STATE OF MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL MERCER

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PAUL R. LEPAGE GOVERNOR

March 1, 2016

Ms. Annaleis Hafford Olver Associates Inc. P.O. Box 679 Winterport, ME. 04496 e-mail: <u>annaleis@olverassociatesinc.com</u>

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100323 Maine Waste Discharge License (WDL) #W002674-6C-J-R Final Permit

Dear Ms. Hafford:

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. You must follow the conditions in the order to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State Law and is subject to enforcement action.

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

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

Sincerely,

Gregg Wood Division of Water Quality Management Bureau of Water Quality

Enc.

cc: Michael Loughlin, DEP/EMRO Sandy Mojica, USEPA Lori Mitchell, DEP/CMRO Olga Vergara, USEPA

Marelyn Vega, USEPA

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

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF MACHIAS)MAINE POPUBLICLY OWNED TREATMENT WORKS)ELIMINATMACHIAS, WASHINGTON COUNTY))ME0100323)WASTE DIW002674-6C-I-RAPPROVAL)JJ

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT AND WASTE DISCHARGE LICENSE RENEWAL

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, Section 1251, et. seq. and Maine Law 38 M.R.S.A., Section 414-A et seq., and applicable regulations, the Department of Environmental Protection (Department hereinafter) has considered the application of the TOWN OF MACHIAS (Town/permittee hereinafter), with its supportive data, agency review comments, and other related material on file and finds the following facts:

APPLICATION SUMMARY

The permittee has submitted a timely and complete application to the Department for the renewal of Maine Waste Discharge License (WDL)/Maine Pollutant Discharge Elimination System (MEPDES) permit # W002674-6C-F-R / ME0100323 (permit hereinafter), which was issued by the Department on January 5, 2011, for a five-year term. The permit authorized the monthly average discharge of up to 0.90 million gallons per day (MGD) of secondary treated sanitary wastewater from a publicly owned treatment works (POTW) as well as the discharge of an unspecified quantity of excess combined sanitary and storm water during wet weather events from two (2) combined sewer overflow (CSO) outfalls to the Machias River, Class SB, in Machias, Maine.

The 1/5/11 permit was subsequently modified on January 26, 2011, to incorporate Special Conditions regarding compliance with the 2010 Clean Water Act State Revolving Fund (CWSRF) requirements (Asset Management Principal Forgiveness). The permit was modified again on January 19, 2012, to modify dates in Special Condition P, *Asset Management Program (AMP)*, Special Condition Q, *Repair and Replacement Reserve Account* and Special Condition R – *Wastewater Facility Energy Audit* based on a revised schedule of events by the permittee.

PERMIT SUMMARY

This permit is carrying forward the terms and conditions of the January 5, 2011, permit except that this permit is;

1. Eliminating the limitations and monitoring requirements associated with Tier I (limited via 0.37 MGD) as the facility has completed a facility upgrade with a new dry weather design capacity of 0.90 MGD.

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PERMIT

PERMIT SUMMARY (cont'd)

- 2. Establishing a daily maximum water quality based limit for total copper as a statistical evaluation of the most recent 60 months of chemical data indicates the discharge has a reasonable potential to exceed the acute ambient water quality criteria (AWQC) for total copper.
- 3. Eliminating the limitations and reporting requirement for biochemical oxygen demand (BOD) and total suspended solids (TSS) when the influent flow to the treatment facility is greater than 1.25 MGD as there is no legal justification for establishing said limits or reporting requirements.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated January 26, 2016, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

- 1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
- 2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
- 3. The provisions of the State's antidegradation policy, 38 MRSA Section 464(4)(F), will be met, in that:
 - a. Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - b. Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
 - c. 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 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.

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PERMIT

ACTION

THEREFORE, the Department APPROVES the application of the TOWN OF MACHIAS to discharge up to a monthly average flow of 0.90 MGD of secondary treated sanitary wastewater and an unspecified quantity of untreated excess combined sanitary and storm water from two (2) combined sewer overflow (CSO) points during wet weather events to the Machias River, Class SB, in Machias, Maine. The discharges shall be 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.A. § 10002 and Rules Concerning the Processing of Applications and Other Administrative Matters, 06-096 CMR 2(21)(A) (amended August 25, 2013)]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS $2^{\nu \vartheta}$ DAY OF _	March	2016.
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:

Paul Mercer, Commissioner

Date of initial receipt of application: December 15, 2015

Date of application acceptance:

December 15, 2015

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MAR 0 2 2016

State of Maine Board of Environmental Protection

Date filed with Board of Environmental Protection

This Order prepared by Gregg Wood, BUREAU OF WATER QUALITY

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SPECIAL CONDITIONS

ME0100323

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge secondary treated sanitary wastewater from <u>Outfall #001A</u> to the Machias River. Such discharges shall be limited and monitored by the permittee as specified below^{(1):}

						Minimum			
Effluent Characteristic	:		Discharge L	imitations		Mon	itoring Require	ements	
	<u>Monthly</u>	<u>Weekly</u>	<u>Daily</u>	<u>Monthly</u>	Weekly	<u>Daily</u>	<u>Measurement</u>	Sample	
	Average	Average	<u>Maximum</u>	Average	Average	<u>Maximum</u>	Frequency	Type	
Flow	0.90 MGD		Report MGD				Continuous	Recorder	
[50050]	[03]		[03]				[99/99]	<i>[RC]</i>	
ROD.	225 lbs/day	338 Ibs/day	Report lbs/day	30 mg/L	45 mg/L	50 mg/L	1/Week	24-Hour	
[00310]	[26]	[26]	[26]	[19]	[19]	[19]	[01/07]	Composite [24]	
BOD ₅ Percent Removal ⁽²⁾				85%			1/Month	Calculate	
[81010]				[23]			[01/30]	[CA]	
maa	225 lbs/day	338 lbs/day	Report	30 mg/L	45 mg/L	50 mg/L	1/Week	24-Hour	
155 [00530]	[26]	[26]	105/0ay [267	[19]	[19]	[19]	[01/07]	Composite [24]	
TSS Percent Removal ⁽²⁾		······································		85%			1/Month	Calculate	
[81011]				[23]			[01/30]	[CA]	
Settleable Solids						0.3 mL/L	3/Week	Grab	
[00545]						[25]	[03/07]	[GR]	
Fecal Coliform Bacteria ⁽³⁾				15/100 ml ⁽⁴⁾		50/100 ml	2/Week	Grab	
(Year round)[31616]				[13]	-	[13]	[02/07]	[GR]	
Total Residual Chlorine ⁽⁵⁾				0.1 mg/L		0.08 mg/L	5/Week	Grab	
[50060]				[19]		[19]	[05/07]	[GR]	
pH				-		6.0 – 9.0 SU	1/Day	Grab	
[00400]						[12]	<u>[01/01]</u>	[GR]	
Copper (Total)			0.23 lbs/day			Report mg/L	2/Year	24-Hour	
[01042]			[26]			[19]	[02/YR]	Composite [24]	
Mercury (Total) ⁽⁶⁾				19.3 ng/L		29.0 ng/L	1/Year	Grab	
[71900]				[3M]		[3M]	[01/YR]	[GR]	

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SPECIAL CONDITIONS

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

SURVEILLANCE LEVEL TESTING - Beginning upon permit issuance and lasting through 24 months prior to permit expiration (Years 1, 2 & 3 of the term of the permit) and commencing again 12 months prior to permit expiration (Year 5 of the term of the permit).

Effluent Characteristic		Discharge		Minimum Monitoring Requirements			
	Monthly Average	Daily <u>Maximum</u>	Monthly Average	Daily <u>Maximum</u>	Measurement Frequency	Sample Type	
Whole Effluent Toxicity ⁽⁷⁾ <u>Acute – NOEL</u> Americamysis bahia [TDM3E] (Mysid Shrimp)				17 % [23]	1/Year _[01/YR]	Composite [24]	
Chronic – NOEL Arbacia punctulata [TBH3A] (Sea urchin)				Report % [23]	1/2 Years [01/2Y]	Composite ₁₂₄₁	
Analytical chemistry ^(8,10)				Report ug/L /28/	1/2 Years 101/2Y	Composite/Grab [24]	

Footnotes: See Pages 12 through 15 of this permit for applicable footnotes.

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SPECIAL CONDITIONS

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

SCREENING LEVEL TESTING - Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement.

Effluent Characteristic		Discharge	Minimum						
· .					Monitoring Requirements				
	Monthly	Daily	Monthly	Daily	Measurement				
	Average	<u>Maximum</u>	Average	<u>Maximum</u>	Frequency	Sample Type			
Whole Effluent Toxicity ⁽⁷⁾									
Acute NOEL									
Americamysis bahia ITDM3EI	*****			17 % [23]	2/Year [02/YR]	Composite _{/24}			
(Mysid Shrimp)									
				,					
<u>Chronic – NOEL</u>									
Arbacia punctulata [TBH3A]				Report % [23]	2/Year _[02/YR]	Composite [24]			
(Sea urchin)						-			
(0.10)									
Analytical chemistry ^(8,10) [5/477]				Report ug/L /28/	1/Quarter [01/90]	Composite/Grab /24]			
Priority pollutant ^(9,10) [50008]	[`]			Report ug/L /28]	1/Year [0]/YR]	Composite/Grab [24]			

Footnotes: See Pages 12 through 15 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

Footnotes:

1. Sampling

Influent sampling – All influent sampling must be conducted at a location following the grit tank and prior to entering the wet well.

Effluent 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.

Sampling and analysis must be conducted in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis must be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services for waste water. Samples that are sent to a POTW licensed pursuant to *Waste discharge licenses*, 38 M.R.S.A. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended April 1, 2010). 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 For secondary treated wastewater, the facility must maintain a minimum of 85 percent removal of both BOD₅ and TSS. The percent removal must be based on a monthly average calculation using influent and effluent concentrations. The percent removal is waived when the monthly average influent concentration is less than 200 mg/L. For instances when this occurs, the facility shall report "N9" on the monthly Discharge Monitoring Report (DMR).
- 3. Bacteria Limits Fecal coliform bacteria limits and monitoring requirements are in effect yearround at the request of the Maine Department of Marine Resources in order to protect local shellfish resources.
- 4. Bacteria Reporting The monthly average limitation is a geometric mean limitation and must be calculated and reported as such.
- 5. **TRC Monitoring** –Limitations and monitoring requirements are applicable whenever elemental chlorine or chlorine based compounds are being used to disinfect the discharge. The permittee must utilize an EPA-approved test method capable of bracketing the TRC limitations specified in this permitting action.

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

Footnotes:

- 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 1631E, Determination of Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Fluorescence Spectrometry. See Attachment A for a Department report form for mercury test results. Compliance with the monthly average limitation established in Special Condition A.1 of this permit will be based on the cumulative arithmetic mean of all mercury tests results that were conducted utilizing sampling Methods 1669 and analysis Method 1631E on file with the Department for this facility.
- 7. Whole Effluent Toxicity (WET) Testing Definitive WET testing is a multi-concentration testing event [a minimum of five dilutions] bracketing the critical modified acute and chronic thresholds of 17.0% and 2.3%, respectively, which provides a point estimate of toxicity in terms of No Observed Effect Level, commonly referred to as NOEL or NOEC. A-NOEL is defined as the acute no observed effect level with survival as the end point. C-NOEL is defined as the chronic no observed effect level with survival, reproduction or growth as the end points. The critical acute and chronic thresholds were derived as the mathematical inverses of the applicable acute (modified) and chronic dilution factors 5.9:1 and 44.1:1, respectively.
 - a. Surveillance level testing Beginning upon permit issuance and lasting through 24 months prior to permit expiration (Years 1, 2 & 3 of the term of the permit) and commencing again 12 months prior to permit expiration (Year 5 of the term of the permit) the permittee must conduct surveillance level testing at a frequency of 1/Year for the mysid shrimp and once every two years for the sea urchin. Acute tests must be conducted on the mysid shrimp (*Americamysis bahia*) and chronic tests must be conducted on the sea urchin (*Arbacia punctulata*).
 - b. Screening level testing Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement, the permittee must conduct screening level testing at a frequency of 2/Year. Acute tests must be conducted on the mysid shrimp (*Americamysis bahia*) and chronic tests must be conducted on the sea urchin (*Arbacia punctulata*).

WET test results must be submitted to the Department not later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, that the permittee may review the laboratory reports for up to 10 business days of their availability before submitting them. The permittee shall evaluate test results being submitted and identify to the Department possible exceedances of the critical acute and chronic water quality thresholds 17% and 2.3% respectively.

