is located approximately 2 feet below the surface of the stream at average river stage and contains a single 6-inch diameter outlet pipe that is located approximately 1 foot below the stream substrate to enhance mixing of the effluent with the receiving waters.

Solids handling equipment includes a 16,000-gallon capacity sludge storage tank, which is used to hold waste sludge from the two primary sedimentation tanks. The town applies the sludge on a local field licensed for sludge disposal.

A process flow diagram submitted by the permittee is included as Fact Sheet **Attachment B**.

3. CONDITIONS OF PERMIT

Conditions of licenses, 38 M.R.S. § 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. § 420 and 06-096 CMR 530 require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (amended February 16, 2020), 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

Classification of major river basins, 38 M.R.S. § 467(7)(D)(2) states that the Baskahegan Stream at the point of discharge is classified as a Class A waterway. *Standards for classification of fresh surface waters*, 38 M.R.S. § 465(2)(C) describes the standards for Class A waters as follows:

A. *Class A waters must be of such quality that they are suitable for the designated uses of drinking water after disinfection; fishing; agriculture; recreation in and on the water; industrial process and cooling water supply; hydroelectric power generation, except as prohibited under Title 12, section 403; navigation; and as habitat for fish and other aquatic life. The habitat must be characterized as natural.*

B. *The dissolved oxygen content of Class A waters may not be less than 7 parts per million or 75% of saturation, whichever is higher, except that for the period from October 1st to May 14th, in order to ensure spawning and egg incubation of indigenous fish species, the 7-day mean dissolved oxygen concentration may not be less than 9.5 parts per million and the one-day minimum dissolved oxygen concentration may not be less than 8.0 parts per million in identified fish spawning areas. The aquatic life and bacteria content of Class A waters must be as naturally occurs, except that the numbers of Escherichia coli bacteria in these waters may not exceed a geometric mean of 64 CFU per 100 milliliters over a 90-day interval or 236 CFU per 100 milliliters in more than 10% of the samples in any 90-day interval.*

C. *Except as provided in this paragraph, direct discharges to these waters licensed after January 1, 1986 are permitted only if, in addition to satisfying all the requirements of this article, the discharged effluent will be equal to or better than the existing water quality of the receiving waters. Prior to issuing a discharge license, the department shall require the applicant to objectively demonstrate to the department's satisfaction that the discharge is necessary and that there are no other reasonable alternatives available. Discharges into waters of this classification licensed prior to January 1, 1986 are allowed to continue only until practical alternatives exist.*

    (1) *This paragraph does not apply to a discharge of storm water that is in compliance with state and local requirements.*

    (2) *This paragraph does not apply to a discharge to Class A waters that are or once were populated by a distinct population segment of Atlantic salmon as determined pursuant to the United States Endangered Species Act of 1973, Public Law 93-205, as amended, if, in addition to satisfying all the requirements of this article, the applicant, prior to issuance of a discharge license, objectively demonstrates to the department's satisfaction that the discharge is necessary, that there are no other reasonable alternatives available and that the*

4. RECEIVING WATER QUALITY STANDARDS (cont'd)

discharged effluent is for the purpose of and will assist in the restoration of Atlantic salmon and will return the waters to a state that is closer to historically natural chemical quality.

(a) The department may issue no more than a total of 3 discharge licenses pursuant to this subparagraph and subsection 1, paragraph C, subparagraph (2).

(b) A discharge license issued pursuant to this subparagraph may not be effective for more than 5 years from the date of issuance.

(3) This paragraph does not apply to aquatic pesticide or chemical discharges approved by the department and conducted by the department, the Department of Inland Fisheries and Wildlife or an agent of either agency for the purpose of restoring biological communities affected by an invasive species.

(4) For the purpose of allowing the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety, the department may find that the discharged effluent will be equal to or better than the existing water quality of the receiving waters as long as the materials and methods used provide protection for nontarget species. When the department issues a license for the discharge of aquatic pesticides authorized under this subparagraph, the department shall notify the municipality in which the application is licensed to occur and post the notice on the department's publicly accessible website.

(5) This paragraph does not apply to discharges of pesticides approved by the department that are:

(a) Unintended and an incidental result of the spraying of pesticides;
(b) Applied in compliance with federal labeling restrictions; and
(c) Applied in compliance with statute, Board of Pesticides Control rules and best management practices.

D. Storm water discharges to Class A waters must be in compliance with state and local requirements.

E. Material may not be deposited on the banks of Class A waters in any manner that makes transfer of pollutants into the waters likely.

