STATE OF MAINE
DEPARTMENT OF
ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PAUL MERCER
COMMISSIONER

July 15, 2016

Mr. Terrance Pinto
Director of Water Pollution Control Department
40 Tillson Avenue
Rockland, ME. 04841-3417
e-mail: tpinto@ci.rockland.me.us

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100595
Maine Waste Discharge License (WDL) Application #W000681-5M-K-R
Final Permit

Dear Mr. Pinto:

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 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: James Crowley, DEP/CMRO Lori Mitchell, DEP/CMRO
Sandy Mojica, USEPA Olga Vergara, USEPA Marelyn Vega, USEPA

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

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

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

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

web site: www.maine.gov/dep

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

DEPARTMENT ORDER

IN THE MATTER OF

CITY OF ROCKLAND	) MAINE POLLUTANT DISCHARGE
ROCKLAND, KNOX COUNTY, MAINE	) ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS	) AND
#ME0100595	) WASTE DISCHARGE LICENSE
#W000681-5M-K-R **APPROVAL**	) **RENEWAL**

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

APPLICATION SUMMARY

The City of Rockland has submitted a timely and complete application to the Department for renewal of Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0100595/Waste Discharge License (WDL) #W000681-5M-G-R (permit hereinafter) which was issued on December 21, 2007, for a five-year term. The 12/21/07 MEPDES permit allowed the City to discharge an unspecified quantity of secondary treated municipal wastewater and an unspecified quantity of primary treated municipal wastewater from a publicly owned treatment works (POTW) to the Atlantic Ocean at Rockland Harbor, Class SC, in Rockland, Maine. It is noted that the average daily dry weather design criterion of the facility is 3.3 million gallons per day (MGD). The 12/21/07 permit allowed the discharge of an unspecified quantity of excess combined sanitary and storm water wastewater from two (2) combined sewer overflow (CSO) points to the Atlantic Ocean at Rockland Harbor, Class SC, in Rockland, Maine.

The Department issued: a minor permit revision on January 31, 2008 to correct typographical errors and other non-substantive errata; a permit modification on November 21, 2009 to update dilution factors and water quality-based effluent limitations based on an outfall upgrade project; a permit modification on August 19, 2010 to revise the total arsenic concentration threshold based on a statistical evaluation of effluent data for total and inorganic arsenic; and a minor permit revision on February 6, 2012 to revise the mercury monitoring frequency.

PERMIT SUMMARY

Summary of outfalls regulated in this permitting action -

1. Outfall #001A: Secondary treated wastewater discharged to Rockland Harbor;

2. Outfall #001B: Blended primary and secondary treated wastewater discharged to Rockland Harbor via Outfall #001A;

3. Outfall #001C – Primary treated waste water from the swirl separator discharged to Rockland Harbor via Outfall #001A or Lermond Cove via Outfall #002A.

4. Outfall #002A: Primary-only treated wastewater discharged to Lermond Cove;

5. Outfall #002B: Treatment Plant Wet Weather Pump Station Bypass of untreated waste water discharged to Lermond Cove; and

6. Outfall #003: Emergency untreated pump station bypass at Park Street discharged to Rockland Harbor.

This permitting action is different from the December 21, 2007 permitting action, two minor permit revisions and two permit modifications in that it is:

1. *Secondary Treated Wastewater (Outfall #001A)*

   a. Revising the monthly average and weekly average technology-based concentration and mass limitations for biochemical oxygen demand (BOD_5) and total suspended solids (TSS) based on special considerations of the secondary treatment regulation;

   b. Establishing a waiver from the daily maximum effluent limitations for BOD_5 and TSS during CSO-related bypass events. The Department has defined CSO-related bypass in the permit as a discharge of wastewater from the swirl separator and the secondary treatment system via Outfall #001A when the flow rate through the secondary treatment system has exceeded an instantaneous flow rate of 3,262 gallons per minute (gpm) (4.7 MGD).

   c. Revising previous Special Condition H, now called *06-096 CMR 530(2)(D)(4) Statement for Reduced Waived Toxics Testing*, to include certification requirements for inflow/infiltration and transported wastes that may increase the toxicity of the discharge;

   d. Eliminating the monthly average limitation and monitoring requirements for inorganic arsenic and the daily maximum concentration reporting requirement for total arsenic based on the results of facility testing;

   e. Incorporating the interim mercury limitations established by the Department for this facility 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);

PERMIT SUMMARY (cont'd)

2. *CSO-Related Bypasses of Secondary Treatment to Rockland Harbor (Outfall #001B)* - For the purposes of this permitting action, this term refers to discharges of blended effluent from the swirl separator and the secondary treatment system via the main outfall after the flow rate through secondary treatment process has exceeded an instantaneous flow rate of 3,262 gpm (4.7 MGD).

   a. Revising the instantaneous flow rate threshold for initiation of the bypass event from 5.7 MGD to 4.7 MGD based on new information and engineering review;

   b. Establishing new effluent limitations for the blended discharge of primary only (swirl separator effluent) and secondary treated wastewater;

   c. Establishing monthly total and daily maximum effluent flow monitoring and reporting requirements;

   d. Establishing daily maximum, performance-based mass limitations of 6,463 lbs./day for BOD_5 and 11,276 lbs./day for TSS that are protective of water quality standards.

   e. Eliminating the reporting requirements for BOD_5 percent removal and TSS percent removal;

   f. Establishing a water quality-based effluent limitation of 1.0 mg/L for total residual chlorine (TRC);

   g. Establishing a water quality-based effluent limitation of 200 colonies/100 mL for fecal coliform bacteria;

3. *CSO-Related Bypasses of Secondary Treatment to Lermond (Outfall #002A)*- For the purposes of this permitting action, this term refers to discharges of effluent directly from the swirl separator to Lermond Cove.

   a. Establishing a monthly total discharge flow reporting requirement;

   b. Establishing a daily maximum, performance-based mass limitation of 1,131 lbs/day for BOD_5 and 2,376 lbs/day for TSS that are protective of water quality standards;

CONCLUSIONS

BASED on the findings summarized in the attached Fact Sheet dated June 14, 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, *Classification of Maine waters*, 38 M.R.S.A. § 464(4)(F), will be met, in that:

   (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;

   (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;

   (c) Where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;

   (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and

   (e) Where a discharge will result in lowering the existing water quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.

4. The discharges will be subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S.A. § 414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the above noted application of the CITY OF ROCKLAND to discharge: an unregulated volume[1] of secondary treated municipal wastewater via Outfall #001A; allows an unregulated volume of blended (primary and secondary treated) municipal wastewater via Outfall #001B; an unregulated volume of primary treated wastewater via Outfall #002A; and allows an unregulated volume of untreated excess combined sanitary and storm water from one CSO at the treatment plant (Outfall #002B) to Lermond Cove and one pump station emergency bypass points (Outfall #003) to the Atlantic Ocean at Rockland, Class SC, in Rockland, Maine, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

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

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

3. This permit and the authorization to discharge become effective upon the date of signature below and expire at midnight five (5) years from the effective date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the authorization to discharge and the terms and conditions of this permit and all modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S.A. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (last amended October 19, 2015)]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE THIS 15th DAY OF July, 2016.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhns
for Paul Mercer, Commissioner

Filed
JUL 15 2016
State of Maine
Board of Environmental Protection

Date of initial receipt of application: September 24, 2012

Date of application acceptance: September 27, 2012

Date filed with Board of Environmental Protection _____

This Order prepared by Bill Hinkel/Gregg Wood, BUREAU OF WATER QUALITY

ME0100595 2016 7/15/16

[1] For administrative purposes and calculation of certain effluent limitations, the Department will utilize an average flow of 3.3 MGD, which is consistent with the average design criterion for this facility.