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

Footnotes:

Toxicity tests must be conducted by an experienced laboratory approved by the Department. The laboratory must follow procedures as described in the following USEPA methods manuals.

- a. <u>Short Term Methods for Estimating the Chronic Toxicity of Effluent and Receiving Water to</u> <u>Freshwater Organisms</u>, Fourth Edition, October 2002, EPA-821-R-02-013.
- b. <u>Methods for Measuring the Acute Toxicity of Effluent and Receiving Waters to Freshwater</u> and Marine Organisms, Fifth Edition, October 2002, EPA-821-R-02-012.

Results of WET tests must be reported on the "Whole Effluent Toxicity Report Marine Waters" form included as Attachment B of this permit each time a WET test is performed. The permittee is required to analyze the effluent for the analytical chemistry parameters specified on the "WET and Chemical Specific Data Report Form" form included as Attachment C of this permit each time a WET test is performed.

- 8. Analytical chemistry Refers to those pollutants listed under "Analytical Chemistry" on the form included as Attachment C of this permit.
 - a. Surveillance level testing Beginning upon permit issuance and lasting through 24 months prior to permit expiration (Years 1, 2 & 3 of the term of the permit) and commencing again 12 months prior to permit expiration (Year 5 of the term of the permit), the permittee must conduct surveillance level testing at a frequency of once every two years.
 - b. Screening level testing Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement, the permittee must conduct screening level testing at a frequency of 4/Year (four consecutive calendar quarters).
- 9. Priority pollutant testing Refers to those pollutants listed under "Priority Pollutants" on the form included as Attachment C of this permit.
 - a. Surveillance level testing Not required pursuant to 06-096 CMR 530.
 - b. Screening level testing Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement, the permittee must conduct screening level priority pollutant testing at a minimum frequency of once per year.

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

Footnotes:

10. Priority pollutant and analytical chemistry testing - Must be conducted on samples collected at the same time as those collected for whole effluent toxicity tests when applicable. Priority pollutant and analytical chemistry testing must be conducted using methods that permit detection of a pollutant at existing levels in the effluent or that achieve minimum reporting levels of detection as specified by the Department.

Test results must be submitted to the Department not later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, that the permittee may review the toxicity reports for up to 10 business days of their availability before submitting them. The permittee must evaluate test results being submitted and identify to the Department, possible exceedances of the acute, chronic or human health AWQC as established in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective October 9, 2005). For the purposes of DMR reporting, enter a "1" for <u>yes</u>, testing done this monitoring period or "N9" monitoring <u>not required</u> this period.

B. NARRATIVE EFFLUENT LIMITATIONS

- 1. The effluent must not contain 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 effluent must not contain 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 discharges must not cause visible discoloration or turbidity in the receiving waters which would impair the usages designated for the classification of the receiving waters.
- 4. Notwithstanding specific conditions of this permit the effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

C. TREATMENT PLANT OPERATOR

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

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 December 15, 2015; 2) the terms and conditions of this permit; and 3) only from Outfall #001 and the two (2) combined sewer overflow outfalls (Outfall #002 and Outfall #003) listed in Special Condition J, *Conditions for Combined Sewer Overflows*, of this permit. Discharges of waste water from any other point source 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 into the system at the time of permit issuance. For the purposes of this section, notice regarding substantial change shall include information on:
 - (a) the quality and quantity of 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.

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G. WET WEATHER FLOW MANAGEMENT PLAN

The treatment facility staff must maintain a current written Wet Weather Flow 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.

Within 90 days of completion of new and or substantial upgrades of the wastewater treatment facility, the permittee must submit to the Department for review and approval, a new or revised Wet Weather Flow Management Plan which conforms to Department guidelines for such plans. The revised 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 annually and record any necessary changes to keep the plan up to date.

H. OPERATION & MAINTENANCE (O&M) PLAN

This facility must maintain a current written comprehensive Operation & Maintenance (O&M) Plan. The plan must provide a systematic approach by which the permittee must at all times, properly operate and maintain all facilities and systems of transport, 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 EPA 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. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY

During the effective period of this permit, the permittee is authorized to <u>receive</u> and <u>introduce</u> into the treatment process or solids handling stream up to a daily maximum of **4,500 gallons per day** of transported wastes, subject to the following terms and conditions:

1. "Transported wastes" means any liquid non-hazardous waste delivered to a wastewater treatment facility by a truck or other similar conveyance that has different chemical constituents or a greater strength than the influent described on the facility's application for a waste discharge license. Such wastes may include, but are not limited to septage, industrial wastes or other wastes to which chemicals in quantities potentially harmful to the treatment facility or receiving water have been added.

I. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY (cont'd)

- 2. The character and handling of all transported wastes received must be consistent with the information and management plans provided in application materials submitted to the Department.
- 3. At no time shall the addition of transported wastes cause or contribute to effluent quality violations. Transported wastes may not cause an upset of or pass through the treatment process or have any adverse impact on the sludge disposal practices of the wastewater treatment facility. Wastes that contain heavy metals, toxic chemicals, extreme pH, flammable or corrosive materials in concentrations harmful to the treatment operation must be refused. Odors and traffic from the handling of transported wastes may not result in adverse impacts to the surrounding community. If any adverse effects exist, the receipt or introduction of transported wastes into the treatment process or solids handling stream must be suspended until there is no further risk of adverse effects.
- 4. The permittee must maintain records for each load of transported 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 waste's;
 - (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.

- 5. The addition of transported 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 transported wastes into the treatment process or solids handling stream shall be reduced or terminated in order to eliminate the overload condition.
- 6. Holding tank wastewater from domestic sources to which no chemicals in quantities potentially harmful to the treatment process have been added shall not be recorded as transported wastes but should be reported in the treatment facility's influent flow.
- 7. During wet weather events, transported wastes may be added to the treatment process or solids handling facilities only in accordance with a current Wet Weather Flow Management Plan approved by the Department pursuant to Special Condition G that provides for full treatment of transported wastes without adverse impacts.

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PERMIT

SPECIAL CONDITIONS

I. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY (cont'd)

- 8. In consultation with the Department, chemical analysis is required prior to receiving transported wastes from new sources that are not of the same nature as wastes previously received. The analysis must be specific to the type of source and designed to identify concentrations of pollutants that may pass through, upset or otherwise interfere with the facility's operation.
- 9. Access to transported waste receiving facilities may be permitted only during the times specified in the application materials and under the control and supervision of the person responsible for the wastewater treatment facility or his/her designated representative.
- 10. The authorization to receive and treat transported wastes is subject to annual review and, with notice to the permittee and other interested parties of record, may be suspended or reduced by the Department as necessary to ensure full compliance with 06-096 CMR Chapter 555 of the Department's rules and the terms and conditions of this permit.

J. CONDITIONS FOR COMBINED SEWER OVERFLOWS (CSOs)

1. Pursuant to Chapter 570 of Department Rules, *Combined Sewer Overflow Abatement*, the permittee is authorized to discharge from the following locations of CSOs (stormwater and sanitary wastewater) subject to the conditions and requirements herein.

<u>Outfall #</u>	Location	Receiving Water & Class
002	Siphon Chamber South Side Machias River	Machias River, SB
003	Adjacent to Plant via Outfall #001A	Machias River, SB

- 2. Prohibited Discharges
 - a) The discharge of dry weather flows is prohibited. All such discharges must be reported to the Department in accordance with Standard Condition D (1) of this permit.
 - b) No discharge shall occur as a result of mechanical failure, improper design or inadequate operation or maintenance.
 - c) No discharges shall occur at flow rates below the maximum design capacities of the wastewater treatment facility, pumping stations or sewerage system.

J. CONDITIONS FOR COMBINED SEWER OVERFLOWS (CSOs) (cont'd)

- 3. Narrative Effluent Limitations
 - a) The effluent must not contain a visible oil sheen, settled substances, foam, or floating solids at any time that impair the characteristics and designated uses ascribed to the classification of the receiving waters.
 - b) The effluent must not contain materials in concentrations or combinations that are hazardous or toxic to aquatic life; or which would impair the usage designated by the classification of the receiving waters.
 - c) The discharge must not impart color, turbidity, toxicity, radioactivity or other properties that cause the receiving waters to be unsuitable for the designated uses and other characteristics ascribed to their class.
 - d) Notwithstanding specific conditions of this permit, the effluent by itself or in combination with other discharges shall not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.
- 4. CSO Master Plan (see Sections 2 and 3 of Chapter 570 Department rules)

The permittee must implement CSO control projects in accordance with the most current CSO Master Plan entitled *Updated Sewer System Master Plan For CSO Abatement, Town of Machias, December 2014,* prepared by Olver Associates. The permittee shall:

On or before December 31, 2020, *[ICIS Code 81699]*, the permittee must submit to the Department for review and approval, an update of the CSO Master Plan analyzing the effectiveness of the abatement projects to date and if necessary, including an implementation schedule for additional abatement projects.

To modify the dates and or projects specified above, the permittee must file an application with the Department to formally modify the permit. The remaining work items identified in the abatement schedule may be amended from time to time based on mutual agreements between the permittee and the Department. The permittee must notify the Department in writing prior to any proposed changes to the implementation schedule.

J. CONDITIONS FOR COMBINED SEWER OVERFLOWS (CSOs) (cont'd)

5. Nine Minimum Controls (NMC) (see Section 5 Chapter 570 of Department rules)

The permittee must implement and follow the Nine Minimum Controls documentation as approved by the USEPA on May 29, 1997. Work preformed on the Nine Minimum Controls during the year must be included in the annual *CSO Progress Report* (see below).

6. CSO Compliance Monitoring Program (see Section 6 Chapter 570 of Department rules)

The permittee must conduct flow monitoring according to an approved *Compliance Monitoring Program* on all CSO points, as part of the CSO Master Plan. Annual flow volumes for all CSO locations must be determined by actual flow monitoring, by estimation using a model such as USEPA's Storm Water Management Model (SWMM) or by some other estimation technique approved by the Department.

Results shall be submitted annually as part of the annual *CSO Progress Report* (see below), and must include annual precipitation, CSO volumes (actual or estimated) and any block test data required. Any abnormalities during CSO monitoring shall also be reported. The results shall be reported on the Department form "CSO Activity and Volumes" (Attachment D of this permit) or similar format and submitted to the Department electronically.

CSO control projects that have been completed must be monitored for volume and frequency of overflow to determine the effectiveness of the project toward CSO abatement. This requirement shall not apply to those areas where complete separation has been completed and CSO outfalls have been eliminated.

7. Additions of New Wastewater (see Section 8 Chapter 570 of Department rules)

Chapter 570, Section 8, lists requirements relating to any proposed addition of wastewater to the combined sewer system. Documentation of the new wastewater additions to the system and associated mitigating measures must be included in the annual *CSO Progress Report* (see below). Reports must contain the volumes and characteristics of the wastewater added or authorized for addition and descriptions of the sewer system improvements and estimated effectiveness.

J. CONDITIONS FOR COMBINED SEWER OVERFLOWS (CSOs) (cont'd)

8. Annual CSO Progress Reports (see Section 7 of Chapter 570 of Department rules)

By March 1 of each year, the permittee must submit *CSO Progress Reports* covering the previous calendar year (January 1 to December 31) *[ICIS Code CSO010]*. The CSO Progress Report shall include, but is not necessarily limited to, the following topics as further described in Chapter 570: CSO abatement projects, schedule comparison, progress on inflow sources, costs, flow monitoring results, CSO activity and volumes, nine minimum controls update, sewer extensions, and new commercial or industrial flows.

The CSO Progress Reports must be completed on a standard form entitled "Annual CSO Progress Report," furnished by the Department, and submitted in electronic form, if possible, to the following address:

CSO Coordinator Department of Environmental Protection Bureau of Water Quality Division of Water Quality Management 17 State House Station Augusta, Maine 04333-0017 e-mail: <u>CSOCoordinator@maine.gov</u>

9. Signs

If not already installed, the permittee must install and maintain an identification sign at each CSO location as notification to the public that intermittent discharges of untreated sanitary wastewater occur. The sign must be located at or near the outfall and be easily readable by the public. The sign must be a minimum of 12" X 18" in size with white lettering against a green background and shall contain the following information:

TOWN OF MACHIAS WET WEATHER SEWAGE DISCHARGE CSO # AND NAME

10. Definitions

For the purposes of this permitting action, the following terms are defined as follows:

- a. Combined Sewer Overflow a discharge of excess waste water from a municipal or quasimunicipal sewerage system that conveys both sanitary wastes and storm water in a single pipe system and that is in direct response to a storm event or snowmelt.
- b. Dry Weather Flows flow in a sewerage system that occurs as a result of non-storm events or are caused solely by ground water infiltration.
- c. Wet Weather Flows flow in a sewerage system that occurs as a direct result of a storm event, or snowmelt in combination with dry weather flows.