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2016 Integrated Water Quality Monitoring and Assessment Report (Report), prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists a 271.76-mile segment of the Baskahegan Stream and its tributaries (Integrated Report Assessment Unit ID ME0102000304_210R) as, "Category 2: Rivers and Streams Attaining Some Designated Uses – Insufficient Information for Other Uses."

5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

The Report lists all of Maine's fresh waters as, "Category 4-A: Waters Impaired by Atmospheric Deposition of Mercury." Impairment in this context refers to a statewide fish consumption advisory due to elevated levels of mercury in some fish tissues. The Report states, "All freshwaters are listed in Category 4-A (TMDL Completed) due to USEPA approval of a Regional Mercury TMDL. Maine has a fish consumption advisory for fish taken from all freshwaters due to mercury. Many waters, and many fish from any given water, do not exceed the action level for mercury. However, because it is impossible for someone consuming a fish to know whether the mercury level exceeds the action level, the Maine Department of Health and Human Services decided to establish a statewide advisory for all freshwater fish that recommends limits on consumption. Maine has already instituted statewide programs for removal and reduction of mercury sources." Pursuant to 38 M.R.S. § 420(1-B)(B), "a facility is not in violation of the ambient criteria for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413 subsection 11." The Department has established interim monthly average and daily maximum mercury concentration limits and reporting requirements for this facility pursuant to 06-096 CMR 519.

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

6. PRACTICAL ALTERNATIVES ANALYSIS

Since 1979, the Town of Danforth has objectively demonstrated to the Department, through reevaluating possible options for eliminating the discharge to Baskahegan Stream, as required by *Standards for classifications for fresh surface waters*, 38 M.R.S. § 465(2)(C), that no practical alternatives to the discharge currently exist. Therefore, the Department concludes that the discharge from the Danforth Wastewater Treatment Facility, as licensed prior to January 1, 1986, may continue until practical alternatives exist.

Due to the limited resources of the Town, the treatment processes and disposal options are also limited. In 2013, Dirigo Engineering working with the Town, completed a Wastewater System Study which evaluated an alternative treatment and disposal process. A preliminary evaluation was conducted on the potential for land irrigation and subsurface disposal. The primary option identified was developing a new stabilization pond treatment system with spray irrigation disposal. During the initial evaluation, Dirigo Engineering conceptualized two treatment lagoons of 3.2 million gallons and a storage lagoon of 20.2 million gallons. This required an annual disposal of 28.7 million gallons of wastewater and precipitation.

Following the 2013 study, the Town secured a grant from the USDA to perform further evaluation of this option. The evaluation included site evaluation, hydrogeological evaluation of potential sites, soil testing, detailed sizing and cost estimates. The evaluation was completed in late 2016 by Dirigo Engineering. It was found that the only sites suitable for spray irrigation were not available for purchase.

A number of alternatives were also considered during the 2016 study. The only practical option to stream disposal and spray irrigation was found to be subsurface disposal. Subsurface disposal requires significantly less land than spray irrigation. This option is still limited, however, by the availability of land with suitable soils. Practically sized disposal beds would also not be able to handle current peak wet weather flows from the plant, which can be greater than 0.090 MGD.

6. PRACTICAL ALTERNATIVES ANALYSIS (cont'd)

An I & I (Inflow & Infiltration) study to identify potential sources of extraneous water and taking corrective actions to reduce wet weather flows were recommended. Additional hydrological testing and the analysis of a potential subsurface disposal site are still needed before the viability of this practical alternative can be determined.

Prior to reissuing a waste discharge license, 38 M.R.S. § 465(2)(C), requires applicants to demonstrate to the Department's satisfaction that no practical alternatives exist. Therefore, Special Condition J of this permit requires the Town to submit to the Department, for review and approval, a practical alternatives analysis for the discharge from the Danforth WWTF on or before 90 days prior to the expiration of this permit, or upon submission of an application for permit renewal or modification.

7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

a. Flow: The previous permitting action established, and this permitting action is carrying forward, a monthly discharge flow limit of 0.049 MGD which is representative of the design capacity of the treatment works.