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall #001A – Secondary Treated Waste Water The permittee is authorized to discharge secondary treated municipal wastewater from Outfall #001A to the Atlantic Ocean at Rockland Harbor. These limitations and monitoring requirements apply to all flows conveyed through the secondary treatment system at all times, except as otherwise noted in the associated footnotes. Such discharges are limited and must be monitored by the permittee as specified below[1]:

Effluent Characteristic	Effluent Limitations						Minimum Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow *[50050]*	Report MGD *[03]*	---	Report MGD *[03]*	---	---	---	Continuous *[99/99]*	Recorder *[RC]*
BOD_5[2a] *[00310]*	1,884 lbs./day *[26]*	2,243 lbs./day *[26]*	Report lbs./day *[26]*	68 mg/L *[19]*	81 mg/L *[19]*	90 mg/L *[19]*	3/Week *[03/07]*	24-Hour Composite *[24]*
BOD_5[2a] *[00310]* ***When bypass is active***	---	---	Report lbs./day *[26]*	---	---	Report mg/L *[19]*	3/Week *[03/07]*	Composite *[CP]*
BOD_5 Percent Removal[2b] *[81010]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
TSS[2a] *[00530]*	1,443 lbs./day *[26]*	1,813 lbs./day *[26]*	Report lbs./day *[26]*	52 mg/L *[19]*	66 mg/L *[19]*	71 mg/L *[19]*	3/Week *[03/07]*	24-Hour Composite *[24]*
TSS[2a] *[00530]* ***When bypass is active***	---	---	Report lbs./day *[26]*	---	---	Report mg/L *[19]*	3/Week *[03/07]*	Composite *[CP]*
TSS Percent Removal[2b] *[81011]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
Settleable Solids *[00545]*	---	---	---	---	---	0.3 ml/L *[25]*	1/Day *[01/01]*	Grab *[GR]*
Fecal Coliform Bacteria[3] *[31616]* ***(May 15 - September 30)***	---	---	---	15/100 ml[4] *[13]*	---	50/100 ml *[13]*	5/Week *[05/07]*	Grab *[GR]*
Total Residual Chlorine[5] *[50060]*	---	---	---	0.10 mg/L *[19]*	---	0.24 mg/L *[19]*	2/Day *[02/01]*	Grab *[GR]*
pH *[00400]*	---	---	---	---	---	6.0 – 9.0 SU *[12]*	1/Day *[01/01]*	Grab *[GR]*
Mercury (Total) [6] *[71900]*	---	---	---	6.0 ng/L *[3M]*	---	9.0 ng/L *[3M]*	1/Year *[01/YR]*	Grab *[GR]*

SPECIAL CONDITIONS

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

2. **Outfall #001A – Secondary Treated Waste Water**

SCREENING LEVEL TOXICITY 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 Limitations				Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Whole Effluent Toxicity[7] Acute – NOEL *Americamysis bahia* (Mysid Shrimp) *[TDA3E]*	---	---	---	Report% *[23]*	1/Year *[01/YR]*	Composite *[24]*
Chronic – NOEL *Arbacia punctulata* (Sea Urchin) *[TBH3A]*	---	---	---	Report % *[23]*	1/Year *[01/YR]*	Composite *[24]*
Analytical Chemistry[8,10] *[51477]*	---	---	---	Report µg/L *[28]*	1/Quarter *[01/90]*	Composite/Grab *[24]*
Priority Pollutants[9,10] *[50008]*	---	---	---	Report µg/L *[28]*	1/Year *[01/YR]*	Composite/Grab *[24]*

FOOTNOTES: **See Pages 11 through 17 of this permit for applicable footnotes.**

SPECIAL CONDITIONS

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

3. **Outfall #001C – Primary treated waste water from the Swirl Separator discharged to Rockland Harbor via Outfall pipe #001A**

The permittee is allowed to discharge primary treated municipal wastewater from **Outfall #001C (administrative outfall)** to the Atlantic Ocean at Rockland Harbor via Outfall #001A. These monitoring requirements apply to primary treated waste waters that bypass secondary treatment when the flow through the secondary treatment process has exceeded an instantaneous flow rate of 3,262 gpm (4.7 MGD). Such discharges must be monitored by the permittee as specified below[1]:

Effluent Characteristic	**Effluent Limitations**				**Minimum Monitoring Requirements**	
	Monthly Average	**Daily Maximum**	**Monthly Average**	**Daily Maximum**	**Measurement Frequency**	**Sample Type**
Influent Flow Rate, *Minimum* *[00059]*	---	Report gpm[12] *[78]*	---	---	Instantaneous *[91/99]*	Recorder *[RC]*
Overflow Use, Occurrences[11] *[74062]*	---	Report # of Days *[93]*	---	---	1/When Discharging *[01/DH]*	Record Total *[RT]*
Flow *[50050]*	Report (Total MG) *[3R]*	Report MGD *[03]*	---	---	Continuous *[99/99]*	Recorder *[RC]*
BOD_5 *[00310]*	---	Report lbs./day *[26]*	---	Report mg/L *[19]*	3/Week[13] *[03/07]*	Composite *[CP]*
TSS *[00530]*	---	Report lbs./day *[26]*	---	Report mg/L *[19]*	3/Week[13] *[03/07]*	Composite *[CP]*
Fecal coliform bacteria[4] *[31616]* ***(May 15 - September 30)***	---	---	---	Report col/100 ml *[13]*	5/Week[13] *[05/07]*	Grab *[GR]*
Total Residual Chlorine[6] *[50060]*	---	---	---	Report mg/L *[19]*	2/Day[13] *[02/01]*	Grab *[GR]*

FOOTNOTES: See Pages 11 through 17 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

4. **Outfall #001B - Blended effluent discharged to Rockland Harbor via Outfall pipe #001A**

The permittee is allowed to discharge blended primary treated **(Outfall #001C)** and secondary treated **(Outfall #001A)** municipal wastewater from **Outfall #001B (administrative outfall)** to the Atlantic Ocean at Rockland Harbor via Outfall #001A. These limitations and monitoring requirements apply after blending when the flow through the secondary treatment process has exceeded an instantaneous flow rate of 3,262 gpm (4.7 MGD). Such discharges are limited and must be monitored by the permittee as specified below[(1)]:

Effluent Characteristic	**Effluent Limitations**				**Minimum Monitoring Requirements**	
	Monthly Average	**Daily Maximum**	**Monthly Average**	**Daily Maximum**	**Measurement Frequency**	**Sample Type**
Flow *[50050]*	Report (Total MGD) *[3R]*	Report MGD *[03]*	---	---	Continuous *[99/99]*	Recorder *[RC]*
BOD_5 *[00310]*	---	6,463 lbs./day[(14)] *[26]*	---	Report mg/L[(15)] *[19]*	3/Week[(13)] *[03/07]*	Composite *[CP]*
TSS *[00530]*	---	11,276 lbs./day[(14)] *[26]*	---	Report mg/L[(15)] *[19]*	3/Week[(13)] *[03/07]*	Composite *[CP]*
Fecal coliform bacteria[(4)] *[31616]* ***(May 15 - September 30)***	---	---	---	200/100 ml[(15)] *[13]*	5/Week[(13)] *[05/07]*	Grab *[GR]*
Total Residual Chlorine[(6)] *[50060]*	---	---	---	1.0 mg/L[(15)] *[19]*	2/Day[(13)] *[02/01]*	Grab *[GR]*

FOOTNOTES: See Pages 11 through 17 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

5. **Outfall #002A - Primary treated wastewater from the swirl separator to Lermond Cove.**

The permittee is allowed to discharge primary treated wastewater from a swirl separator to Lermond Cove. Such discharges may only occur when and these limitations and monitoring requirements apply when the flow through the secondary treatment process has exceeded an instantaneous flow rate of 3,262 gpm (4.7 MGD). Discharges are limited and must be monitored as specified below.