K. 06-096 CMR 530(2)(D)(4) STATEMENT FOR REDUCED/WAIVED TOXICS TESTING

By December 31 of each calendar year, the permittee must provide the Department with a certification describing any of the following that have occurred since the effective date of this permit *[ICIS Code 75305]*. See Attachment F of the Fact Sheet for an acceptable certification form to satisfy this Special Condition.

- (a) Changes in the number or types of non-domestic wastes contributed directly or indirectly to the wastewater treatment works that may increase the toxicity of the discharge;
- (b) Changes in the operation of the treatment works that may increase the toxicity of the discharge;
- (c) Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge;
- (d) Changes in stormwater collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge; and
- (e) Increases in the type or volume of transported (hauled) wastes accepted by the facility.

The Department may require that annual toxicity testing be re-instated if it determines that there have been changes in the character of the discharge or if annual certifications described above are not submitted.

L. REPORTING DISCHARGES NOT RECEIVING SECONDARY TREATMENT

Pursuant to *Classification of Maine waters*, 38 M.R.S.A. § 464(1)(C) and *Standards for classification of estuarine and marine waters*, 38 M.R.S.A. § 465-B, which contain standards to achieve Maine's water quality goals for the designated uses of fishing, aquaculture, and propagation and harvesting of shellfish, the permittee must report all occurrences of secondary wastewater treatment system bypasses, upsets, disinfection system malfunctions, combined sewer overflows, and discharges resulting from sanitary sewer overflows, pump stations or broken sewer pipes immediately upon becoming aware of such a condition. Reporting must be provided through the Maine Department of Marine Resources' website at <u>http://www.maine.gov/dmr/rm/public_health/rain/rptevent.htm</u> or by calling the Maine Department of Marine Resources' Pollution Event Reporting Hotline at 207-633-9564.

The permittee must initiate the current Emergency Response Plan prepared in conjunction with the Maine Department of Marine Resources, as appropriate, to prevent or minimize conditions that may endanger health or the environment. The permittee must report the event in accordance with the Emergency Response Plan between the permittee and the Maine Department of Marine Resources and provide as much of the following information at the time the report is made:

L. REPORTING DISCHARGES NOT RECEIVING SECONDARY TREATMENT (cont'd)

- 1. Name of facility/individual reporting event;
- 2. Contact phone number and e-mail address;
- 3. Location of event (physical address or description);
- 4. Pollution event type (for example, bypass, CSO, sewer line break);
- 5. Pollution event quantity (for example approximate number of gallons discharged);
- 6. Date and time event began;
- 7. Date and time event ended, or report on-going;
- 8. Additional comments;
- 9. First and last name of person reported event; and
- 10. Authorization code.

The immediate reporting requirements by this Special Condition are in addition to Standard Condition D(1)(f), *Twenty-four hour reporting*, of this permit, which contains reporting requirements to the Department for conditions that may endanger health or the environment.

M. REPAIR AND REPLACEMENT RESERVE ACCOUNT

Beginning April 12, 2016, and lasting through April 12, 2017, the permittee must fund a Repair and Replacement Reserve Account in accordance with Department guidance entitled *Maine Department of Environmental Protection, Clean Water State Revolving Fund (CWSRF) Guidance for Minimum Requirements for an Asset Management Program and Reserve Account In Order to Qualify for CWSRF Principal Forgiveness*, DEPLW1190C-2014, in the amount recommended in the permittee's Asset Management Plan or at a minimum of 2% of the permittee's total yearly waste water operation and maintenance budget each year.

On or before April 12, 2016, and lasting through April 12, 2017, *(ICIS Code 59499)* the permittee must submit the last two certifications to the Department indicating a Repair and Replacement Reserve Account has been fully funded as required above. See Attachment E of this permit for a copy of the certification form. The permittee must attach copies of yearly budget reports to the annual certification forms showing funds deposited in the reserve account for each year, the end of year account balance and, if funds were expended, what the funds were used for. This requirement to annually fund a Repair And Replacement Reserve Account will sunset upon receipt of the final certification by the Department (on or before April 12, 2017).

N. ASSET MANAGEMENT PROGRAM (AMP)

The permittee must maintain a current written AMP in accordance with Department guidance DEPLW1190C-2014 referenced above. The AMP must be reviewed and updated as necessary but at least annually. The AMP must be kept on-site at the permittee's office and made available to Department staff for review during normal business hours. This requirement to maintain a current written AMP will sunset upon receipt of the final certification by the Department to annually fund a Repair And Replacement Reserve Account (on or before April 12, 2017).

SPECIAL CONDITIONS

O. MONITORING AND REPORTING

Monitoring results obtained during the previous month shall 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. A signed copy of the DMR and all other reports required herein shall be submitted to the following address:

Department of Environmental Protection Eastern Maine Regional Office Bureau of Water Quality Division of Water Quality Management 106 Hogan Road Bangor, Maine 04401

Alternatively, if you are submitting an electronic DMR (eDMR), the completed eDMR must be electronically submitted to the Department by a facility authorized DMR signatory not later than close of business on the 15th day of the month following the completed reporting period. Hard Copy documentation submitted in support of the eDMR must be postmarked on or before the thirteenth (13th) day of the month or hand-delivered to the Department's Regional Office such that it is received by the Department on or before the fifteenth (15th) day of the month following the completed reporting period. Electronic documentation in support of the eDMR must be submitted not later than close of business on the 15th day of the month following the completed reporting period.

P. REOPENING OF PERMIT FOR MODIFICATIONS

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

Q. SEVERABILITY

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

ATTACHMENT A

Maine Department of Environmental Protection Effluent Mercury Test Report

Name of Facility:	Federal Permit # ME Pipe #
Purpose of this test: Initial limit determination Compliance monitoring for: y Supplemental or extra test	ear calendar quarter
SAMPLE COLLECTION	INFORMATION
Sampling Date: Sampli	ampling time: AM/PM
Sampling Location:	
Weather Conditions:	
Please describe any unusual conditions with the influen time of sample collection:	t or at the facility during or preceding the
Optional test - not required but recommended where po evaluation of mercury results:	ssible to allow for the most meaningful
Suspended Solids mg/L Sample type	: Grab (recommended) or Composite
ANALYTICAL RESULT FOR E	FFLUENT MERCURY
Name of Laboratory:	
Date of analysis: Please Enter Effluent Limits for your	Result: ng/L (PPT) facility
Effluent Limits: Average = ng/L	Maximum = ng/L
Please attach any remarks or comments from the labora their interpretation. If duplicate samples were taken at t	tory that may have a bearing on the results or he same time please report the average.
CERTIFICAT	ION
I certifiy that to the best of my knowledge the foregoing conditions at the time of sample collection. The sample using EPA Methods 1669 (clean sampling) and 1631 (tr instructions from the DEP.	information is correct and representative of for mercury was collected and analyzed ace level analysis) in accordance with
By:	Date:
Title:	

PLEASE MAIL THIS FORM TO YOUR ASSIGNED INSPECTOR

ATTACHMENT B

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MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION WHOLE EFFLUENT TOXICITY REPORT MARINE WATERS

Facility Name		MEI	DES Permit		
Facility Representative	to the best of my knowledge that the in	Signature		d complete,	
Facility Telephone #		Date Collected		Date Tested	/11/
Ghlorinated?	Dechlorinated?		mm/dd/yy		mm/dd/yy
Results M A-NOEL C-NOEL	ysid shrimp sea urchin			A-NOEL C-NOEL	ent Limitations
Data summary QC standard lab control receiving water control cone. 1 (%) cone. 2 (%) cone. 3 (%) cone. 5 (%) cone. 6 (%) stat test used place * next test Reference toxicant	niysid shrimp % survival >90	om controls C-NOEL		Samus Adu brine sea salt other	
limits (mg/L) results (mg/L)					
Laboratory conducting test	ļč	ompany Rep. Name (f	inted)		
Mailing Address	Ċ	company Rep. Signatur	e		
City State ZIP		ompany Telephone#			

Report WET chemistry on DEP Form "ToxSheet (Marine Version), March 2007."

ATTACHMENT C

Printed 5/5/2014

Maine Department of Environmental Protection

WET and Chemical Specific Data Report Form

This form is for reporting laboratory data and facility information. Official compliance reviews will be done by DEP.

	Facility Name			MEPDES # Pipe #			Facility Representative Signature				id complete.
	Licensed Flow (MGD) Acute dilution factor			Flow for Day (MGD) ⁽¹⁾			Flow Avg. for M	lonth (MGD) ⁽²⁾			
	Chronic dilution factor			Date Samp	le Collected		Date San	nple Analyzed			
	Human health dilution factor				-		•				
	Criteria type: M(arine) or F(resh)	m			Laboratory	<u> </u>	·····		Telephone		
Į	Devision April 2014				Address						
ز	In the second state of the				Lab Contact			<u></u>	lah ID #		
	FRROR WARNING L Essential facility	MARINE AND	ESTUARY	VERSION	Eab Contact				. Lau 10 #		
	information is missing. Please check required entries in bold above.	Please see the fo	otnotes on t	he last page.		Receiving Water or Ambient	Effluent Concentration (ug/L or as noted)				
	WHOLE EFFLUENT TOXICITY										
			Aguto	Limits, %			VVE1 Result, %	Reporting	Possible	Exceede	ence ''
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	Sea Urchin			····							<u> </u>
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振动的	WET CHEMISTRY			state and and							
	pH (S.U.) (9)										
L	Total Organic Carbon (mg/L)					NA					
	Total Solids (mg/L)					NA		<u> </u>			
	Salinity (not)				<u> </u>	<u>NA</u>					
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	ANALYTICAL CHEMISTRY (3)										
	Also do these tests on the effluent with		Eff	luent Limits.	ua/L				Possible	e Exceed	ence ⁽⁷⁾
	WET. Testing on the receiving water is	Departies Limit		Chronic ⁽⁶⁾	Health ⁽⁶⁾			Reporting	A auto		1120145
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Maine Department of Environmental Protection

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	PRIORITY POLLUTANTS (4)										
				Effluent Limit	s				Possible	Exceede	ence (7)
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BN	FLUORANTHENE	5									
BN	FLUORENE	5									
8N	HEXACHLOBOBENZENE	5									
BN		5				···					
BN		10									
DM						······					
DIN									····		
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DIN		3				···			···		
DIN		10				·····					
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BN	NAPHTHALENE	5									
BN		5									
BN	PHENANTHRENE	5									
<u>BN</u>	PYRENE	5									
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P	4,4'-DDE	0,05									
Ρ	4,4'-DDT	0.05					-				
P	A-BHC	0.2									
P	A-ENDOSULFAN	0.05									
P	ALDRIN	0,15									
P	B-BHC	0,05									
P	B-ENDOSULFAN	0.05									
P	CHLORDANE	0.1			······						
P	D-BHC	0.05		· · · · · · · · · · · · · · · · · · ·							
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V	1,1,2,2-TETRACHLOROETHANE	77									
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V	trans-dichloroethene)	5	1								
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DEPLW 0740-G2014

Maine Department of Environmental Protection

WET and Chemical Specific Data Report Form

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V	ACROLEIN	NA		1			· · · · ·			1
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V	BENZENE	5								
∇	BROMOFORM	5			: 					
$\overline{\mathbf{v}}$	CARBON TETRACHLORIDE	5								
∇	CHLOROBENZENE	6	1	 1					· ·	
V	CHLORODIBROMOMETHANE	3				· · · · · · · · · · · · · · · · · · ·				
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V	ETHYLBENZENE	10		 <u> </u>						
∇	METHYL BROMIDE (Bromomethane)	5								
∇	METHYL CHLORIDE (Chloromethane)	5								
∇	METHYLENE CHLORIDE	5								
	TETRACHLOROETHYLENE									
lv –	(Perchloroethylene or Tetrachloroethene)	5								
∇	TOLUENE	5		 						
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V .	(Trichloroethene)	3	ļ	Į	Į – – – – – – – – – – – – – – – – – – –		(ļ		({
∇	VINYL CHLORIDE	5							1	

Notes:

(1) Flow average for day pertains to WET/PP composite sample day.