The Department reviewed 60 Discharge Monitoring Reports (DMRs) that were submitted for the period May 2015 – May 2020. It is noted that the average monthly flow limit was exceeded during April 2016, March-May 2017, April and November 2018, April 2019 and April 2020. A review of data indicates the following:

Flow

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	0.049	0.00 – 0.12	0.033

b. Dilution Factors:

06-096 CMR 530(4)(B)(1) states that, *"Analyses using numerical acute criteria for aquatic life must be based on 1/4 of the 1Q10 stream design flow to prevent substantial acute toxicity within any mixing zone and to ensure a zone of passage of at least 3/4 of the cross-sectional area of any stream as required by Chapter 581. Where it can be demonstrated that a discharge achieves rapid and complete mixing with the receiving water by way of an efficient diffuser or other effective method, analyses may use a greater proportion of the stream design flow, up to and including all of it, as long as the required zone of passage is maintained."* With a permitted flow limitation of 0.049 MGD and the location and configuration of the outfall structure, the Department has established dilution factors as follow:

Acute = 134:1 Chronic = 157:1 Harmonic mean[1] = 469:1

[1] The harmonic mean dilution factor is approximated by multiplying the chronic dilution factor by three (3). This multiplying factor is based on guidelines for estimation of human health dilution presented in the U.S. EPA publication, *"Technical Support Document for Water Quality-Based Toxics Control"* (Office of Water; EPA/505/2-90-001, page 88), and represents an estimation of harmonic mean flow on which human health dilutions are based in a riverine 7Q10 flow situation.

7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

c. Biochemical Oxygen Demand (BOD_5) and Total Suspended Solids (TSS): Previous permitting action established, and this permitting action is carrying forward, a monthly average and weekly average concentration limits of 30 mg/L and 45 mg/L, respectively. These limits are based on secondary treatment requirements of the Clean Water Act of 1977 § 301(b)(1)(B) as defined in 40 CFR 133.102 and Department rule, 06-096 CMR 525(3)(III) (effective January 12, 2001). The daily maximum concentration limit of 50 mg/L, which is based on a Department best professional judgment (BPJ) of best practicable treatment (BPT) for secondary treated wastewater, is also being carried forward.

Pursuant to Department rule 06-096 CMR 523(6)(f), previous permitting action established, and this permitting action is carrying forward, technology-based monthly average, weekly average and daily maximum mass limits of 12 lbs./day, 18 lbs./day and 20 lbs./day, respectively, for BOD_5 and TSS. These limits are based on the daily maximum flow criterion of 0.049 MGD.

The January 2005 permit established a requirement for a minimum of 85% removal of BOD_5 and TSS pursuant to 06-096 CMR 525(3)(III)(a&b)(3). This permitting action is carrying that action forward. The monitoring frequency for BOD_5 and TSS of once per month (1/Month) is a also being carried forward.

The Department reviewed 60 Discharge Monitoring Reports (DMRs) that were submitted for the period May 2015 – May 2020 for BOD_5. A review of data indicates the following:

BOD_5 mass

Value	Limit (lbs./day)	Range (lbs./day)	Mean (lbs./day)
Monthly Average	12	0.00 – 2.1	0.51
Weekly Average	18	0.00 – 2.0	0.54
Daily Maximum	20	0.26 – 2.8	0.99

BOD_5 concentration

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	30	0.58 - 20.0	3.4
Weekly Average	45	0.58 - 18.0	3.4
Daily Maximum	50	0.73 - 18.0	3.9

The Department reviewed 60 DMRs that were submitted for the period May 2015 – May 2020 for TSS. A review of data indicates the following:

TSS mass

Value	Limit (lbs./day)	Range (lbs./day)	Mean (lbs./day)
Monthly Average	12	0.0 – 12.0	0.33
Weekly Average	18	0.0 – 1.1	0.20
Daily Maximum	20	0.08 – 1.3	0.43

7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

TSS concentration

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	30	1.0-3.5	1.3
Weekly Average	45	0.3-3.8	1.4
Daily Maximum	50	1.0-4.3	1.5

Utilizing EPA's 1996 *Interim Guidance for Performance-Based Reduction of NPDES Permit Monitoring Frequencies* and BOD_5 and TSS monitoring results from May 2015-March 2020, the Department considered a reduction in monitoring frequencies. A ratio (expressed in percent) of the long-term effluent average to the monthly average limits can be calculated as 4% and 3%, respectively.

BOD: $\frac{\text{Long-term Effluent Average}}{\text{Monthly Average Limit}} = \frac{0.49}{12} = 0.0408$ or 4%

TSS: $\frac{\text{Long-term Effluent Average}}{\text{Monthly Average Limit}} = \frac{0.33}{12} = 0.0275$ or 3%

According to Table 1 of the EPA Guidance, a 2/Month monitoring requirement can be reduced to 1/Quarter. This reduction, however, is inconsistent with the Department guidance, *Performance-Based Reduction of Monitoring Frequencies,* which states:

> *" the Department has determined that the ultimate minimum testing that the facility could receive reductions to would be a frequency of 2/Month or twice per month."*

Therefore, this permitting action is carrying forward the previously established monitoring frequency of 2/Month for BOD_5 and TSS.

d. Settleable Solids: The January 2005 permitting action established, and this permitting action is carrying forward, a technology-based daily maximum concentration limit of 0.3 ml/L for settleable solids, which is considered a BPT limitation for secondary treated wastewater.