Effluent Characteristic	Effluent Limitations				Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow *[50050]*	Report (Total MG) *[3R]*	Report MGD *[03]*	---	---	Continuous *[99/99]*	Recorder *[RC]*
Overflow Use, Occurrences(11) *[74062]*	---	---	Report # of Days *[93]*	---	1/Overflow Occurrence *[01/OC]*	Record Total *[RT]*
BOD_5 *[00310]*	---	1,131 lbs./day *[26]*	---	Report mg/L *[19]*	1/Overflow Occurrence(11) *[01/OC]*	Composite *[CP]*
TSS *[00530]*	---	2,376 lbs./day *[26]*	---	Report mg/L *[19]*	1/Overflow Occurrence(11) *[01/OC]*	Composite *[CP]*
Fecal Coliform Bacteria(4) *[31616]* ***(May 15 - September 30)***	---	---	---	200/100 ml *[13]*	1/Overflow Occurrence(11) *[01/OC]*	Grab *[GR]*
Total Residual Chlorine(6) *[50060]*	---	---	---	1.0 mg/L *[19]*	1/Overflow Occurrence(11) *[01/OC]*	Grab *[GR]*

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

FOOTNOTES: See Pages 11 through 17 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

Footnotes:

1. **Sampling** – The permittee must conduct sampling and analysis in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis must be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services. Samples that are analyzed by laboratories operated by waste discharge facilities 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 effective 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.

   Influent Sampling for BOD and TSS must be sampled at the Primary Clarifier Flow Distribution Structure (also referred to as FDS#1). The permittee shall mathematically combine this influent sample with the FMC Biopolymer influent data to determine the total influent BOD and TSS loadings.

   Effluent Receiving Secondary Treatment (Outfall #001A) must be collected at the end of the Dechlorination Chamber. Fecal coliform bacteria may be sampled at the end of the Chlorine Contact Chamber after chlorination but before dechlorination.

   Effluent Receiving Primary Treatment (Outfall #001C and Outfall #002A) must be collected at the end of the CSO Disinfection/Dechlorination Structure, after dechlorination, but prior to combining with the final effluent. Fecal coliform bacteria may be sampled after chlorination but before dechlorination.

   Blended Effluent (Outfall #001B) - This permit allows the permittee to mathematically combine the results of the primary treated and secondary treated waste streams (as described above) to determine compliance with the limitations for the discharge of blended effluent.

SPECIAL CONDITIONS

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

Footnotes:

2. **Biochemical oxygen demand (BOD_5) and total suspended solids (TSS)**

   a. Limitations for Outfall #001A remain in effect at all times with the exception of daily maximum concentration limits of 90 mg/L for BOD and 71 mg/L for TSS on any day when the bypass of secondary treatment is active and any sample results obtained on these days are not to be included in calculations to determine compliance with monthly or weekly average limitations. The daily maximum mass loadings may be measured by sampling the blended effluent or calculated by means of a weighted value by sampling the secondary treated waste stream and sampling the primary treated waste streams independently and mathematically calculating the blended values.

   b. **Percent removal** - The treatment facility shall maintain a minimum of 85 percent removal of both BOD_5 and TSS for all waste waters receiving a secondary level of treatment. The percent removal shall be based on a monthly average calculation using influent and effluent concentrations. The percent removal shall be waived when the monthly average influent concentration is less than 200 mg/L. For instances when this occurs, the facility may report "*N-9*" on the monthly Discharge Monitoring Report.

3. **Bacteria limitations** – Fecal coliform bacteria limitations and monitoring requirements are seasonal and apply between May 15 and September 30, inclusive, of each year. The Department may, at any time and with notice to the permittee, modify this permit to establish bacteria limitations on a year-round basis to protect the health and welfare of the public.

4. **Bacteria reporting** – The monthly average fecal coliform bacteria limitation is a geometric mean limitation and monitoring results must be reported as such.

5. **TRC monitoring** – Limitations and monitoring requirements are in effect any time elemental chlorine or chlorine-based compounds are utilized to disinfect the discharge(s). The permittee must utilize a USEPA-approved test method capable of bracketing the TRC limitations specified in this permitting action.

SPECIAL CONDITIONS

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

Footnotes:

6. **Mercury** – The permittee must conduct all mercury monitoring required by this permit or required to determine compliance with interim limitations established pursuant to 06-096 CMR 519 in accordance with the USEPA's "clean sampling techniques" found in USEPA Method 1669, *Sampling Ambient Water For Trace Metals At EPA Water Quality Criteria Levels.* All mercury analysis must be conducted in accordance with USEPA Method 1631, *Determination of Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Fluorescence Spectrometry.* 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 set at levels to bracket the modified acute and chronic critical water quality thresholds of 5.5% and 0.7%, 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.

   a. **Surveillance level WET testing** is waived pursuant to 06-096 CMR 530(2)(D).

   b. **Screening level WET testing** – Beginning 24 months prior to the expiration date of the permit and lasting through 12 months prior to permit expiration and every five years thereafter, the permittee must conduct screening level WET testing at a minimum frequency of once per year using the mysid shrimp (*Americamysis bahia*[2]) and the sea urchin (*Arbacia punctulata*). Screening level tests must be conducted in the calendar period between January and June.

   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 critical acute and chronic water quality thresholds of 5.5% and 0.7%, respectively.

[2] Note: *Mysidopsis bahia,* referenced in 06-096 CMR 530, was renamed *Americamysis bahia.*

SPECIAL CONDITIONS

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.S. Environmental Protection Agency. 2002. *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms*, 5th ed. EPA 821-R-02-012. U.S. Environmental Protection Agency, Office of Water, Washington, D.C., October 2002 (the acute method manual).

b. U.S. Environmental Protection Agency. 2002. *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms*, 3rd ed. EPA 821-R-02-014. U.S. Environmental Protection Agency, Office of Water, Washington, D.C., October 2002 (the marine chronic method manual).

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 must 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 analytical chemistry testing** is waived pursuant to 06-096 CMR 530(2)(D).

   b. **Screening level analytical chemistry testing** – Beginning 24 months prior to the expiration date of the permit and lasting through 12 months prior to permit expiration and every five years thereafter if a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the permittee must conduct analytical chemistry testing at a minimum frequency of once per calendar quarter for four consecutive calendar quarters.

SPECIAL CONDITIONS

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

Footnotes:

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 priority pollutant testing** is not required pursuant to 06-096 CMR 530(2)(D)..

   b. **Screening level priority pollutant testing** – Beginning 24 months prior to the expiration date of the permit and lasting through 12 months prior to permit expiration and every five years thereafter if a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the permittee must conduct priority pollutant testing at a minimum frequency of once per year.

10. **Analytical chemistry and priority pollutant** - Testing must be conducted on samples collected at the same time as those collected for whole effluent toxicity tests, when applicable, and must be conducted using methods that permit detection of a pollutant at existing levels in the effluent or that achieve the most current minimum reporting levels of detection as specified by the Department.

    Analytical chemistry and priority pollutant test results must be submitted to the Department not later than the next 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 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 July 29, 2012). For the purposes of DMR reporting, enter a "1" for yes, testing done this monitoring period or "N-9" monitoring not required this period.

SPECIAL CONDITIONS

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

Footnotes:

11. **Overflow Occurrence** – An overflow occurrence, whereby a portion of the flow entering the treatment plant bypasses secondary treatment, is allowed when the instantaneous flow through the secondary treatment process has exceeded 3,262 gpm (4.7 MGD). A reportable overflow occurrence is defined as a discharge from the CSO bypass system for greater than 60 minutes continuously or greater than 120 minutes intermittently during a 24-hour period. Overflow occurrences are reported in discharge days. Multiple intermittent overflow occurrences in one discharge day are reported as one overflow occurrence and are sampled according to the measurement frequency specified. Collection of grab samples for TRC and fecal coliform bacteria are only required if the overflow occurrence occurs between the hours of 7:00 AM – 4:00 PM during the normal work week (Monday through Friday, holidays excluded).