(2) Flow average for month is for month in which WET/PP sample was taken.

(3) Analytical chemistry parameters must be done as part of the WET test chemistry.

(3a) Cyanide, Available (Cyanide Amenable to Chlorination) is not an analytical chemistry parameter, but may be required by certain discharge permits.

(4) Priority Pollutants should be reported in micrograms per liter (ug/L).

(5) Mercury is often reported in nanograms per liter (ng/L) by the contract laboratory, so be sure to convert to micrograms per liter on this spreadsheet.

(6) Effluent Limits are calculated based on dilution factor, background allocation (10%) and water quality reserves (15% - to allow for new or changed discharges or non-point sources).

(7) Possible Exceedence determinations are done for a single sample only on a mass basis using the actual pounds discharged. This analysis does not consider watershed wide allocations for fresh water discharges.

(8) These tests are optional for the receiving water. However, where possible samples of the receiving water should be preserved and saved for the duration of the WET test. In the event of questions about the receiving water's possible effect on the WET results, chemistry tests should then be conducted.

(9) pH and Total Residual Chlorine must be conducted at the time of sample collection. Tests for Total Residual Chlorine need be conducted only when an effluent has been chlorinated or residual chlorine is believed to be present for any other reason.

Maine Department of Environmental Protection WET and Chemical Specific Data Report Form This form is for reporting laboratory data and facility information. Official compliance reviews will be done by DEP.

Comments:

ATTACHMENT D

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MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION CSO ACTIVITY AND VOLUMES

MUNICIPALITY OR DISTRICT								MEPDES / NPDES PERMIT NO.						
REPORTIN	IG YEAR		······				SIGNED BY:							
YEARLY TOTAL PRECIPITATION INCHES								DATE:						
	PRECIP. DATA FLOW DATA (GALLONS PER DAY) OR BLOCK							TIVITY("1")						
CSO EVENT	START DATE	TOTAL	MAY ID	LOCATION:	LOCATION:	LOCATION:	LOCATION:	LOCATION:	LOCATION:	EVENT OVERFLOW	EVENT DURATION			
NO.	STORM	INCHES	INCHES	NOMBER.	NUMBER.	NUMBER,	NUMBER.	NOWBER	NONBER.	GALLONS	FIKS			
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Note 1: Flow data should be listed as gallons per day. Storms lasting more than one day should show total flow for each day.

Note 2: Block activity should be shown as a "1" if the block floated away.

Doc Num: DEPLW0462

Csoflows.xls (rev. 12/12/01)

ATTACHMENT E

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CLEAN WATER STATE REVOLVING FUND

REPAIR AND REPLACEMENT RESERVE ACCOUNT CERTIFICATION

(print name of cognizant official) representing the (print name of permittee)

Ι_

hereby certify to the Maine Department of Environmental Protection that as of (end of fiscal year date)

(date)

a Clean Water State Revolving Fund (CWSRF) Repair and Replacement Reserve Account has been established and is fully funded in accordance with Department Guidance entitled, Maine Department of Environmental Protection, Clean Water State Revolving Fund (CWSRF) Guidance for Minimum Requirements for an Asset Management Program and Reserve Account In Order to Qualify for CWSRF Principal Forgiveness, DEPLW1190C-2014; and

That our total yearly wastewater operation and maintenance budget for the previous fiscal year was \$; and

That the amount recommended in our asset management plan, or as a minimum, 2% of our total yearly wastewater operation and maintenance budget was \$; and

That \$ was deposited to the Repair and Replacement Reserve Account last fiscal year; and

was expended from this account last fiscal year in accordance with the That \$ Department Guidance; and

That the current end of fiscal year balance of the Repair and Replacement Reserve Account is \$_____.

Signature _____

Date

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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).

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

2. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

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

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

5. Bypasses.

(a) Definitions.

- (i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
- (ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c) and (d) of this section.
- (c) Notice.
 - (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

Revised July 1, 2002

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

(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.

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

C. MONITORING AND RECORDS

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

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

3. Monitoring and records.

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

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

D. REPORTING REQUIREMENTS

1. Reporting requirements.

(a) Planned changes. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

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

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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).

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

- (b) That any activity has occurred or will occur which would result in any discharge, on a nonroutine 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.

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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.

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

Maximum daily discharge limitation means the highest allowable daily discharge.

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

(a) After promulgation of standards of performance under section 306 of CWA which are applicable to such source, or

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

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

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

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

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

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

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

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT AND WASTE DISCHARGE LICENSE

FACT SHEET

January 26, 2016

MEPDES PERMIT: ME0100323 WASTE DISCHARGE LICENSE: W002674-6C-F-R

NAME AND ADDRESS OF APPLICANT:

TOWN OF MACHIAS Water Pollution Control Facility P.O. Box 418 Machias, ME. 04654

COUNTY:

Washington

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

TOWN OF MACHIAS WATER POLLUTION CONTROL FACILITY 33 Kilton Lane Machias, ME. 04654

AND

COMBINED SEWER OVERFLOW (CSO) OUTFALLS:

<u>Outfall #</u>	Location	Receiving Water & Class
002	Siphon Chamber South Side Machias River	Machias River, SB
003	Adjacent to Plant via Outfall #001A	Machias River, SB

RECEIVING WATER / CLASSIFICATION: MACHIAS RIVER/CLASS SB

COGNIZANT OFFICIAL AND TELEPHONE NUMBER:

Christina Therrien, Town Manager (207) 255-6621 e-mail: <u>machiastownmanager@gmail.com</u> Annaleis Hafford, Contract Operator (207) 223-2232 e-mail: <u>annaleis@olverassociatesinc.com</u>

1. APPLICATION SUMMARY

a. <u>Application</u> - The Town of Machias (Town/permittee) has submitted a timely and complete application to the Department for the renewal of Maine Waste Discharge License (WDL)/Maine Pollutant Discharge Elimination System (MEPDES) permit #W002674-6C-F-R / ME0100323 (permit hereinafter), which was issued by the Department on January 5, 2011, for a five year term. The permit authorized the monthly average discharge of up to 0.90 million gallons per day (MGD) of secondary treated sanitary wastewater from a publicly owned treatment works (POTW) as well as the discharge of an unspecified quantity of excess combined sanitary and storm water during wet weather events from two (2) combined sewer overflow (CSO) outfalls to the Machias River, Class SB, in Machias, Maine. A map showing the location of the treatment facility is included as Fact Sheet Attachment A.

The 1/5/11 permit was subsequently modified on January 26, 2011, to incorporate Special Conditions regarding compliance with the 2010 Clean Water Act State Revolving Fund (CWSRF) requirements (Asset Management Principal Forgiveness). The permit was modified again on January 19, 2012, to modify dates in Special Condition P, *Asset Management Program (AMP)*, Special Condition Q, *Repair and Replacement Reserve Account* and Special Condition R, *Wastewater Facility Energy Audit* based on a revised schedule of events by the permittee.

b. Source Description and Waste Water Treatment - The Town of Machias owns and operates a sewerage collection system and wastewater treatment plant to service the Town. The sewer system is a complex, eight-mile network which collects raw wastewater throughout the Town's 800-acre sewered area to serve about 650 users, which are a mixture of residential and commercial customers. The plant was originally constructed in 1972, off of Route 1, with the outfall discharging into the Machias River. At the same time the plant was built, interceptor sewers were constructed to collect wastewater from old sewer lines already present and to route the flow to the treatment plant.

The current wastewater treatment plant was upgraded between 2010 and 2011 to a sustained design capacity of 0.90 MGD average daily flow. For brief periods, the plant is designed to accept peak hourly flows of up to 3.25 MGD. The plant also has a design capacity to treat up to 2000 lbs/day of organic pollutant loading. Wet weather peak flows in the sewerage collection system periodically exceed the 3.25 MGD design capacity of the treatment plant. When this occurs, the plant's operations staff allows as much water as can physically enter the plant to flow into the facility. The maximum hydraulic flow that can enter the plant is now about 3.25 MGD. When this flow level is reached, peak flows begin to back up in the interceptor sewer system and surcharge the manholes. These hydraulic overloading conditions are associated with wet weather precipitation events and are the result of excess stormwater entering the sewer system. Because peak flows in the sewer system under surcharged conditions can create instantaneous flow peaks above the plant's design capacity, two relief points were added to the sewer system in 1973 to allow excess flows to be bypassed. These relief points, referred to as combined sewer overflows (CSO), continue to discharge raw sewage to the Machias River during peak wet weather events. One CSO is located at the treatment plant outfall 001 and another on the south side of the Machias River off Elm Street.

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1. APPLICATION SUMMARY (cont'd)

The Town is a CSO community with two active CSO points in the sewerage system. Since a CSO Master Plan was issued in 2000, the Town has made major efforts to reduce excess flows in the system. This effort has resulted in a 30 percent decrease in average daily flows to the plant. Groundwater infiltration has been reduced by 85 percent and stormwater inflow has been reduced by 40 percent on an annual basis. The overall volume of lost CSO volume has been dramatically reduced. However, the wastewater treatment facility still experiences high peak flow loadings above the design capacity of the plant. The approach recommended in the December 2014 CSO Master Plan update was to continue to remove excess flows upstream in the sewer system, focusing on the Elm Street siphon area.

Figure 1 shows a schematic presentation of the upgraded treatment plant's unit process. The entire plant is connected to the on-site emergency generator. All of the Town's wastewater enters the plant through a headworks area. The plant headworks includes an automated CSO bypass gate, high speed channel grinder, bypass bar rack, aerated grit chamber, grit removal pump and a cyclone classifier along with two influent pumps. If excess flow enters the facility, the flow overflows a weir into the CSO pump station. Two pumps are located in this station to transfer excess flows to the outfall siphon tank. The outfall siphon tank directs CSO flows to the plant's outfall 001. The CSO pump station has a daily maximum design flow of 3.95 MGD and 5.50 MGD peak flow rate.

The plant's two influent pumps lift raw wastewater from a wet well downstream of the grinder channel and grit chamber. Influent is lifted up to the treatment process reactors on the facility's operations floor. These two pumps are individually sized to meet peak flows to the plant. Each pump's capacity is 2300 GPM @ 36 feet total dynamic head.

Flow is pumped from the influent wet well to the aeration basins. The aeration tanks have a volume of 0.155 MGD each. The aeration system was upgraded in 2006 with new fine bubble diffused aeration and new blowers to meet pollutant loadings of 2000 lbs/day of both Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS). This system is adequate for foreseeable future flows to the plant. Following aeration, the wastewater flows through a splitter box to final clarification.

There are three final clarifiers at the plant. Two are 32' Ø final clarifiers with a capacity of 0.070 MG each. These play an important role in the overall treatment process by allowing the microbes grown in the aeration basins to settle out of the water, leaving clean effluent behind. These two clarifiers are undersized for peak flows and prone to solids washout. During the upgrade, a third 34' Ø clarifier was added to provide sufficient surface area in conjunction with the existing two clarifiers to treat peak flows. The settled sludge from all of these clarifiers is either returned to the process as activated sludge or pumped to a thickening tank. From the thickening tank, the sludge is transferred to the plant's digester. The digester has a capacity of approximately 0.165 million gallons.

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1. APPLICATION SUMMARY (cont'd)

Effluent from the Machias treatment plant is disinfected with chlorine prior to discharge into the Machias River. This occurs in a new 38,000 gallon concrete chlorine contact chamber. Chlorine in the form of sodium hypochlorite bleach is used to disinfect the effluent. A 1,250 gallon dechlorination chamber is used to remove chlorine residual from the treated effluent. Sodium bisulfite is added to chemically remove the remaining chlorine. A schematic of the wastewater treatment process is included as Fact Sheet Attachment B.

The plant's effluent outfall was installed in 1972 along with the plant. To overcome the tide at peak flow conditions, an effluent siphon structure was constructed along with an 18" \emptyset HDPE outfall which connects to 001.

Scum from the final clarifiers flows into a new 5,000 gallon scum tank. After decanting, scum can either be pumped to the headworks or to the digester. Digested waste sludge is either trucked off-site or to the airport for landspreading.

The treatment plant collection system has two pump stations and one siphon. The siphon conveys flows from the south shore interceptor on Main Street. The Broadway pump station directs flows from outer Broadway to Broadway. The East Side pump station pumps flows from Main Street on the east side of the bridge to Kilton Lane.