The April 9, 2015 permit reduced the monitoring frequency for settleable solids to twice per month (2/Month). This permit is carrying that action forward.

The Department reviewed 60 DMRs that were submitted for the period May 2015 – May 2020. A review of data indicates the following:

Settleable Solids

Value	Limit (ml/L)	Range (ml/L)	Average (ml/L)
Daily Maximum	0.3	0.01 - 0.10	0.015

7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

e. *Escherichia coli* Bacteria (E. coli): Previous permitting action established monthly average and daily maximum concentration limits for E. coli bacteria of 64 colonies /100 ml (geometric mean) and 427 colonies/100 ml (instantaneous level), respectively, based on the State of Maine Water Classification Program criteria for Class B waters found at 38 M.R.S. § 465(3)(B).

Baskahegan Stream was reclassified as a Class A waterbody in 1999. Regarding Class A waterbodies, Maine law *38 M.R.S. §* 465(2)(C) states:

"…direct discharges to these waters licensed after January 1, 1986 are permitted only if, … the discharged effluent will be equal to or better than the existing water quality of the receiving water. Discharges…licensed prior to January 1, 1986, are allowed to continue only until practical alternatives exist."

The E. coli limits currently in place were established prior to January 1, 1986. This permit is therefore carrying the monthly average and daily maximum concentration limits for E. Coli forward as neither the Town or the Department has identified a practical alternative.

Previous permitting action established a monitoring frequency for *E. coli* bacteria of twice per month (2/Month) between May 15th and September 30th of each year. This permit is carrying that action forward.

The Department reviewed 22 DMRs that were submitted for the period May 2015 – May 2020. It is noted that the monthly average limit was exceeded in May 2015 and the daily maximum limit was exceeded in August 2015 and September 2019. A review of data indicates the following:

***E. coli* Bacteria**

Value	Limit (col/100 ml)	Range (col/100 ml)	Mean (col/100 ml)
Monthly Average	64	0 – 86	9.8
Daily Maximum	427	0 – 2,420	155

f. Total Residual Chlorine (TRC): Previous permitting action established a daily maximum TRC limit of 1.0 mg/L. Limits on TRC are specified to ensure that ambient water quality standards are maintained and that BPT is being applied to the discharge. The Department establishes the more stringent of the water quality or technology-based limits in permitting actions. End-of-pipe water quality-based concentration thresholds are calculated as follows:

Acute Threshold = Acute Criterion x Acute Dilution Factor

Acute Threshold = 0.019 mg/L x 134 = 2.5 mg/L

Acute (A) Criterion	Chronic (C) Criterion	A & C Dilution Factors	Calculated Acute Threshold	Chronic Threshold
0.019 mg/L	0.011 mg/L	134:1 (A) 157:1 (C)	2.5 mg/L	1.7 mg/L

7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

The Department has established a daily maximum BPT limitation of 1.0 mg/L for facilities that disinfect their effluent with elemental chlorine or chlorine-based compounds. The daily maximum technology-based standard of 1.0 mg/L is more stringent than the calculated acute water quality-based threshold of 2.5 mg/L and is therefore being carried forward in this permitting action.

The April 9, 2015 permit reduced TRC monitoring frequency to four times per week (4/Week). This permit is carrying that action forward.

The Department reviewed 25 DMRs that were submitted for the period May 2015 – May 2020. A review of data indicates the following:

Total Residual Chlorine

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	1.0	0.51 - 0.99	0.90

g. pH: Pursuant to 06-096 CMR 525(3)(III)(c), the January 2005 permitting action revised the pH limit to its current range, 6.0 – 9.0 SU. This is considered BPT for secondary treated wastewater and is being carried forward in this permitting action.

This permitting action is also carrying forward the minimum monitoring frequency requirement of five times per week (5/Week). The monitoring frequency is based on a Department BPJ determination of the minimum level of monitoring necessary to assess compliance with this parameter.

The Department reviewed 60 DMRs that were submitted for the period May 2015 – May 2020. It is noted that there were exceedances of the minimum pH limit July-September 2015, June-October 2016, July-November 2017, and July-October 2018. A review of data indicates the following:

pH

Value	Limit (SU)	Minimum (SU)	Maximum (SU)
Range	6.0 – 9.0	5.36	7.37

h. Mercury: Pursuant to *Certain deposits and discharges prohibited*, 38 M.R.S. § 420 and *Waste discharge licenses*, 38 M.R.S. § 413 and *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (amended October 6, 2001), the Department issued an interim monthly average and daily maximum effluent concentration limits of 14.3 parts per trillion (ppt) and 21.4 ppt, respectively, and a minimum monitoring frequency requirement of four tests per year for mercury. 38 M.R.S. § 420(1-B)(B)(1) provides that a facility is not in violation of the AWQC for mercury if the facility is in compliance with an interim discharge limit established by the Department.