12. **Minimum instantaneous influent flow** – The permittee must record the instantaneous flow rate through the secondary treatment process at the initiation of each overflow occurrence and report the minimum value for each month. This reporting is not required if there are no overflow occurrences during the month.

13. **BOD, TSS, TRC and fecal coliform bacteria** – Sampling for BOD, TSS, total residual chlorine and fecal coliform bacteria are only required if a continuous overflow occurrence is greater than 60 minutes in duration or intermittent occurrences totaling 120 minutes during a 24-hour period. Multiple intermittent overflow occurrences in one discharge day are reported as one overflow occurrence and are sampled according to the measurement frequency specified. One composite sample for BOD5 and TSS, one grab sample for fecal coliform bacteria and two grab samples for total residual chlorine must be collected per overflow occurrence that meets the timeframes specified above. Sampling of an overflow occurrence is only required if the overflow occurrence coincides with the regularly scheduled sampling days of the secondary treated waste stream. Composite samples must be flow proportioned from all intermittent overflows during that 24-hour period. Collection of grab samples for TRC and fecal coliform bacteria are only required if the overflow occurrence occurs between the hours of 7:00 AM – 4:00 PM during the normal work week (Monday through Friday, holidays excluded).

SPECIAL CONDITIONS

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

Footnotes

14. **BOD & TSS** – For reporting compliance with the daily maximum mass limitation for BOD and TSS when the secondary bypass has been active, the permittee shall mathematically add the daily mass values of BOD and TSS of the secondary treated waste water (Outfall #001A) to each of the corresponding daily BOD and TSS mass values of the primary treated waste water (Outfall #001C) when the bypass is active and report the highest combined mass of BOD and TSS values for each month. Example calculation is as follows:

    (Daily BOD/TSS mass for Outfall #001A during a bypass event) + (Daily BOD/TSS mass for Outfall #001C during a bypass event) = BOD/TSS mass (daily blended effluent for each bypass event).

    Report the highest blended effluent BOD/TSS mass values for each month.

15. **BOD, TSS, Total residual chlorine & Fecal coliform bacteria** - To fulfill the daily maximum reporting concentration and count requirements for BOD, TSS, total residual and fecal coliform bacteria when the secondary bypass has been active, the permittee shall report the daily maximum flow weighted average concentration/count for each month in accordance with the following equation:

    (Daily BOD/TSS/TRC/bacteria concentration/count of Outfall #001A for each bypass event) x (Daily flow of Outfall #001A for each bypass event) + (Daily BOD/TSS/TRC/bacteria concentration/count of Outfall #001C for each bypass event) x (Daily flow of Outfall #001C for each bypass event) ÷ [(Daily flow for Outfall #001A each bypass event) + (Daily flow for Outfall #001C for each bypass event)] = Weighted concentration.

    Report the highest weighted average concentration/count of the blended effluent for each month.

SPECIAL CONDITIONS

B. NARRATIVE EFFLUENT LIMITATIONS

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

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

3. The permittee must not discharge effluent that causes visible discoloration or turbidity in the receiving waters or that impairs the uses designated for the classification of the receiving waters.

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

C. TREATMENT PLANT OPERATOR

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

D. AUTHORIZED DISCHARGES

The permittee is allowed to discharge only in accordance with: 1) the permittee's General Application accepted for processing by the Department on September 27, 2012; and 2) the terms and conditions of this permit; and 3) from Outfall #001A (secondary treated wastewater) as conditioned; #001B (blended primary and secondary treated wastewater) as conditioned; and #002A (primary treated wastewater) as conditioned and Outfall #002B (untreated) as conditioned. Outfall #001C is an internal waste stream that does not discharge to surface waters of the State. Discharges of wastewater 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.

SPECIAL CONDITIONS

E. NOTIFICATION REQUIREMENTS

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 waste water; and

2. Any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants to the system at the time of permit issuance.

3. For the purposes of this section, adequate notice must include information on:

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

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

F. 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. 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).

SPECIAL CONDITIONS

G. MONITORING AND REPORTING

Monitoring results obtained during the previous month must be summarized for each month and reported on separate Discharge Monitoring Report (DMR) forms provided by the Department and postmarked on or before the thirteenth (13^{th}) day of the month or hand-delivered to the Department's Regional Office such that the DMRs are received by the Department on or before the fifteenth (15^{th}) day of the month following the completed reporting period. A signed copy of the DMR and all other reports required herein must be submitted to the Department-assigned inspector (unless otherwise specified by the Department) at the following address:

Department of Environmental Protection
Bureau of Water Quality
Division of Water Quality Management
17 State House Station
Augusta, Maine 04333-0017

Alternatively, if the permittee submits an electronic DMR (DMR), the completed DMR must be electronically submitted to the Department by a facility authorized DMR Signatory not later than close of business on the 15^{th} day of the month following the completed reporting period. Hard copy documentation submitted in support of the DMR must be postmarked on or before the thirteenth (13^{th}) 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 (15^{th}) day of the month following the completed reporting period. Electronic documentation in support of the DMR must be submitted not later than close of business on the 15^{th} day of the month following the completed reporting period.

SPECIAL CONDITIONS

H. 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 96299]***. See **Attachment D** 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 storm water 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 surveillance level testing be re-instituted if it determines that there have been changes in the character of the discharge or if annual certifications described above are not submitted.

I. OPERATIONS AND MAINTENANCE (O&M) PLAN

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

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

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

SPECIAL CONDITIONS

J. WET WEATHER MANAGEMENT PLAN

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

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

K. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY

Pursuant to this permit and *Standards for the Addition of Transported Wastes to Waste Water Treatment Facilities,* 06-096 CMR 555 (last amended February 5, 2009), during the effective period of this permit, the permittee is authorized to receive and introduce into the treatment process or solids handling stream up to **a daily maximum of 2,000 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.

2. Of the 2,000 GPD authorized by this permit, the permittee is authorized to receive and introduce into the treatment process or solids handling stream up to a daily maximum of 2,000 GPD of septage wastes.

3. 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.

SPECIAL CONDITIONS

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

4. The permittee must ensure that at no time the addition of transported wastes causes or contributes to effluent quality violations. The permittee must ensure that transported wastes do 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. The permittee must ensure that odors and traffic from the handling of transported wastes do not result in adverse impacts to the surrounding community. If any adverse effects exist, the permittee must suspended the receipt or introduction of transported wastes into the treatment process or solids handling stream until there is no further risk of adverse effects.

5. 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;
   (b) The source of the transported wastes;
   (d) The person transporting the transported wastes;
   (e) The results of inspections or testing conducted;
   (f) The volumes of transported wastes added to each treatment stream; and
   (g) The information in (a) through (d) for any transported wastes refused for acceptance.
   The permittee must maintain these records at the treatment facility for a minimum of five years.

6. The permittee must ensure that the addition of transported wastes into the treatment process or solids handling stream do not cause the treatment facility's design capacity to be exceeded. If, for any reason, the treatment process or solids handling facilities become overloaded, the permittee must ensure that introduction of transported wastes into the treatment process or solids handling stream are reduced or terminated in order to eliminate the overload condition.

7. The permittee must not record holding tank wastewater from domestic sources to which no chemicals in quantities potentially harmful to the treatment process have been added as transported wastes, but must report this waste stream in the treatment facility's influent flow.

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

SPECIAL CONDITIONS

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

9. 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.