2. PERMIT SUMMARY

- a. <u>Terms & Conditions</u> This permit is carrying forward the terms and conditions of the January 5, 2011, permit except that this permit is;
 - 1. Eliminating the limitations and monitoring requirements associated with Tier I (limited via 0.37 MGD) as the facility has completed a facility upgrade with a new dry weather design capacity of 0.90 MGD.
 - 2. Establishing a daily maximum water quality based limit for total copper as a statistical evaluation of the most recent 60 months of chemical data indicates the discharge has a reasonable potential to exceed the acute ambient water quality criteria (AWQC) for total copper.
 - 3. Eliminating the limitations and reporting requirement for biochemical oxygen demand (BOD) and total suspended solids (TSS) when the influent flow to the treatment facility is greater than 1.25 MGD as there is no legal justification for establishing said limits or reporting requirements.

2. PERMIT SUMMARY (cont'd)

b. <u>Facility History</u>: This section provides a summary of significant licensing/permitting actions and milestones that have been completed for the permittee.

April 27, 2000 – The USEPA issued NPDES permit #ME0100323 to the permittee for the monthly average discharge of up to 0.37 MGD of secondary treated sanitary wastewater and an unspecified quantity of untreated combined sanitary and storm water via two combined sewer overflow (CSO) points to the Machias River in Machias. The 4/27/00 permit superseded previous NPDES permits issued on June 3, 1993, December 30, 1987, and January 7, 1983.

May 22, 2000 – The Department issued WDL #W002674-5L-B-R to the permittee for the monthly average discharge of up to 0.37 MGD of secondary treated sanitary wastewater and an unspecified quantity of untreated combined sanitary and storm water via two combined sewer overflow (CSO) points to the Machias River in Machias. The 5/22/00 WDL superseded WDL #W002674-59-A-R issued on June 22, 1988 and WDL #2674 issued on June 22, 1983. The 5/22/00 WDL expired on May 22, 2005.

October 2000 – A Master Plan document prepared by Olver Associates, Inc. and entitled, "Sewer System Master Plan For CSO Abatement and Treatment Plant Expansion, Town of Machias, Maine" was submitted to the Department and the USEPA for review and approval. The Master Plan assessed a full range of abatement alternatives, taking into consideration technical, environmental, and economic factors, and provided for on-going compliance monitoring to be done during implementation of recommended abatement measures.

August 11, 2000 – Pursuant to Maine law, 38 M.R.S.A. §420 and §413 and Interim Effluent Limitations and Controls for the Discharge of Mercury, 06-096 CMR 519, the Department issued a Notice of Interim Limits for the Discharge of Mercury to the permittee thereby administratively modifying WDL #W002674-5L-B-R by establishing interim monthly average and daily maximum effluent concentration limits of 19.3 parts per trillion (ppt) and 29.0 ppt, respectively, and a minimum monitoring frequency requirement of 4 tests per year for mercury.

November 12, 2002 – The permittee submitted a revised CSO schedule.

April 24, 2003 – The Department issued a Notice of Violation (NOV) to the permittee for violations of BOD, TSS, settleable solids, TRC, and fecal coliform effluent limits established in WDL #W002674-5L-B-R and other conditions applicable to the WDL. The Town responded to the NOV in a letter dated May 12, 2003.

December 18, 2003 - The CSO Master Plan and Schedule were approved by the Department.

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2. PERMIT SUMMARY (cont'd)

July 20, 2004 – The Department requested the permittee submit a toxicity reduction evaluation (TRE) plan to the Department, for review and approval, by September 1, 2004 to address continuing exceedences of the effluent copper limits established in WDL #W002674-5L-B-R. The permittee's consulting engineer, Olver Associates, Inc., responded to the Department's 7/20/04 request by requesting an extension on the TRE submission date to October 31, 2004. The Department did not grant a submission extension.

September 22, 2004 – The Department issued a letter to the permittee in which the facility inspector requested that the permittee immediately increase the fecal coliform bacteria sampling frequency from once per week to three times per week based on mechanical problems associated with the disinfection chemical feed pumps.

November 8, 2004 – Olver Associates, Inc. submitted a letter including a TRE to the Department, for review and approval, to identify and propose mitigation of sources of copper in the final effluent. The TRE identified leaching of copper from the drinking water distribution system as the primary source of elevated copper in the wastewater. The distribution system is owned and operated by Machias Water Company, a private company with no municipal affiliation. Olver Associates, Inc. identified that the concentration of copper in the raw ground water source wells (10 ppb, parts per billion) used by Machias Water Company does not exceed the human health-based standard of 1.3 ppm (parts per million); consequently, Machias Water Company is not obligated to treat potable water for copper reduction/removal. The permittee proposes to negotiate copper effluent limits with the Department based on proposed changes to the ambient water quality criteria (AWQC) for copper.

December 21, 2004 – The Department responded to the Town's 11/8/04 letter and TRE proposal stating that re-examination of the effluent limits for copper "is the best approach as long as the acute copper criterion is changed" and further stated that "if the new acute copper criterion is not adopted, the focus should be examining the dilution ratio and looking for source reduction opportunities

January 12, 2005 – The Department issued a Letter of Warning (LOW) to the permittee for violations of TRC, pH and fecal coliform bacteria effluent limitations that occurred between May 2004 and November 2004. The LOW identified operator error as causation for the violations and requested that the permittee submit a letter to the Department by February 4, 2005, which details the permittee's plan to address circumstances resulting in the violations. The Department's 1/12/05 LOW followed a previous LOW issued to the permittee on March 23, 2004 for additional violations caused by operator error. In the 3/23/04 LOW, the Department requested that the permittee provide training to the treatment plant operators to ensure they have familiarity with proper treatment plant operations and license conditions. The permittee responded by establishing a training schedule for the assistant operator.

2. PERMIT SUMMARY (cont'd)

September 6, 2005 – The Department issued WDL#W002674-5L-D-R for a five-year term.

April 10, 2006 – The Department issued a modification of the WDL #W002674-5L-D-R to incorporate the testing requirements of Department rules Chapter 530 and Chapter 584.

December 3, 2008 – The Department issued a modification to WDL#W002674-5L-D-R to incorporate changes to the milestones in Special Condition L, *Conditions for Combined Sewer Overflows (CSOs)*, due to funding challenges that have delayed completion of projects, thereby issuing WDL#W002674-5L-E-M.

January 25, 2011 – The Department issued WDL#W002674-6C-F-R for a five-year term.

January 26, 2011 - The Department modified the 1/25/11 permit to incorporate Special Conditions regarding compliance with the 2010 Clean Water Act State Revolving Fund (CWSFR) requirements (Asset Management Principal Forgiveness).

January 19, 2012 - The Department modified the 1/25/11 permit to modify dates in Special Condition P, Asset Management Program (AMP), Special Condition Q, Repair and Replacement Reserve Account and Special Condition R, Wastewater Facility Energy Audit based on a revised schedule of events by the permittee.

January 18, 2013 – The Department determined the treatment plant upgrade was substantially complete.

July 23, 2013 – The Department issued a notice of violation to the Town of Machias for a major sanitary sewer overflow event that occurred on June 12, 2013.

November 7, 2013 – The Department issued a notice of violation for failure to sample the treatment plant effluent in accordance with their MEPDES permit and inadequate maintenance that lead to the sanitary sewer overflow event.

December 31, 2014 – The permittee submitted a document entitled, "Updated Sewer System Master Plan For CSO Abatement" prepared by Olver Associates Inc. to the Department for review and approval.

December 15, 2015 – The Town of Machias submitted a timely and complete application to the Department to renew the 1/25/11 MEPDES/WDL.

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3. CONDITIONS OF PERMIT

Conditions of Licenses, 38 M.R.S.A. Section 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to effluent toxicity, require application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, *Certain Deposits and Discharges Prohibited*, 38 M.R.S.A. Section 420 and *Surface Water Toxics Control Program*, 06-096 CMR 530 (effective October 9, 2005), require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective October 9, 2005), 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.A. §469, classifies all estuarine and marine waters lying within the boundaries of the State and which are not otherwise classified, which includes the Machias River at the point of discharge, as Class SB waters. Maine law, 38 M.R.S.A. §465-B(2) describes the standards for Class SB waters as follows:

Class SB waters must be of such quality that they are suitable for the designated uses of recreation in and on the water, fishing, aquaculture, propagation and harvesting of shellfish, industrial process and cooling water supply, hydroelectric power generation, navigation and as habitat for fish and other estuarine and marine life. The habitat must be characterized as unimpaired.

The dissolved oxygen content of Class SB waters must be not less than 85% of saturation. Between May 15th and September 30th, the numbers of enterococcus bacteria of human and domestic animal origin in these waters may not exceed a geometric mean of 8 per 100 milliliters or an instantaneous level of 54 per 100 milliliters. In determining human and domestic animal origin, the department shall assess licensed and unlicensed sources using available diagnostic procedures. The numbers of total coliform bacteria or other specified indicator organisms in samples representative of the waters in shellfish harvesting areas may not exceed the criteria recommended under the National Shellfish Sanitation Program, United States Food and Drug Administration.

Discharges to Class SB waters may not cause adverse impact to estuarine and marine life in that the receiving waters must be of sufficient quality to support all estuarine and marine species indigenous to the receiving water without detrimental changes in the resident biological community. There may be no new discharge to Class SB waters that would cause closure of open shellfish areas by the Department of Marine Resources. 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 not cause adverse impact to estuarine and marine life as long as the materials and methods used provide protection for non-target species. When the department issues a license for the discharge of aquatic pesticides authorized under this paragraph, 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.

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5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2012 Integrated Water Quality Monitoring and Assessment Report, prepared pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the marine waters at the permittee's outfall (Waterbody #709-1) as, "*Category 2: Estuarine and Marine Waters Attaining Some Designated Uses – Insufficient Information for Other Uses.*" Attainment in this context is in regard to the designated use of the harvesting of shellfish. Currently, portions of the Maine Department of Marine Resources' (DMR) Shellfish Harvesting Area #55 (including the Machias and East Machias Rivers and Machias Bay) around the treatment plant outfall are restricted, prohibited or conditionally approved due to the presence of overboard discharges and the permittee's outfall location. Compliance with the fecal coliform bacteria limits in this permitting action and year-round disinfection ensure that the discharge from the permittee maintains the safety zone established by the Department of Marine Resources for shellfish harvesting areas. The shellfish closure areas are identified on the map included as Attachment C of this Fact Sheet.

In addition, this permit is establishing a new reporting requirement in Special Condition L, *Reporting Discharges Not Receiving Secondary Treatment*. This requirement is necessary to protect the health and welfare of the public as the Machias River in the vicinity of the outfall pipe is a high value shellfish harvesting area identified by the DMR. Failure to notify the DMR of a malfunction in the disinfection system at the treatment facility, discharges classified as sanitary sewer overflows (SSOs) or combined sewer overflows (CSOs) may result in the harvesting and marketing of shellfish that is not fit for human consumption.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

a. <u>Flow:</u> This permitting action is carrying forward a monthly average discharge flow limitation of 0.90 MGD based on the current dry weather design flow of the treatment facility.

A review of the Discharge Monitoring Report (DMR) data for the period January 2013 – July 2015 indicates values have been reported as follows:

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	0.90	0.14 - 0.59	0.27
Daily Maximum	Report	0.22 - 2.34	0.90

Flow (n=32)

b. <u>Dilution Factors</u>: 06-096 CMR 530(D)(3)(b) states that, "for discharges to the ocean, dilution must be calculated as near-field or initial dilution, or that dilution available as the effluent plume rises from the point of discharge to its trapping level, at mean low water and slack tide for the acute exposure analysis, and at mean tide for the chronic exposure analysis using appropriate models determined by the Department such as MERGE or CORMIX."

The Department has determined that dilution factors associated with the discharge from the permittee should be based on the 1Q10 and 7Q10 stream design flows rather than the CORMIX model due to potential inaccuracies associated with using the CORMIX model resulting from the outfall configuration and ambient receiving water conditions. Therefore, this permitting action is calculating dilution factors associated with the discharge from the permittee as follows:

Acute: 1Q10 = 27.2 cfs	⇒	$\frac{(27.2 \text{ cfs})(0.6464) + 0.90\text{MGD}}{0.90 \text{ MGD}} = 20.5:1$
Mod. Acute: $\frac{1}{4}$ 1Q10 = 6.8 cfs	⇒	<u>(6.8 cfs)(0.6464) + 0.90 MGD</u> = 5.9:1 0.90 MGD
Chronic: 7Q10 = 60.0 cfs	⇒	$\frac{(60.0 \text{ cfs})(0.6464) + 0.90 \text{ MGD}}{0.90 \text{ MGD}} = 44.1:1$
Harmonic Mean ⁽¹⁾ : 7Q10 = 180.0) cfs \Rightarrow	<u>(180.0 cfs)(0.6464) + 0.90 MGD</u> = 130.3:1 0.90 MGD

Footnote:

 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.