Pursuant to 38 M.R.S. §420(1-B)(F), the Department issued a minor revision on February 6, 2012 to the December 22, 2009 permit thereby revising the minimum monitoring frequency requirement from four times per year to once per year (1/Year) given the permittee has maintained at least 5 years of mercury testing data. The permittee has been monitoring mercury since October 1999 or 21 years.

7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

Pursuant to 38 M.R.S. §420(1-B)(F), this permitting action is carrying forward the once per year (1/Year) monitoring frequency established in the February 6, 2012 permit modification.

A review of the Department's data base for the period May 2015 through May 2020 indicates the permittee has been in compliance with the interim limits for mercury as results have been reported as follows:

Mercury

Value	Limit (ng/L)	Range (ng/L)	Mean (ng/L)
Monthly Average	14.3	4.99 – 8.72	6.59
Daily Maximum	21.4		

i. Total Phosphorus: *Waste Discharge License Conditions,* 06-096 CMR 523 specifies that water quality based limits are necessary when it has been determined that a discharge has a reasonable potential to cause or contribute to an excursion above any State water quality standard including State narrative criteria.[1] In addition, 06-096 CMR 523 specifies that water quality based limits may be based upon criterion derived from a proposed State criterion, or an explicit State policy or regulation interpreting its narrative water quality criterion, supplemented with other relevant information which may include: risk assessment data, exposure data, information about the pollutant from the Food and Drug Administration, and current EPA criteria documents.[2]

The USEPA's Quality Criteria for Water 1986 (Gold Book) puts forth an in-stream phosphorus concentration recommendation of less than 100 µg/L or 0.100 mg/L in streams or other flowing waters not discharging directly to lakes or impoundments, to prevent nuisance algal growth. The use of 0.100 mg/L Gold Book value is consistent with the requirements of 06-096 CMR 523 noted above for use in a reasonable potential (RP) calculation. Based on this rationale, the Department has chosen to utilize the Gold Book value of 0.100 mg/L. It is the Department's intent to continue to make determinations of actual attainment or impairment based upon environmental response indicators from specific water bodies. The use of the Gold Book value of 0.100 mg/L for use in the RP calculation will enable the Department to establish water quality-based limits in a manner that is reasonable and that appropriately establishes the potential for impairment, while providing an opportunity to acquire environmental response indicator data, numeric nutrient indicator data, and facility data as needed to refine the establishment of site-specific water quality-based limits for phosphorus. This permit may be reopened during the term of the permit to modify any reasonable potential calculations, phosphorus limits, or monitoring requirements based on new site-specific data.

For the background concentration in Baskahegan Stream, the permittee conducted sampling upstream of its discharge in the summer of 2014 (n=3) indicating the background total phosphorus concentration is 0.0177 mg/L.

The permittee also conducted total phosphorus effluent testing throughout the last permit cycle, May 2015-May 2020. The Department reviewed 19 DMRs that were submitted for this period. A review of data indicates the following:

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[1] *Waste Discharge License Conditions,* 06-096 CMR 523(5)(d)(1)(i) (effective date January 12, 2001)

[2] 06-096 CMR 523(5)(d)(1)(vi)(A)

7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

Total Phosphorus

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	Report	0.002 - 3.35	1.21

Using the following calculation and criteria, Danforth does not exceed the USEPA's Total P Ambient Water Quality Gold Book goal of 0.100 mg/L. The Department's *Chapter 583, Description of Nutrient Criteria for Fresh Waters (*Draft, February 2020) total phosphorus criteria of 22 ppb or 0.022 mg/L for Class A waters however, was exceeded.