10. 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.

11. The authorization in this Special Condition 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 555 and the terms and conditions of this permit.

L. INDUSTRIAL PRETREATMENT PROGRAM

1. Pollutants introduced into POTWs by a non-domestic source (user) must not pass-through the publicly owned treatment works (POTW) or interfere with the operation or performance of the works.

   a. The permittee must develop and enforce specific effluent limitations (local limitations) for Industrial User(s), and all other users, as appropriate, which together with appropriate changes in the POTW facilities or operation, are necessary to ensure continued compliance with the MEPDES permit or sludge use or disposal practices. Specific local limitations must not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.

   Within 180 days of the effective date of this permit, ***[ICIS Code PR002]*** the permittee must prepare and submit a written technical evaluation to the Department analyzing the need to revise local limitations. As part of this evaluation, the permittee must assess how the POTW performs with respect to influent and effluent of pollutants, water quality concerns, sludge quality, sludge processing concerns/inhibition, biomonitoring results, activated sludge inhibition, worker health and safety and collection system concerns. In preparing this evaluation, the permittee must complete the "Re-Assessment of Technically Based Local Limitations" form included as **Attachment E** of this permit with the technical evaluation to assist in determining whether existing local limitations

SPECIAL CONDITIONS

L. INDUSTRIAL PRETREATMENT PROGRAM (cont'd)

need to be revised. Justifications and conclusions should be based on actual plant data, if available, and should be included in the report. Should the evaluation reveal the need to revise local limitations, the permittee must complete the revisions within 120 days of notification by the Department and submit the revisions to the Department for approval. The permittee must carry out the local limitations revisions in accordance with USEPA's document entitled, *Local Limitations Development Guidance (July 2004).*

2. The permittee must implement the Industrial Pretreatment Program in accordance with the legal authorities, policies, procedures, and financial provisions described in the permittee's approved Pretreatment Program, and the General Pretreatment Regulations, found at 40 CFR 403 and *Pretreatment Program*, 06-096 CMR 528 (last amended March 17, 2008). At a minimum, the permittee must perform the following duties to properly implement the Industrial Pretreatment Program (IPP):

   a. Carry out inspection, surveillance, and monitoring procedures which will determine, independent of information supplied by the industrial user, whether the industrial user is in compliance with the Pretreatment Standards. At a minimum, all significant industrial users must be sampled and inspected at the frequency established in the approved IPP but in no case less than once per year and maintain adequate records.

   b. Issue or renew all necessary industrial user control mechanisms within 90 days of their expiration date or within 180 days after the industry has been determined to be a significant industrial user.

   c. Obtain appropriate remedies for noncompliance by an industrial user with any pretreatment standard and/or requirement.

   d. Maintain an adequate revenue structure for continued implementation of the Pretreatment Program.

   e. The permittee must provide the Department with an annual report describing the permittee's pretreatment program activities for the twelve-month period ending 60 days prior to the due date in accordance with federal regulation found at 40 CFR 403.12(i) and 06-096 CMR 528(12)(i). The annual report *[ICIS Code 53199]* must be consistent with the format described in the "MEPDES Permit Requirements For Industrial Pretreatment Annual Report" form included as **Attachment F** of this permit and must be submitted no later than March 1 of each calendar year.

SPECIAL CONDITIONS

L. INDUSTRIAL PRETREATMENT PROGRAM (cont'd)

f. The permittee must obtain approval from the Department prior to making any significant changes to the industrial pretreatment program in accordance with federal regulation found at 40 CFR 403.18(c) and 06-096 CMR 528(18).

g. The permittee must assure that applicable National Categorical Pretreatment Standards are met by all categorical industrial users of the POTW. These standards are published in the federal regulations found at 40 CFR 405.

h. The permittee must modify its pretreatment program to conform to all changes in the federal regulations and State rules that pertain to the implementation and enforcement of the industrial pretreatment program. **Within 180 days of the effective date of this permit,** ***[ICIS Code 50799]*** the permittee must provide the Department in writing, proposed changes to the permittee's pretreatment program deemed necessary to assure conformity with current federal regulations and State rules. At a minimum, the permittee must address in its written submission the following areas: (1) Enforcement response plan; (2) revised sewer use ordinances; and (3) slug control evaluations. The permittee must implement these proposed changes pending the Department's approval under federal regulation 40 CFR 403.18 and 06-096 CMR 528(18). This submission is separate and distinct from any local limitations analysis submission described in section 1(a) above.

M. COMBINED SEWER OVERFLOWS (CSOs)

Pursuant to *Combined Sewer Overflow Abatement* 06-096 CMR 570 (Repealed and replaced February 5, 2000), the permittee is allowed to discharge from the following combined sewer overflow (CSOs) (storm water and sanitary wastewater) point(s) subject to the conditions and requirements herein.

Outfall #	Description	Receiving Water and Class
002B	Treatment Plant Wet Weather Pump Station Bypass	Lermond Cove, Class SC

1. Prohibited Discharges

a. The discharge of dry weather flows is prohibited.

b. No discharge may occur as a result of mechanical failure, improper design or inadequate operation or maintenance.

c. No discharges may occur at flow rates below the maximum design capacities of the wastewater treatment facility, pumping stations or sewerage system.

d. Any discharge prohibited by this section must be reported to the Department in accordance with Standard Condition D (1) of this permit.

SPECIAL CONDITIONS

M. COMBINED SEWER OVERFLOWS (CSOs) (cont'd)

2. 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 uses designated for 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.

3. CSO Master Plan [see 06-096 CMR 570(3) and 06-096 CMR 570(4)]

   On or before December 31, 2017, ***[ICIS Code CSO12]*** the permittee must submit a CSO Master Plan Update detailing abatement projects and schedules which would be expected to eliminate CSO discharges from the treatment plant wet weather pump station bypass (Outfall #002B) and CSO related bypasses of secondary treatment via the swirl separator events at the treatment plant.

   To modify the date and or project 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.

4. Nine Minimum Controls (NMC) [see 06-096 CMR 570(5)]

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

SPECIAL CONDITIONS

M. COMBINED SEWER OVERFLOWS (CSOs) (cont'd)

5. CSO Compliance Monitoring Program [see 06-096 CMR 570(6)]

   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, or by estimation using a model such as USEPA's Storm Water Management Model (SWMM).

   Results must 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 must also be reported. The results must be reported on the Department form "CSO Activity and Volumes," included as **Attachment G** 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 does not apply to those areas where complete separation has been completed and CSO outfalls have been eliminated.

6. Additions of New Wastewater [see 06-096 CMR 570(8)]

   06-096 CMR 570(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.

7. Annual CSO Progress Reports [see 06-096 CMR 570(7)]

   By March 1 of each year ***[ICIS Code 11099],*** the permittee must submit *CSO Progress Reports* covering the previous calendar year (January 1 to December 31). The CSO Progress Report must include, but is not necessarily limited to, the following topics as further described in 06-096 CMR 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.

SPECIAL CONDITIONS

M. COMBINED SEWER OVERFLOWS (CSOs) (cont'd)

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
e-mail: CSOCoordinator@maine.gov

8. 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 must contain the following information:

CITY OF ROCKLAND
WET WEATHER
SEWAGE DISCHARGE
CSO # AND NAME OF OUTFALL

9. Definitions

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

a. Combined Sewer Overflow - a discharge of excess wastewater from a municipal or quasi-municipal 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.

SPECIAL CONDITIONS

N. PUMP STATION EMERGENCY BYPASSES

Discharges from emergency bypass structures in pump stations are not authorized by this permit. The permittee must monitor the overflow point identified below via an electronic flow estimation system to record frequency, duration and estimation of flow discharged.