06-096 CMR 530 (D)(4)(a) states:

Analyses using numerical acute criteria for aquatic life must be based on ¼ of the 1Q10 stream design flow to prevent substantial acute toxicity within any mixing zone, according to EPA's Mixing Zone Policy and to ensure a Zone of Passage of at least ¾ of the crosssectional area of any steam as required by Department rule. Where it can be demonstrated that a discharge achieves rapid and complete mixing with the receiving water, by way of an efficient diffuser or other effective method, analyses may use a greater proportion of the stream design, up to and including all of it, as long as the Zone of Passage is maintained.

The Department has determined that, for a significant period of time at low slack tide, there is no velocity and rapid/complete mixing of the effluent with the receiving water does not occur. Therefore, the Department is utilizing ¼ of the 1Q10 stream design flow in acute evaluations as required by Chapter 530 of the Department's rules.

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

c. <u>Biochemical Oxygen Demand (BOD₅) and Total Suspended Solids (TSS)</u>: This permitting action is carrying forward monthly and weekly average BOD₅ and TSS best practicable treatment (BPT) concentration limits of 30 mg/L and 45 mg/L, respectively, that are based on secondary treatment requirements as defined in *Effluent Guidelines and Standards*, 06-096 CMR 525(3)(III)(effective January 12, 2001). This permitting action is carrying forward daily maximum BOD₅ and TSS concentration limits of 50 mg/L based on a Department best professional judgment (BPJ) of BPT. This permitting action is carrying forward the "Report Only" requirement for BOD₅ and TSS daily maximum mass limitations in order to minimize

CSO activity and maximize the volume of influent flow the permittee can treat without being penalized for doing so. The Department is eliminating the limitations and reporting requirement for BOD and TSS when the influent flow to the treatment facility is greater than 1.25 MGD as there is no legally justification for established said limits or reporting requirements.

The BOD₅ and TSS mass limits were derived as follows:

Mass limitations, the monthly average and weekly average and daily maximum technologybased mass limitations are being carried forward in this permitting action and are based on a monthly average dry weather design capacity of 0.90 MGD. The mass limits were derived as follows:

Monthly average: (0.90 MGD)(8.34)(30 mg/L) = 225 lbs/dayWeekly average: (0.90 MGD)(8.34)(45 mg/L) = 338 lbs/day

A review of the DMR data for the period January 2013 to August 2015 indicates the monthly average, weekly average and daily maximum mass and concentration values have been reported as follows:

DOD5 111435 (11-52)			
Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	225	4 - 47	14
Weekly Average	338	7 - 99	28
Daily Maximum	Report	9 - 191	51

BOD₅ Mass (n=32)

BOD	Concentration	(n=32)
		<u>, /</u>

2023 0000000000	<u>n (n ez)</u>		
Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	3 - 7	5
Weekly Average	45	3 - 14	7
Daily Maximum	50	4 - 20	.8

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)	
Monthly Average	225	4 - 94	21	
Weekly Average	338	6 - 247	45	
Daily Maximum	Report	7 - 450	90	

TSS mass (n=32)

TSS concentration (n=32)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	2 - 10	5
Weekly Average	45	4 - 19	9
Daily Maximum	50	4 - 28	12

Minimum monitoring frequency requirements in MEPDES permits are prescribed by 06-096 CMR Chapter 523§5(i). The USEPA has published guidance entitled, *Interim Guidance for Performance Based Reductions of NPDES Permit Monitoring Frequencies* (USEPA Guidance April 1996). In addition, the Department has supplemented the EPA guidance with its own guidance entitled, *Performance Based Reduction of Monitoring Frequencies - Modification of EPA Guidance Released April 1996* (Maine DEP May 22, 2014). Both documents are being utilized to evaluate the compliance history for each parameter regulated by the previous permit to determine if a reduction in the monitoring frequencies is justified.

Although EPA's 1996 Guidance recommends evaluation of the most current two years of effluent data for a parameter, the Department is considering 32 months of data (January 2013 – July 2015). A review of the mass monitoring data for BOD & TSS indicates the ratios (expressed in percent) of the long term effluent average to the monthly average limits can be calculated as 6% for BOD and 9% for TSS. According to Table I of the EPA Guidance and Department Guidance, a 2/Week monitoring requirement can be reduced to 1/Week. Therefore, this permitting action is reducing the monitoring frequencies for BOD and TSS from 2/Week to 1/Week.

Should the facility experience operational problems resulting in significant non-compliance, or subsequent enforcement, then the Department reserves the right to reopen the permit and revoke the testing reductions that have been granted.

This permitting action is carrying forward a monthly average percent removal requirement of 85 percent for BOD₅ and TSS as required pursuant to 06-096 CMR 525(3)(III)(a&b)(3) for all flows receiving secondary treatment. A requirement to achieve 85% removal at all times at facilities with combined sewers is not attainable due to the complexity of the sewer systems and the highly variable influent concentration. The Department is carrying forward a waiver on the percent removal requirement when the monthly average influent strength is less than 200 mg/L.

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

A reviewed of the monthly DMRs data for the period January 2013 – July 2015 indicates values have been reported as follows:

BOD % Removal (DMRs=32)

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	85	96 - 99	95

TSS % Removal (DMRs=32)

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	85	94 - 99	95

d. <u>Settleable Solids</u>: This permitting action is carrying forward the technology-based settleable solids daily maximum concentration limit of 0.3 mL/L as it is considered by the Department to be BPT for secondary treated sanitary wastewater.

A reviewed of the monthly DMRs data for the period January 2013 – July 2015 indicates values have been reported as follows:

Settleable solids concentration (Diffice 52)				
Value	Limit	Range (ml/L)	Average	
	(ml/L)		(ml/L)	
Daily Maximum	0.3	< 0.10 - 0.30	0.05*	

Settleable solids concentration (DMRs=32)

*For statistical evaluations, values of <0.1 ml/L were evaluated as 0.05 ml/l (1/2 the detection level)

The previous permit reducing the minimum monitoring frequency for settleable solids from 1/Day to 3/Week was based upon the permittee's excellent compliance history at that time. The Department guidance on monitoring frequency reductions limits the number of times a monitoring frequency can be reduced to one time. Therefore, this permit is carrying forward a monitoring frequency of 3/Week.

e. <u>Fecal Coliform Bacteria</u>: This permitting action is carrying forward year-round (at the request of DMR) monthly average (geometric mean) and daily maximum (instantaneous) water quality-based concentration limits of 15 colonies/100 mL and 50 colonies/100 mL, respectively, for fecal coliform bacteria. These values are consistent with the National Shellfish Sanitation Program.

The 2005 permitting action required an increase in the bacteria sampling rate from once per week to three times per week (3/Week) for the permittee based on several instances of noncompliance with the numeric limits and problems with the disinfection chemical feed pumps. The permittee indicated that the sodium hypochlorite and sodium bisulfite feed rates were evaluated and new pumps purchased to ensure there is disinfection and dechlorination capacity for all operating conditions. The 2011 permitting action reduced the fecal coliform testing frequency from 3/Week to 2/Week based on the permittee's compliance history and Department guidance for POTWs permitted to discharge between 0.5 MGD and 1.5 MGD.

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

A review of the monthly DMR data for the period January 2013 through July 2015 indicates the monthly average and daily maximum fecal coliform values have been reported as follows:

Value	Limit (#col/100 mL)	Range (#col/100 ml)	Mean (#col/100 mL)
Monthly Average	15	<2-<3	Ĩ
Daily Maximum	50	<2-26	2.1

Fecal coliform bacteria (DMRs=32)

*For statistical evaluations, values of $\leq 2 \operatorname{col}/100 \operatorname{ml}$ were evaluated as $1 \operatorname{col}/100 \operatorname{ml}(1/2 \operatorname{the} \operatorname{detection level})$.

The Department guidance on monitoring frequency reductions limits the number of times a monitoring frequency can be reduced to one time. Therefore, this permit is carrying forward a monitoring frequency of 2/Week.

f. <u>Total Residual Chlorine (TRC)</u>: The previous permit established a monthly average technology based limit of 0.1 mg/L and a daily maximum water quality based limit of 0.08 mg/L along with a 1/Day monitoring requirement. Limits on TRC are specified to ensure that ambient water quality standards are maintained and that BPT is being applied to the discharge. Department licensing/permitting actions impose the more stringent of either a water quality-based or BPT limit. End-of-pipe water quality-based concentration thresholds may be calculated as follows:

			Calcu	lated [·]
Acute (A)	Chronic (C)	A & C	Acute	Chronic
Criterion	Criterion	Dilution Factors	Threshold	Threshold
0.013 mg/L	0.0075 mg/L	5.9:1 (Mod. A) 44.1:1 (C)	0.08 mg/L	0.33 mg/L

Example TRC calculation: (0.013)(5.9) = 0.08 mg/L

The Department has established a daily maximum BPT limitation of 1.0 mg/L for facilities that disinfect their effluent with elemental chlorine or chlorine-based compounds. For facilities that must dechlorinate the effluent in order to consistently achieve compliance with water quality based thresholds, as in the case of the permittee, the Department has established daily maximum and monthly average BPT limits of 0.3 mg/L and 0.1 mg/L, respectively.

The permittee's calculated acute water quality-based threshold of 0.08 mg/L is more stringent than the daily maximum technology-based standard of 0.3 mg/L and is therefore being carried forward as the daily maximum TRC limitation in this permitting action. The monthly average technology-based standard of 0.1 mg/L is more stringent than the calculated chronic water quality-based threshold of 0.33 mg/L and is therefore being carried forward in this permitting action.

A review of the DMR data for the period January 2013 through July 2015 indicates the daily maximum and monthly average TRC values have been reported as follows:

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly average	0.1	0.01 - 0.02	0.01
Daily maximum	0.08	0.02 - 0.07	0.04

Total residual chlorine (DMRs = 32)

Although EPA's 1996 Guidance recommends evaluation of the most current two years of effluent data for a parameter, the Department is considering 32 months of data (January 2013 – July 2015). A review of the mass monitoring data for total residual chlorine indicates the ratios (expressed in percent) of the long term effluent average to the monthly average limit can be calculated as 10%. According to Table I of the EPA Guidance and Department Guidance, a 1/Day monitoring requirement can be reduced to 5/Week. Therefore, this permitting action is reducing the monitoring frequencies for total residual chlorine from 1/Day to 5/Week.

Should the facility experience operational problems resulting in significant non-compliance, or subsequent enforcement, then the Department reserves the right to reopen the permit and revoke the testing reductions that have been granted.

g. <u>pH</u>: The previous permitting action established, and this permitting action is carrying forward, a technology-based pH limit of 6.0 – 9.0 standard units (SU), which is based on 06-096 CMR 525(3)(III), and a minimum monitoring frequency requirement of once per day (1/Day) based on Department guidance for POTWs permitted to discharge between 1.5 and 5.0 MGD, which are being carried forward in this permitting action. A review of the DMR data for the period January 2013 through July 2015 indicates pH values have been reported as follows:

pH (n=32)

Value	Limit (SU)	Minimum (SU)	Maximum (SU)
Range	6.0 - 9.0	6.10	7.2

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

h. <u>Mercury</u>: Pursuant to Certain deposits and discharges prohibited, 38 M.R.S.A. § 420 and Waste discharge licenses, 38 M.R.S.A. § 413 and Interim Effluent Limitations and Controls for the Discharge of Mercury, 06-096 CMR 519 (last amended October 6, 2001), the Department issued a Notice of Interim Limits for the Discharge of Mercury to the permittee thereby administratively modifying WDL W002674 by establishing interim monthly average and daily maximum effluent concentration limits of 19.3 parts per trillion (ppt) and 29.0 ppt, respectively, and a minimum monitoring frequency requirement of four (4) tests per year for mercury. It is noted the limitations have been incorporated into Special Condition A, Effluent Limitations And Monitoring Requirements, of this permit.