Reasonable Potential Analysis

$$Cr = \frac{QeCe + QsCs}{Qr}$$

Qe = effluent flow i.e. facility design flow = 0.049 MGD
Ce = effluent pollutant concentration = 1.213 mg/L
Qs = 7Q10 flow of receiving water = 7.627 MGD
Cs = upstream concentration = 0.0177 mg/L
Qr = receiving water flow = 7.676 MGD
Cr = receiving water concentration

$$Cr = \frac{(0.049 \text{ MGD} \times 1.213 \text{ mg/L}) + (7.627 \text{ MGD} \times 0.0177 \text{ mg/L})}{7.676 \text{ MGD}} = .0253 \text{ mg/L}$$

Cr = 0.0253 mg/L < 0.100 mg/L ⇒ No Exceedance
Cr = 0.0253 mg/L > 0.022 mg/L ⇒ Exceedance

According to Department guidance if there is reasonable potential at the Draft Criteria Rule but not at the Gold Book goal, no limit is required. Continued monitoring of the effluent (5 years) will still be required. This permitting action is carrying forward the total phosphorus effluent monitoring frequency of twice per month (2/month), June 1-September 30th .

j. Portable Toilet Waste: In a letter dated August 12, 2020, the permittee requested approval to accept 1,000 gallons/year of portable toilet waste from the Town's port-o-potties. The Department approved the permittee's request and limited sources of portable toilet waste to the port-o-potties located at the Town's transfer station, annual summer events, and boat launch.

Compliance with *Standards for The Addition of Transported Wastes to Wastewater Treatment Facilities* 06-096 CMR 555 (March 9, 2009) does not apply in this case as the "transported waste" has a similar chemical composition and strength to the influent typically received by the facility. As stated in 06-096 CMR 555, "sanitary holding tank wastes to which no chemical in quantities potentially harmful to the treatment facility or receiving water have been added are considered similar to the influent of a domestic wastewater treatment facility."

8. 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 A classification.

9. PUBLIC COMMENTS

Public notice of this application was made in the *Houlton Pioneer Times* newspaper on or about March 18, 2020. 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 must 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).

10. DEPARTMENT CONTACTS

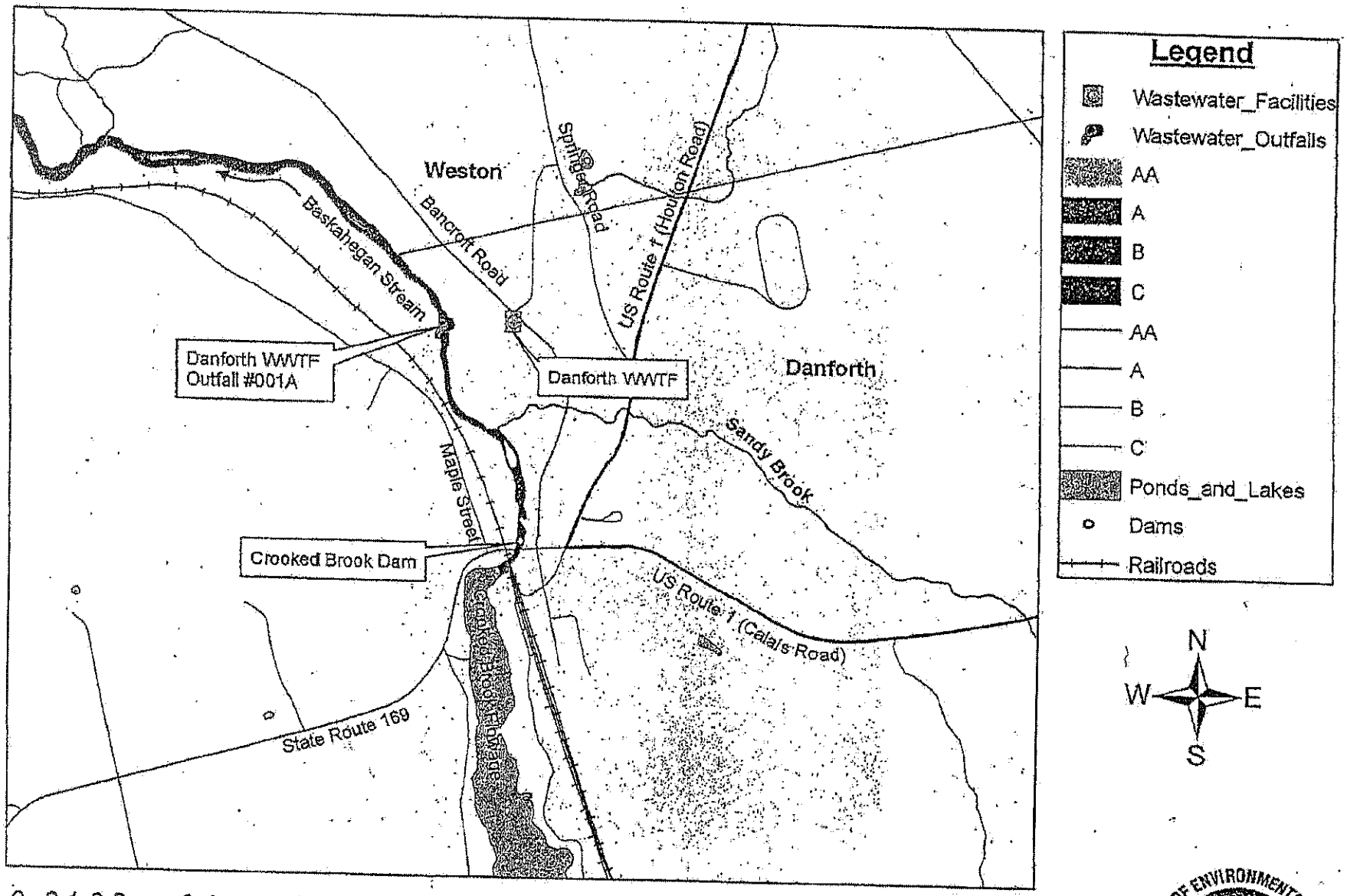
Additional information concerning this permitting action may be obtained from, and written comments sent to:

Breanne Blaisdell
Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 287-1298
e-mail: Breanne.Blaisdell@maine.gov

11. RESPONSE TO COMMENTS

During the period of May 22, 2020 through the effective date of this final agency action, the Department solicited comments on the draft MEPDES permit. The Department did not receive any substantive comment on the draft permit. It is noted that minor typographical and grammatical errors identified in comments were not summarized in this section, but were corrected, where necessary, in the final permit.

ATTACHMENT A

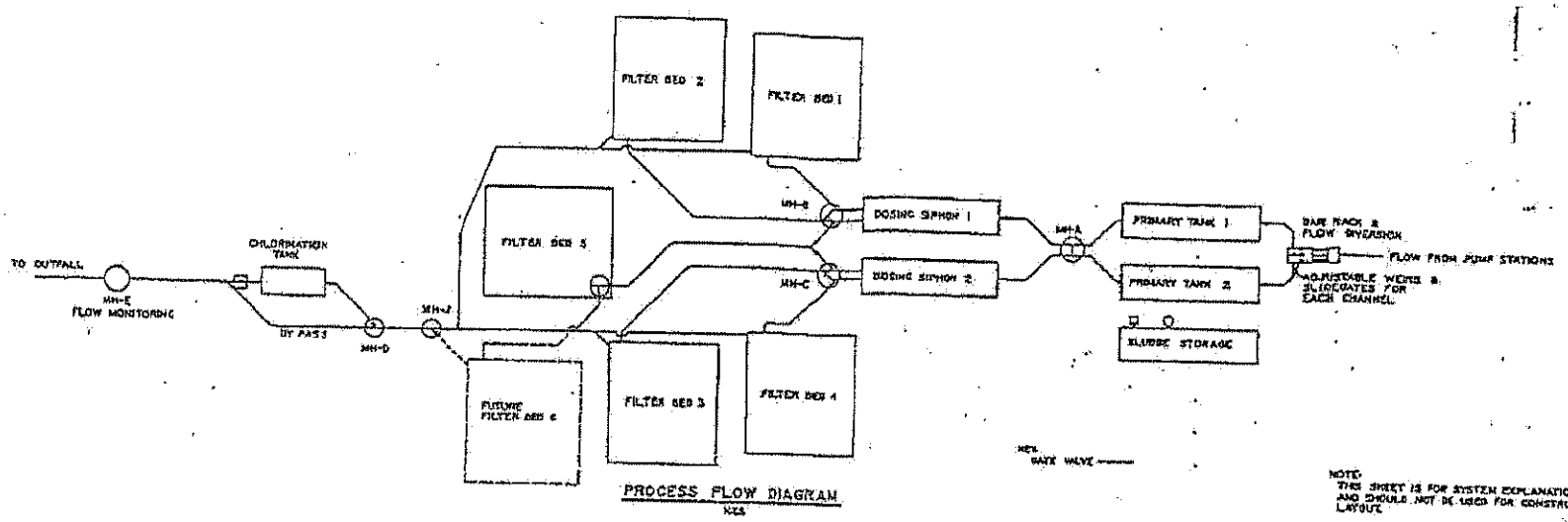


Danforth, Maine

Map created by:
Bill Hinkel
Division of Water Resource Regulation
Maine Department of Environmental Protection
November 22, 2004