Outfall Number	Outfall Location	Receiving Water and Class
003	Park Street Pump Station Bypass	Rockland Harbor, Class SC

The permittee must report any discharges from the pump station(s) in accordance with Standard Condition D(1)(f), *Twenty-four hour reporting*, of this permit. of this permit.

O. REOPENING OF PERMIT FOR MODIFICATION

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

P. 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 must remain in full force and effect, and must be construed and enforced in all aspects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court.

ATTACHMENT A

Maine Department of Environmental Protection

Effluent Mercury Test Report

Name of Facility: _____ Federal Permit # ME _____

Purpose of this test:
- ☐ Initial limit determination
- ☐ Compliance monitoring for: year _____ calendar quarter _____
- ☐ Supplemental or extra test

SAMPLE COLLECTION INFORMATION

Sampling Date: ___ ___ ___ (mm dd yy) Sampling time: _____ AM/PM

Sampling Location:

Weather Conditions: _____

Please describe any unusual conditions with the influent or at the facility during or preceding the time of sample collection:

Optional test - not required but recommended where possible to allow for the most meaningful evaluation of mercury results:

Suspended Solids _____ mg/L Sample type: _____ Grab (recommended) or _____ Composite

ANALYTICAL RESULT FOR EFFLUENT MERCURY

Name of Laboratory: _____

Date of analysis: _____ **Result:** _____ **ng/L (PPT)**

Please Enter Effluent Limits for your facility

Effluent Limits: **Average =** _____ ng/L **Maximum =** _____ ng/L

Please attach any remarks or comments from the laboratory that may have a bearing on the results or their interpretation. If duplicate samples were taken at the same time please report the average.

CERTIFICATION

I certifiy that to the best of my knowledge the foregoing information is correct and representative of conditions at the time of sample collection. The sample for mercury was collected and analyzed using EPA Methods 1669 (clean sampling) and 1631 (trace level analysis) in accordance with instructions from the DEP.

By: _____ Date: _____

Title: _____

PLEASE MAIL THIS FORM TO YOUR ASSIGNED INSPECTOR

ATTACHMENT B

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
WHOLE EFFLUENT TOXICITY REPORT
MARINE WATERS

Facility Name _____ MEPDES Permit # _____

Pipe # _____

Facility Representative _____ Signature _____

By signing this form, I attest that to the best of my knowledge that the information provided is true, accurate, and complete.

Facility Telephone # _____ Date Collected _____ Date Tested _____

mm/dd/yy mm/dd/yy

Chlorinated? _____ Dechlorinated? _____

Results % effluent

	mysid shrimp	sea urchin
A-NOEL		
C-NOEL		

Effluent Limitations

A-NOEL	
C-NOEL	

Data summary

	mysid shrimp % survival	sea urchin % fertilized
QC standard	>90	>70
lab control		
receiving water control		
conc. 1 (%)		
conc. 2 (%)		
conc. 3 (%)		
conc. 4 (%)		
conc. 5 (%)		
conc. 6 (%)		
stat test used		

place * next to values statistically different from controls

Salinity Adjustment

brine	
sea salt	
other	

Reference toxicant

	mysid shrimp A-NOEL	sea urchin C-NOEL
toxicant / date		
limits (mg/L)		
results (mg/L)		

Comments _____

Laboratory conducting test

Company Name _____ Company Rep. Name (Printed) _____

Mailing Address _____ Company Rep. Signature _____

City, State, ZIP _____ Company 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 _____
To the best of my knowledge this information is true, accurate and complete.

Licensed Flow (MGD)		**Flow for Day (MGD)**[1]		**Flow Avg. for Month (MGD)**[2]	
Acute dilution factor					
Chronic dilution factor		**Date Sample Collected**		Date Sample Analyzed	
Human health dilution factor					
Criteria type: M(arine) or F(resh)	m	Laboratory		Telephone	
		Address			
Last Revision - April 24, 2014		Lab Contact		Lab ID #	

ERROR WARNING ! Essential facility information is missing. Please check required entries in bold above.

MARINE AND ESTUARY VERSION

Please see the footnotes on the last page.

			Effluent Limits, %			Receiving Water or Ambient	Effluent Concentration (ug/L or as noted)		Possible Exceedence [7]		
	WHOLE EFFLUENT TOXICITY		Acute	Chronic			WET Result, % Do not enter % sign	Reporting Limit Check	Acute	Chronic	
	Mysid Shrimp										
	Sea Urchin										
	WET CHEMISTRY										
	pH (S.U.) (9)										
	Total Organic Carbon (mg/L)					NA					
	Total Solids (mg/L)					NA					
	Total Suspended Solids (mg/L)					NA					
	Salinity (ppt.)										
	ANALYTICAL CHEMISTRY [3]										
	Also do these tests on the effluent with WET. Testing on the receiving water is optional	Reporting Limit	Effluent Limits, ug/L Acute[6]	Chronic[6]	Health[6]			Reporting Limit Check	Possible Exceedence [7] Acute	Chronic	Health
	TOTAL RESIDUAL CHLORINE (mg/L) (9)	0.05				NA					
	AMMONIA	NA				(8)					
M	ALUMINUM	NA				(8)					
M	ARSENIC	5				(8)					
M	CADMIUM	1				(8)					
M	CHROMIUM	10				(8)					
M	COPPER	3				(8)					
M	CYANIDE, TOTAL	5				(8)					
	CYANIDE, AVAILABLE [3a]	5				(8)					
M	LEAD	3				(8)					
M	NICKEL	5				(8)					
M	SILVER	1				(8)					
M	ZINC	5				(8)					

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.

	PRIORITY POLLUTANTS [4]		Effluent Limits					Reporting Limit Check	Possible Exceedence [7]		
		Reporting Limit	Acute[6]	Chronic[6]	Health[6]				Acute	Chronic	Health
M	ANTIMONY	5									
M	BERYLLIUM	2									
M	MERCURY (5)	0.2									
M	SELENIUM	5									
M	THALLIUM	4									
A	2,4,6-TRICHLOROPHENOL	5									
A	2,4-DICHLOROPHENOL	5									
A	2,4-DIMETHYLPHENOL	5									
A	2,4-DINITROPHENOL	45									
A	2-CHLOROPHENOL	5									
A	2-NITROPHENOL	5									
A	4,6 DINITRO-O-CRESOL (2-Methyl-4,6-dinitrophenol)	25									
A	4-NITROPHENOL	20									
A	P-CHLORO-M-CRESOL (3-methyl-4-chlorophenol)+B80	5									
A	PENTACHLOROPHENOL	20									
A	PHENOL	5									
BN	1,2,4-TRICHLOROBENZENE	5									
BN	1,2-(O)DICHLOROBENZENE	5									
BN	1,2-DIPHENYLHYDRAZINE	20									
BN	1,3-(M)DICHLOROBENZENE	5									
BN	1,4-(P)DICHLOROBENZENE	5									
BN	2,4-DINITROTOLUENE	6									
BN	2,6-DINITROTOLUENE	5									
BN	2-CHLORONAPHTHALENE	5									
BN	3,3'-DICHLOROBENZIDINE	16.5									
BN	3,4-BENZO(B)FLUORANTHENE	5									
BN	4-BROMOPHENYLPHENYL ETHER	5									
BN	4-CHLOROPHENYL PHENYL ETHER	5									
BN	ACENAPHTHENE	5									
BN	ACENAPHTHYLENE	5									
BN	ANTHRACENE	5									
BN	BENZIDINE	45									
BN	BENZO(A)ANTHRACENE	8									
BN	BENZO(A)PYRENE	5									
BN	BENZO(G,H,I)PERYLENE	5									
BN	BENZO(K)FLUORANTHENE	5									
BN	BIS(2-CHLOROETHOXY)METHANE	5									
BN	BIS(2-CHLOROETHYL)ETHER	6									
BN	BIS(2-CHLOROISOPROPYL)ETHER	6									
BN	BIS(2-ETHYLHEXYL)PHTHALATE	10									
BN	BUTYLBENZYL PHTHALATE	5									
BN	CHRYSENE	5									
BN	DI-N-BUTYL PHTHALATE	5									
BN	DI-N-OCTYL PHTHALATE	5									
BN	DIBENZO(A,H)ANTHRACENE	5									
BN	DIETHYL PHTHALATE	5									
BN	DIMETHYL PHTHALATE	5									

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.