38 M.R.S.A. § 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. A review of the Department's data base for the period December 2010 through March 2015 indicates the permittee has been in compliance with the interim limits for mercury as results have been reported as follows:

Mercury (n-9)				
Value	Limit (ng/L)	Range (ng/L)	Mean (ng/L)	
Average	19.3	12 160	2.1	
Daily Maximum	29.0	1.5 - 10.0	5.1	

Mercury (n=9)

Pursuant to 38 M.R.S.A. §420(1-B)(F), the Department issued a minor revision on February 6, 2012, that revised the minimum monitoring frequency requirement from four times per year to once per year given the permittee has maintained at least 5 years of mercury testing data. In fact, the permittee has been monitoring mercury since June 2000 or 16 years. Pursuant to 38 M.R.S.A. §420(1-B)(F), this permitting action is carrying forward the 1/Year monitoring frequency established in the February 6, 2012, minor revision.

i. <u>Total Nitrogen</u>: The USEPA requested the Department evaluate the reasonable potential for the discharge of total nitrogen to cause or contribute to non-attainment of applicable water quality standards in marine waters, namely dissolved oxygen (DO) and marine life support. The permittee conducted monthly nitrogen testing on its discharge in June, September and October of 2015. Based on data quality concerns, only June and October data were used in the calculation of a mean effluent value, 14.8 mg/L. For reasonable potential evaluations, the Department considers 14.8 mg/L to be representative of total nitrogen discharge levels from the Machias facility.

As of the date of this permitting action, the State of Maine has not promulgated numeric ambient water quality criteria for total nitrogen. According to several studies in USEPA's Region 1, numeric total nitrogen criteria have been established for relatively few estuaries, but the criteria that have been set typically fall between 0.35 mg/L and 0.50 mg/L to protect marine life using dissolved oxygen as the indicator. While the thresholds are site-specific, nitrogen thresholds set for the protection of eelgrass habitat range from 0.30 mg/L to 0.39 mg/L.

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

Based on studies in USEPA's Region 1 and the Department's best professional judgment of thresholds that are protective of Maine water quality standards, the Department is utilizing a threshold of 0.45 mg/L for the protection of aquatic life in marine waters using dissolved oxygen as the indicator, and 0.32 mg/L for the protection of aquatic life using eelgrass as the indicator. Three known surveys have been completed within the Machias River estuary to document presence/absence of eelgrass. The first survey occurred in the 1970's by Timson of the Maine Geological Survey, and the second (1993) and third (2009) by the Maine Department of Marine Resources (DMR). The Timson survey extended upstream as far as the Route 1 bridge and more than 1 km into the Middle River, and delineated unvegetated mudflats, salt and brackish marshes, and a modified supratidal zone. In the 1993 DMR survey, the nearest eelgrass was mapped at Randall Point in Machiasport, approximately 7 km from the most downstream discharge point. In 2009, the DMR mapped approximately 18 acres of sparse eelgrass more than 5 km downstream of the same point. Although it is not known if the two aerial photography surveys extended as far upstream as the Machias discharge points, it is unlikely that eelgrass of any substantial extent would exist in close proximity to the discharge points due to the low salinity of the ambient environment. Based on this mapping history and predicted absence of eelgrass in the vicinity of the outfall points, the use of 0.45 mg/L as a threshold value for dissolved oxygen as the indicator is appropriate for this estuary.

With the exception of ammonia, nitrogen is not acutely toxic; thus, the Department is considering a far-field dilution to be more appropriate when evaluating impacts of total nitrogen to the marine environment. The permittee's facility has a chronic near-field dilution of 44:1 based on fresh water 7Q10 flows. Far field dilutions in marine environments are generally significantly higher than the associated near-field dilution, ranging from 10 - 1,000 times higher, depending on the location of the outfall pipe and nature of the receiving waterbody. The Machias outfall is located in the upper most tidal portion of the Machias River, where far-field mixing is supplemented by the addition of tidal water. The addition of tidal water in the immediate vicinity of the outfall results in an effective far-field dilution of 470:1 (approximately 10 times higher than the near field).

Based on this far-field dilution, the increased in the ambient total nitrogen due to the permittee's effluent discharge is as follows:

Total nitrogen concentrations in effluent = 14.8 mg/LChronic, far-field dilution factor = 470:1

In-stream concentration after far field dilution: $\underline{14.8 \text{ mg/L}} = 0.031 \text{ mg/L}$ 470

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

The Department and external partners have been collecting ambient total nitrogen data along Maine's coast. For the Machias River estuary, no known ambient nitrogen data exist. However, the Department completed sampling just below Head of Tide on the adjacent Narraguagus River from July-September 2015, and based on correspondence with a local environmental chemist with experience on the freshwater portion of Downeast Rivers, the Narraguagus River can be considered chemically similar to the Machias River. The Downeast Rivers can be classified as having nitrogen that is largely organically bound and thus not available for rapid uptake by phytoplankton and benthic macrophytes. The mean value for the Head of Tide site on the Narraguagus River is 0.47 mg/L (n = 4), and will be used as the ambient value for the Machias River until further data collection can occur to increase sample size and gather estuary-specific data.

Based on this calculated ambient value, the estimated increase in ambient total nitrogen after reasonable opportunity for mixing in the far-field is 0.47 mg/L + 0.031 mg/L = 0.501 mg/L. The in-stream concentration value of 0.501 mg/L is greater than the Department and USEPA's best professional judgment total nitrogen threshold of 0.45 mg/L for the protection of aquatic life using dissolved oxygen as an indicator. However, since the Department does not have sufficient confidence that this ambient value is representative of ambient conditions in the East Machias River near Head of Tide, the Department plans to pursue nutrient monitoring before the subsequent permit renewal, and will also collect relevant water quality and nutrient indicator data.

Based on the reasonable potential calculations above using relevant facility and ambient data, and in the absence of any information that the receiving water is not attaining standards, the Department is making a best professional judgment determination that the discharge of total nitrogen from the Machias facility does not exhibit a reasonable potential to exceed applicable water quality standards for Class SB waters. This permitting action is not establishing limitations or monitoring requirements for total nitrogen.

i <u>Whole Effluent Toxicity (WET) & Chemical-Specific Testing</u>: Maine law, 38 M.R.S.A., Sections 414-A and 420, prohibit the discharge of effluents containing substances in amounts that would cause the surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the USEPA. Department Rules, 06-096 CMR Chapter 530, *Surface Water Toxics Control Program*, and Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants* set forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

WET, priority pollutant and analytical chemistry testing, as required by Chapter 530, is included in this permit in order to fully characterize the effluent. This permit also provides for reconsideration of effluent limits and monitoring schedules after evaluation of toxicity testing results. The monitoring schedule includes consideration of results currently on file, the nature of the wastewater, existing treatment and receiving water characteristics.

WET monitoring is required to assess and protect against impacts upon water quality and designated uses caused by the aggregate effect of the discharge on specific aquatic organisms. Acute and chronic WET tests are performed on invertebrate and vertebrate species. Priority pollutant and analytical chemistry testing is required to assess the levels of individual toxic pollutants in the discharge, comparing each pollutant to acute, chronic, and human health water quality criteria as established in Chapter 584.

Chapter 530 establishes four categories of testing requirements based predominately on the chronic dilution factor. The categories are as follows:

- 1) Level I chronic dilution factor of <20:1.
- 2) Level II chronic dilution factor of \geq 20:1 but <100:1.
- 3) Level III chronic dilution factor \geq 100:1 but <500:1 or >500:1 and Q \geq 1.0 MGD
- 4) Level IV chronic dilution factor >500:1 and Q \leq 1.0 MGD

Department rule Chapter 530 (2)(D) specifies the criteria to be used in determining the minimum monitoring frequency requirements for WET, priority pollutant and analytical chemistry testing. Based on the Chapter 530 criteria, the Machias facility falls into the Level II frequency category as the facility has a chronic dilution factor \geq 20:1 but <100:1. Chapter 530(2)(D)(1) specifies that <u>routine</u> surveillance and screening level testing requirements are as follows:

Surveillance level testing - Beginning upon permit issuance and lasting through 24 months prior to permit expiration (Years 1, 2 & 3 of the term of the permit) and commencing again 12 months prior to permit expiration (Year 5 of the term of the permit).

Level	WET Testing	Priority pollutant testing	Analytical chemistry
II	1 per year	None required	2 per year

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Screening level testing - Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement,

Level	WET Testing	Priority pollutant	Analytical chemistry
		testing	
II	2 per year	l per year	4 per year

A review of the data on file with the Department for the permittee indicates that to date, they have fulfilled the WET and chemical-specific testing requirements of Chapter 530. See **Attachment D** of this Fact Sheet for the WET results and **Attachment E** for the chemical specific test dates.

WET evaluation

On November 6, 2015, the Department conducted a statistical evaluation on the aforementioned WET and chemical-specific tests results in accordance with the statistical approach outlined in the Section 3.3.2 and Table 3-2 of USEPA's "Technical Support Document for Water Quality-Based Toxics Control" (USEPA Publication 505/2-90-001, March, 1991, EPA, Office of Water, Washington, D.C.). The statistical evaluation indicates the discharge from the permittee's waste water treatment facility has two test results of 25% (11/09/14 and 3/16/15) that have a reasonable potential to exceed the critical modified acute water quality threshold of 17% for the mysid shrimp. As a result, this permit establishes a water quality based limit of 17% for the mysid shrimp along with the 06-096 CMR Chapter 530 routine surveillance level testing frequency of 1/Year.

The statistical evaluation indicates there are no test results for the sea urchin that exceed or have a reasonable potential to exceed the critical chronic water quality threshold of 2.3%. 06-096 CMR 530(2)(D)(3)(c) states, "Dischargers in Level II may reduce surveillance testing to one WET or specific chemical series every other year provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedance as calculated pursuant to sections 3(E)." Therefore, this permit establishes a monitoring frequency of once every two years for the sea urchin. WET testing requirements are summarized as follows:

Surveillance level testing - Beginning upon permit issuance and lasting through 24 months prior to permit expiration (Years 1, 2 & 3 of the term of the permit) and commencing again 12 months prior to permit expiration (Year 5 of the term of the permit).

Species	Frequency
Mysid Shrimp	1/Year
Sea urchin	1/2 Years

Screening level testing - Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement.

Species	Frequency
Mysid Shrimp	2/Year
Sea urchin	2/Year

06-096 CMR 530 (2)(D)(4) states All dischargers having waived or reduced testing must file statements with the Department on or before December 31 of each year describing the following.

- (a) Changes in the number or types of non-domestic wastes contributed directly or indirectly to the wastewater treatment works that may increase the toxicity of the discharge;
- (b) Changes in the operation of the treatment works that may increase the toxicity of the discharge; and
- (c) Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge.

Special Condition K of this permit establishes, $06-096 \ CMR \ 530(2)(D)(4)$ Statement For Reduced/Waived Toxics Testing, pursuant to $06-096 \ CMR \ 530(2)(D)(4)$. The annual certification statement requirement is being carried forward in this permitting action. This permit provides for reconsideration of testing requirements, including the imposition of certain testing, in consideration of the nature of the wastewater discharged, existing wastewater treatment, receiving water characteristics, and results of testing. An example certification statement is included as Attachment F of this Fact Sheet.

Chemical specific evaluation

As with WET test results, the Department conducted a statistical evaluation on the most current 60 months of analytical chemistry and priority pollutant test results on file. The evaluation indicates the discharge only pollutant that exceeds or has a reasonable potential to exceed applicable AWQC is total copper. Test results (n=9) submitted between December 2012 and October 2015 indicates there are four results that have a reasonable potential to exceed the critical threshold of 17 ug/L for total copper. See Attachment E of this Fact Sheet for the individual test results. As a result, this permit is establishing a daily maximum water quality based mass limit of 0.23 lbs/day. The limit was calculated as follows:

Chapter 530 (promulgated on October 12, 2005) §4(C), states "The background concentration of specific chemicals must be included in all calculations using the following procedures. The Department may publish and periodically update a list of default background concentrations for specific pollutants on a regional, watershed or statewide basis. In doing so, the Department shall use data collected from reference sites that are measured at points not significantly affected by point and non-point discharges and best calculated to accurately represent ambient water quality conditions. The Department shall use the same general methods as those in section 4(D) to determine background concentrations. For pollutants not listed by the Department, an assumed concentration of 10% of the applicable water quality criteria must be used in calculations." The Department has no information on the background levels of metals in the water column in the Machias River in the vicinity of the permittee's outfall. Therefore, a default background concentration of 10% of the applicable water quality criteria functions.

Chapter 530 4(E), states "In allocating assimilative capacity for toxic pollutants, the Department shall hold a portion of the total capacity in an unallocated reserve to allow for new or changed discharges and non-point source contributions. The unallocated reserve must be reviewed and restored as necessary at intervals of not more than five years. The water quality reserve must be not less than 15% of the total assimilative quantity." However, the Department's policy is not to hold the reserve of 15% for dischargers to marine waters given the significant far field dilution and the large distances between the individual waste water treatment facilities.