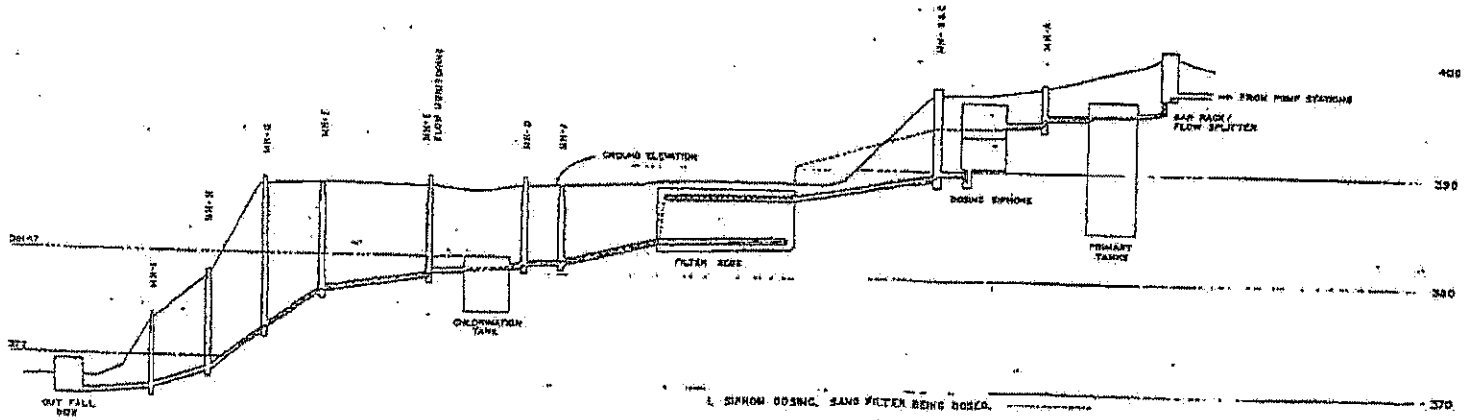
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF MAINE

ATTACHMENT B



PROCESS FLOW DIAGRAM

NOTE:
THIS SHEET IS FOR SYSTEM EXPLANATION ONLY AND SHOULD NOT BE USED FOR CONSTRUCTION LAYOUT



HYDRAULIC PROFILE

SCALE: VERT. 1"=5'
HORIZ. NTS

SPECIAL ITEMS	REVISIONS
DATE	DESCRIPTION

BANGOR, MAINE

POLLUTION ABATEMENT PROGRAM
PROCESS FLOW DIAGRAM &
HYDRAULIC PROFILE

SCALE AS NOTED	
DATE FEBRUARY 1966	SHEET 23 OF 24

WOODARD & CURRAN INC.
CONSULTING ENGINEERS

ATTACHMENT C

Protocol for Total Phosphorus Sample Collection and Analysis for Waste Water and Receiving Water Monitoring Required by Permits

Approved Analytical Methods: EPA 200.7 (Rev. 44), 365.1 (Rev. 2.0), (Lachat), 365.3, 365.4; SM 3120 B, 4500-P B.5, 4500-P E, 4500-P F, 4500-P G, 4500-P H; ASTM D515-88(A), D515-88(B); USGS I-4471-97, I-4600-85, I-4610-91; OMAAOAC 973.55, 973.56

Sample Collection: The Maine DEP is requesting that total phosphorus analysis be conducted on composite effluent samples, unless a facility's Permit specifically designates grab sampling for this parameter. Facilities can use individual collection bottles or a single jug made out of glass or polyethylene. Bottles and/or jugs should be cleaned prior to each use with dilute HCL. This cleaning should be followed by several rinses with distilled water. Commercially purchased, pre-cleaned sample containers are an acceptable alternative. The sampler hoses should be cleaned, as needed.

Sample Preservation: During compositing the sample must be at 0-6 degrees C (without freezing). If the sample is being sent to a commercial laboratory or analysis cannot be performed the day of collection then the sample must be preserved using H_2SO_4 to obtain a sample pH of <2 su and refrigerated at 0-6 degrees C (without freezing). The holding time for a preserved sample is 28 days.

Note: Ideally, Total P samples are preserved as described above. However, if a facility is using a commercial laboratory then that laboratory may choose to add acid to the sample once it arrives at the laboratory. The Maine DEP will accept results that use either of these preservation methods.

Laboratory QA/QC: Laboratories must follow the appropriate QA/QC procedures that are described in each of the approved methods.

Sampling QA/QC: If a composite sample is being collected using an automated sampler, then once per month run a blank on the composite sampler. Automatically, draw distilled water into the sample jug using the sample collection line. Let this water set in the jug for 24 hours and then analyze for total phosphorus. Preserve this sample as described above.

CONTENTS

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).

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 if 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 MAINTENACE 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

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.

(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.

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.

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

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).

(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.

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 contaminates 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.

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.

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.