BN	FLUORANTHENE	5									
BN	FLUORENE	5									
BN	HEXACHLOROBENZENE	5									
BN	HEXACHLOROBUTADIENE	5									
BN	HEXACHLOROCYCLOPENTADIENE	10									
BN	HEXACHLOROETHANE	5									
BN	INDENO(1,2,3-CD)PYRENE	5									
BN	ISOPHORONE	5									
BN	N-NITROSODI-N-PROPYLAMINE	10									
BN	N-NITROSODIMETHYLAMINE	5									
BN	N-NITROSODIPHENYLAMINE	5									
BN	NAPHTHALENE	5									
BN	NITROBENZENE	5									
BN	PHENANTHRENE	5									
BN	PYRENE	5									
P	4,4'-DDD	0.05									
P	4,4'-DDE	0.05									
P	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									
P	DIELDRIN	0.05									
P	ENDOSULFAN SULFATE	0.1									
P	ENDRIN	0.05									
P	ENDRIN ALDEHYDE	0.05									
P	G-BHC	0.15									
P	HEPTACHLOR	0.15									
P	HEPTACHLOR EPOXIDE	0.1									
P	PCB-1016	0.3									
P	PCB-1221	0.3									
P	PCB-1232	0.3									
P	PCB-1242	0.3									
P	PCB-1248	0.3									
P	PCB-1254	0.3									
P	PCB-1260	0.2									
P	TOXAPHENE	1									
V	1,1,1-TRICHLOROETHANE	5									
V	1,1,2,2-TETRACHLOROETHANE	7									
V	1,1,2-TRICHLOROETHANE	5									
V	1,1-DICHLOROETHANE	5									
V	1,1-DICHLOROETHYLENE (1,1-dichloroethene)	3									
V	1,2-DICHLOROETHANE	3									
V	1,2-DICHLOROPROPANE	6									
V	1,2-TRANS-DICHLOROETHYLENE (1,2-trans-dichloroethene)	5									
V	1,3-DICHLOROPROPYLENE (1,3-dichloropropene)	5									
V	2-CHLOROETHYLVINYL ETHER	20									

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.

V	ACROLEIN	NA									
V	ACRYLONITRILE	NA									
V	BENZENE	5									
V	BROMOFORM	5									
V	CARBON TETRACHLORIDE	5									
V	CHLOROBENZENE	6									
V	CHLORODIBROMOMETHANE	3									
V	CHLOROETHANE	5									
V	CHLOROFORM	5									
V	DICHLOROBROMOMETHANE	3									
V	ETHYLBENZENE	10									
V	METHYL BROMIDE (Bromomethane)	5									
V	METHYL CHLORIDE (Chloromethane)	5									
V	METHYLENE CHLORIDE	5									
V	TETRACHLOROETHYLENE (Perchloroethylene or Tetrachloroethene)	5									
V	TOLUENE	5									
V	TRICHLOROETHYLENE (Trichloroethene)	3									
V	VINYL CHLORIDE	5									

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

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHAPTER 530.2(D)(4) CERTIFICATION

MEPDES#_____Facility Name_____

Since the effective date of your permit, have there been;		NO	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	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
WET Testing	☐	☐	☐	☐
Priority Pollutant Testing	☐	☐	☐	☐
Analytical Chemistry	☐	☐	☐	☐
Other toxic parameters [1]	☐	☐	☐	☐

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.

ATTACHMENT E

RE-ASSESSMENT OF TECHNICALLY BASED INDUSTRIAL DISCHARGE LIMITS

Pursuant to federal regulation 40 CFR Part 122.21(j)(4) and *Pretreatment Program*, 06-096 CMR 528, all Publicly Owned Treatment Works (POTWs) with approved Industrial Pretreatment Programs (IPPs) shall provide the Department with a written evaluation of the need to revise local industrial discharge limits under federal regulation 40 CFR Part 403.5(c)(1) and Department rule 06-096 CMR Chapter 528(6).

Below is a form designed by the U.S. Environmental Protection Agency (EPA - New England) to assist POTWs with approved IPPs in evaluating whether their existing Technically Based Local Limits (TBLLs) need to be recalculated. The form allows the permittee and Department to evaluate and compare pertinent information used in previous TBLLs calculations against present conditions at the POTW. **Please read the directions below before filling out the attached form.**

ITEM I.

* In Column (1), list what your POTW's influent flow rate was when your existing TBLLs were calculated. In Column (2), list your POTW's present influent flow rate. Your current flow rate should be calculated using the POTW's average daily flow rate from the previous 12 months.

* In Column (1) list what your POTW's SIU flow rate was when your existing TBLLs were calculated. In Column (2), list your POTW's present SIU flow rate.

* In Column (1), list what dilution ratio and/or 7Q10 value was used in your previous MEPDES permit. In Column (2), list what dilution ration and/or 7Q10 value is presently being used in your reissued MEPDES permit.

  The 7Q10 value is the lowest seven day average flow rate, in the river, over a ten-year period. The 7Q10 value and/or dilution ratio used by the Department in your MEPDES permit can be found in your MEPDES permit "Fact Sheet."

* In Column (1), list the safety factor, if any, that was used when your existing TBLLs were calculated.

* In Column (1), note how your bio-solids were managed when your existing TBLLs were calculated. In Column (2), note how your POTW is presently disposing of its biosolids and how your POTW will be disposing of its biosolids in the future.

ITEM II.

* List what your existing TBLLs are - as they appear in your current Sewer Use Ordinance (SUO).

RE-ASSESSMENT OF TECHNICALLY BASED INDUSTRIAL DISCHARGE LIMITS

ITEM III.

* Identify how your existing TBLLs are allocated out to your industrial community. Some pollutants may be allocated differently than others, if so please explain.

ITEM IV.

* Since your existing TBLLs were calculated, identify the following in detail:

  (1) if your POTW has experienced any upsets, inhibition, interference or pass-through as a result of an industrial discharge.

  (2) if your POTW is presently violating any of its current MEPDES permit limitations - include toxicity.

ITEM V.

* Using current sampling data, list in Column (1) the average and maximum amount of pollutants (in pounds per day) received in the POTW's influent. Current sampling data is defined as data obtained over the last 24 month period.

  All influent data collected and analyzed must be in accordance with federal regulation 40 CFR Part 136. Sampling data collected should be analyzed using the lowest possible detection method(s), e.g. graphite furnace, or other approved method.

  Based on your existing TBLLs, as presented in Item II., list in Column (2) each Maximum Allowable Industrial Headworks Loading (MAIHL) value corresponding to each of the local limits derived from an applicable environmental criteria or standard, *e.g.* water quality, sludge, MEPDES permit, inhibition, etc. For each pollutant, the MAIHL equals the calculated Maximum Allowable Headwork Loading (MAHL) minus the POTW's domestic loading source(s). For more information, please see, *Local Limits Development Guidance (July 2004).*

ITEM VI.

* Using current sampling data, list in Column (1) the average and maximum amount of pollutants (in micrograms per liter) present your POTW's effluent. Current sampling data is defined as data obtained during the last 24 month period.

  All effluent data collected and analyzed must be in accordance with federal regulation 40 CFR Part 136. Sampling data collected should be analyzed using the lowest possible detection method(s), *e.g.* graphite furnace, or other approved method.