Given:

Total copper acute AWQC = 5.78 ug/L or 0.00578 mg/LAcute (modified) dilution factor = 5.9:1Background concentration = 10% of AWQC Permitted flow = 0.90 MGDn=9 Reasonable potential factor = 1.8

Find:

1) Daily maximum water quality based mass limitation.

EOP Concentration Threshold = (Dilution Factor)[(0.90)(criterion)] + (0.10)(criterion)

5.9(0.9)(0.00578 mg/L) + (0.1)(0.00578 mg/L) = 0.031 mg/L

0.031 mg/L(8.34 lbs/gal)(0.90 MGD) = 0.23 lbs/day

- 2) The concentration exceedance threshold and the reasonable potential threshold at full permitted flow.
 - a) Exceedance threshold

 $\frac{0.23 \text{ lbs/day}}{(8.34 \text{ lbs/day})(0.90 \text{ MGD})} = 0.031 \text{ mg/L or } 31 \text{ ug/L}$

b) Reasonable potential threshold

$$\frac{31 \text{ ug/L}}{1.8} = 17 \text{ ug/L}$$

Chapter 530 does not establish monitoring frequencies for parameters that exceed or have a reasonable potential to exceed AWQC. Monitoring frequencies are established on caseby-case basis given the timing, severity and frequency of occurrences of the exceedances or reasonable potential to exceed applicable critical water quality thresholds. Therefore, this permitting action is making a best professional judgment to establish the monitoring frequency for total copper at the routine surveillance level testing frequency of 2/Year specified in 06-096 CMR Chapter 530.

As for the remaining chemical specific parameters tested to date, none of the test results in the 60-month evaluation period exceed or have a reasonable potential to exceed applicable acute, chronic or human health AWQC. Therefore, this permitting action is reducing surveillance level reporting and monitoring frequency for analytical chemistry to 1/2 years pursuant to 06-096 CMR 530(2)(D)(3)(c) As with reduced WET testing, the permittee must file an annual certification with the Department pursuant to Chapter 530 $\S2(D)(3)$ and Special Condition K of this permit.

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

Surveillance level testing - Beginning upon permit issuance and lasting through 24 months prior to permit expiration (Years 1, 2 & 3 of the term of the permit) and commencing again 12 months prior to permit expiration (Year 5 of the term of the permit).

Level	Priority pollutant	Analytical chemistry
	testing	
11	None required	1 per 2 years

Screening level testing - Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement,

Level	Priority pollutant	Analytical chemistry
	testing	
II	1 per year	4 per year

j. <u>Transported Wastes</u> – The previous permitting action authorized the permittee's to receive and introduce into the treatment facility up to 4,500 gpd of transported wastes.

06-096 CMR 555, Standards For The Addition of Transported Wastes to Wastewater Treatment Facilities, limits the quantity of transported wastes received at a facility to 1% of the design capacity of the treatment facility if the facility utilizes a side stream or storage method of introduction into the influent flow, or 0.5% of the design capacity of the facility if the facility does not utilize the side stream or storage method of introduction into the influent flow. A facility may receive more than 1% of the design capacity on a case-by-case basis. The permittee utilizes the storage method (sludge digester) of introduction into the influent flow, thereby qualifying for the 1% of the design flow transported waste allowance. With a design capacity of 0.90 MGD, 4,500 gpd represents 0.5% of said capacity and is being utilized instead of the maximum allowed (1% of design flow) due to the capacity of the sludge digester.

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

The Department acknowledges that the elimination of the two (2) remaining CSOs in the collection system is a costly, long-term project. As the Machias WWTF and the sewer collection system is upgraded and maintained according to the *CSO Master Plan and Nine Minimum Controls*, there should be reductions in the frequencies and volumes of CSO activities and, over time, improvement in the quality of the wastewater discharged to the receiving waters. The Department acknowledges that the shellfish resource at Machias is of very high value and significant resources have been spent to abate the permittee's CSOs. The permittee has completed significant improvements in an effort to reduce CSO events and allow maximum throughput at the wastewater treatment facility.

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 Machias River to meet standards for Class SB classification.

FACT SHEET

8. PUBLIC COMMENTS

Public notice of this application was made in the *Machias Valley Observer* on or about December 9, 2015. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR 522 (effective January 12, 2001).

9. DEPARTMENT CONTACTS

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

Gregg Wood Division of Water Quality Management Bureau of Water Quality Department of Environmental Protection 17 State House Station Augusta, Maine 04333-0017 Telephone: (207) 287-7693 Fax: (207) 287-3435 e-mail: gregg.wood@maine.gov

10. RESPONSE TO COMMENTS

During the period of January 26, 2016, through the issuance date of the permit/license, the Department solicited comments on the proposed draft permit/license to be issued for the discharge(s) from the permittee's facility. The Department did not receive comments from the permittee, state or federal agencies or interested parties that resulted in any substantive change(s) in the terms and conditions of the permit. Therefore, the Department has not prepared a Response to Comments.
ATTACHMENT A

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ATTACHMENT B

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ATTACHMENT C

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November 8, 2014



ATTACHMENT D

WET TEST REPORT

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Statelof Maine - Department of Environmental Protection

	Data Io	28/Dec/2010 -	28/Dec/2015			TATE OF MANY
A DESTANCIAL STATE OF S	NPDES= ME010032	Effluer	nt Limit: Acute (%) =	2.061	Chronic (%) = 0.94	5
Species	Test	Percent	Sample date	Critical %	Exception	RP
MYSID SHRIMP	A_NOEL	100	12/12/2011	2.061		
MYSID SHRIMP	A_NOEL	100	04/30/2012	2.061		
MYSID SHRIMP	A_NOEL	100	10/06/2013	2.061		
MYSID SHRIMP	A_NOEL	25	11/09/2014	2.061		
MYSID SHRIMP	A_NOEL	25	03/16/2015	2.061	•	
MYSID SHRIMP	A_NOEL	100	06/15/2015	2.061		
MYSID SHRIMP	A_NOEL	100	06/16/2015	2.061		
MYSID SHRIMP	A_NOEL	100	10/19/2015	2.061		
SEA URCHIN	C_NOEL	100	12/15/2014	0.945		
SEA URCHIN	C NOEL	25	03/16/2015	0:945		

06/15/2015 06/16/2015

10/19/2015

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SEA URCHIN

SEA URCHIN

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ATTACHMENT E

1

12/28/2015

PRIORITY POLLUTANT DATA SUMMARY

Date Range: 28/Dec/2010-28/Dec/2015



Facility Name:	MACHIAS				NPDE:	<u>5: M</u>	FOTO	0323		
	Monthly Dai	ly Total Test		Те	st # I	3y Gi	oup		_	
Test Date	(Flow MGD)	Number	M	V	BN	р	0	A	Clean	Hg
12/19/2012	0.24 0.3	5 11	10	0	0	- 0	1	0	F	0
	Monthly Dai	lv Total Test		Те	st # E	3v Gi	oup			
Test Date	(Flow MGD)	Number	M	v	BN	P	Ö	Α	Clean	Hg
03/11/2013	0.33 0.2	9 12	10	0	0	Ō	2	0	F	ō
· · · · · · · · · · · · · · · · · · ·	Monthly Dai	iv Total Test		Те	st # E	sv Gr	опр			•
Test Date	(Flow MGD)	Number	M	V	BN	P	0	Α	Clean	Hq
10/06/2013	0.15 0.1	2 16	10	Ö	0	0	6	0	F	Õ
	Monthly Daily Total Test Test # By					lv Gr				
Test Date	(Flow MGD)	Number	M	<u>v</u>	BN	P	0	A	Clean	На
11/09/2014	0.33 0.2	8 15	10	Ō	0	0	5	0	F	ō
	Monthly Dail	ly Total Tech		Te	et # 8		 			
Test Date	(Flow MGD)	Number	M	<u></u>	80 # 1	D D	040	Δ	Clean	На
12/15/2014	0.59 0.3	5 17	10	ō	0	0	7	0	F	0
	Houthly Doll			T a.	 					
Test Date	Flow MCD	Number		10:		ny Gr	<u>oup</u>	Δ	Clean	На
03/16/2015	0.26 0.23	2 16	10	ō	0	0	6	0	F	0
	Monthly Dail	y Total Test		169	<u>st # B</u>	y Gr	oup	<u> </u>	01	11.0
Test Date	(Flow MGD)		M 1 A	V	BN	P	Ó	A	Clean	ng
06/15/2015	0,31 0,20	. 130	14	28	40	-25			<u>F</u>	
	Monthly Dail	y Total Test		Tes	st # B	y Gr	oup			
Test Date	(Flow MGD)	Number	М	V	BN	Р	0	Α	Clean	Hg
08/18/2015	0.18 0.1	11	10	0	0	_0		0	<u>F</u>	0
	Monthly Dail	v Total Test		Tes	st # B	y Gre	oup			
Test Date	(Flow MGD)	Number	M	V	BN	P	Ó	A	Clean	Hg
10/19/2015	0.23 0.16	5 14	9	0	0	0	5	0	F	0

Key

A = Acid O = Others BN = Base Neutral M = Metals

P = Pesticides V = Volatiles

State of Maine - Department of Environmental Protection

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12/28/2015

CHEMICAL TEST REPORT Data entered into Toxscan for the period

28/Dec/2010-28/Dec/2016



Facility Name: MACHIAS	lame: MACHIAS (Permit Number: ME010032			
	COPPER		-			
		Test Date	Result (ug/l)	Lsthan	Status	
		12/19/2012	14.000	N		
		03/11/2013	21.000	Ν		
		10/06/2013	21.000	N		
•		11/09/2014	10.000	N		
•		12/15/2014	14.000	N		
		03/16/2015	13.630	N		
		06/15/2015	28.800	N		
		08/18/2015	37.300	N		
		10/19/2015	12.000	N		

ATTACHMENT F

STATE OF MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHAPTER 530.2(D)(4) CERTIFICATION

MEPDES#______FacilityName______

Since the effective date of your permit, have there been;			YES Describe in comments section
1	Increases in the number, types, and flows of industrial, commercial, or domestic discharges to the facility that in the judgment of the Department may cause the receiving water to become toxic?		
2	Changes in the condition or operations of the facility that may increase the toxicity of the discharge?		
3	Changes in storm water collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge?		
4	Increases in the type or volume of hauled wastes accepted by the facility?		

COMMENTS:

Name (printed): _____

Signature: _____ Date: _____

This document must be signed by the permittee or their legal representative.

This form may be used to meet the requirements of Chapter 530.2(D)(4). This Chapter requires all dischargers having waived or reduced toxic testing to file a statement with the Department describing changes to the waste being contributed to their system as outlined above. As an alternative, the discharger may submit a signed letter containing the same information.

Scheduled Toxicity Testing for the next calendar year

Test Conducted	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
WET Testing				
Priority Pollutant Testing	D			
Analytical Chemistry				D
Other toxic parameters ¹	α			

Please place an "X" in each of the boxes that apply to when you will be conducting any one of the three test types during the next calendar year.

¹ This only applies to parameters where testing is required at a rate less frequently than quarterly.



DEP INFORMATION SHEET Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

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) in an administrative process before the Board of Environmental Protection ("Board"); or (2) in 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.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 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. <u>ADMINISTRATIVE APPEALS TO THE BOARD</u>

LEGAL REFERENCES

The laws concerning the DEP's Organization and Powers, 38 M.R.S.A. §§ 341-D(4) & 346, the Maine Administrative Procedure Act, 5 M.R.S.A. § 11001, and the DEP's Rules Concerning the Processing of Applications and Other Administrative Matters ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

HOW LONG YOU HAVE 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 after 30 calendar days of the date on which the Commissioner's decision was filed with the Board will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by the Board's receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

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

OCF/90-1/r95/r98/r99/r00/r04/r12

- 1. *Aggrieved Status*. The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal 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.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
- 3. *The basis of the objections or challenge*. If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
- 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 arguments specifically raised in the written notice of appeal.
- 6. *Request for hearing*. The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
- 7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process <u>or</u> that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

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, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide 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 questions regarding applicable requirements.
- 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. 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, including 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, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. 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, a license holder, and interested persons of its decision.

Appealing a Commissioner's Licensing Decision March 2012 Page 3 of 3

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.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & 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. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

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.A. § 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.