RE-ASSESSMENT OF TECHNICALLY BASED INDUSTRIAL DISCHARGE LIMITS

* List in Column (2A) what the Ambient Water Quality Criteria (AWQC) (found in Department rule Chapter 584 –*Surface Water Quality Criteria For Toxic Pollutants, Appendix A,* October 2005) were (in micrograms per liter) when your TBLLs were calculated. Please note what hardness value was used at that time. Hardness should be expressed in milligrams per liter of Calcium Carbonate. In the absence of a specific AWQC, control(s) adequate to protect the narrative water quality standards for the receiving water may be applied.

List in Column (2B) the current AWQC values for each pollutant multiplied by the dilution ratio used in your reissued MEPDES permit. For example, with a dilution ratio of 25:1 at a hardness of 20 mg/l - Calcium Carbonate (copper's chronic freshwater AWQC equals 2.36 ug/l) the chronic MEPDES permit limit for copper would equal 45 ug/l. Example calculation:

EOP concentration = [Dilution factor x 0.75 x AWQC] + [0.25 x AWQC]
Chronic AWQC = 2.36 ug/L

Chronic EOP = [25 x $0.75^{(1)}$ x 2.36 ug/L] + [0.25 x 2.36 ug/L] = 45 ug/L

(1) Department rule Chapter 530, *Surface Water Toxics Control Program*, October 2005) requires that 10% of the AWQC be set aside for background that may be present in the receiving water and 15% of the AWQC be set aside as a reserve capacity for new dischargers or expansion of existing discharges.

ITEM VII.

* In Column (1), list all pollutants (in micrograms per liter) limited in your reissued MEPDES permit. In Column (2), list all pollutants limited in your previous MEPDES permit.

ITEM VIII.

* Using current sampling data, list in Column (1) the average and maximum amount of pollutants in your POTW's biosolids. Current data is defined as data obtained during the last 24-month period. Results are to be expressed as total dry weight.

All biosolids data collected and analyzed must be in accordance with federal 40 CFR Part 136.

In Column (2A), list current State and/or Federal sludge standards that your facility's biosolids must comply with. Also note how your POTW currently manages the disposal of its biosolids. If your POTW is planning on managing its biosolids differently, list in Column (2B) what your new biosolids criteria will be and method of disposal.

If you have any questions, please contact the State Pretreatment Coordinator at the Maine Department of Environmental Protection, Bureau of Land & Water Quality, Division of Water Quality Management, State House Station #17, Augusta, ME. 04333. The telephone number is (207) 287-8898, and the email address is james.r.crowley@maine.gov.

REASSESSMENT OF TECHNICALLY BASED LOCAL LIMITS (TBLLs)

POTW Name & Address : _____

MEDES Permit # : _____

Date EPA approved current TBLLs : _____

Date EPA approved current Sewer Use Ordinance : _____

ITEM I.

In Column (1) list the conditions that existed when your current TBLLs were calculated. In Column (2), list current conditions or expected conditions at your POTW.

	Column (1)	**Column (2)**
	EXISTING TBLLs	PRESENT CONDITIONS
POTW Flow (MGD)	_____	_____
SIU Flow (MGD)	_____	_____
Dilution Ratio or 7Q10 from the MEPDES Permit)	_____	_____
Safety Factor	_____	N/A
Biosolids Disposal Method(s)	_____	_____

REASSESSMENT OF TECHNICALLY BASED LOCAL LIMITS (TBLLs)

ITEM II.

EXISTING TBLLs

POLLUTANT	NUMERICAL LIMIT (mg/l) or (lb/day)	POLLUTANT	NUMERICAL LIMIT (mg/l) or (lb/day)

ITEM III.

Note how your existing TBLLs, listed in Item II., are allocated to your Significant Industrial Users (SIUs), i.e. uniform concentration, contributory flow, mass proportioning, other. Please specify by circling.

ITEM IV.

Has your POTW experienced any upsets, inhibition, interference or pass-through from industrial sources since your existing TBLLs were calculated?

If yes, explain. _____

_____

Has your POTW violated any of its MEPDES permit limits and/or toxicity test requirements?

If yes, explain. _____

_____

REASSESSMENT OF TECHNICALLY BASED LOCAL LIMITS (TBLLs)

ITEM V.

Using current POTW influent sampling data fill in Column (1). In Column (2), list your Maximum Allowable Industrial Headwork Loading (MAIHL) values used to derive your TBLLs listed in Item II. In addition, please note the environmental criteria for which each MAIHL value was established, *i.e.* water quality, sludge, MEPDES, etc.

Pollutant	**Column (1)** Influent Data Analyses Maximum (lb/day)	Average (lb/day)	**Column (2)** MAIHL Values (lb/day)	Criteria
Arsenic				
Cadmium				
Chromium				
Copper				
Cyanide				
Lead				
Mercury				
Nickel				
Silver				
Zinc				
Other (List)				

REASSESSMENT OF TECHNICALLY BASED LOCAL LIMITS (TBLLs)

ITEM VI.

Using current POTW effluent sampling data, fill in Column (1). In Column (2A) list what the Ambient Water Quality Criteria (AWQC) were at the time your existing TBLLs were developed. List in Column (2B) current AWQC values multiplied by the dilution ratio used in your reissued MEPDES permit.

	Column (1) Effluent Data Analyses		**Columns (2A)** Water Quality Criteria (AWQC)	**(2B)**
Pollutant	Maximum (ug/l)	Average (ug/l)	From TBLLs (ug/l)	Today (ug/l)
Arsenic				
Cadmium*				
Chromium*				
Copper*				
Cyanide				
Lead*				
Mercury				
Nickel*				
Silver				
Zinc*				
Other (List)				

*Hardness Dependent (mg/l - CaCO3)

RE-ASSESSMENT OF TECHNICALLY BASED LOCAL LIMITS (TBLLs)

ITEM VII.

In Column (1), identify all pollutants limited in your reissued MEPDES permit. In Column (2), identify all pollutants that were limited in your previous MEPDES permit.

Column (1) REISSUED PERMIT		**Column (2)** PREVIOUS PERMIT	
Pollutants	Limitations (ug/l)	Pollutants	Limitations (ug/l)

ITEM VIII.

Using current POTW biosolids data, fill in Column (1). In Column (2A), list the biosolids criteria that were used at the time your existing TBLLs were calculated. If your POTW is planning on managing its biosolids differently, list in Column (2B) what your new biosolids criteria would be and method of disposal.

	Column (1) Biosolids Data Analyses Average (mg/kg)	**Columns (2A)** Biosolids Criteria From TBLLs (mg/kg)	**(2B)** New (mg/kg)
Pollutant			
Arsenic			
Cadmium			
Chromium			
Copper			
Cyanide			
Lead			
Mercury			
Nickel			
Silver			
Zinc			
Molybdenum			
Selenium			
Other (List)			

ATTACHMENT F

MEPDES PERMIT REQUIREMENTS
FOR
INDUSTRIAL PRETREATMENT ANNUAL REPORT

The information described below shall be included in the pretreatment program annual reports:

1. An updated list of all industrial users by category, as set forth in federal regulation 40 CFR Part 403.8 and Department rule 06-096 CMR Chapter 528(9) indicating compliance or noncompliance with the following:

   - baseline monitoring reporting requirements for newly promulgated industries
   - compliance status reporting requirements for newly promulgated industries
   - periodic (semi-annual) monitoring reporting requirements,
   - categorical standards, and
   - local limit.

2. A summary of compliance and enforcement activities during the preceding year, including the number of:

   - significant industrial users inspected by POTW (include inspection dates for each industrial user);
   - significant industrial users sampled by POTW (include sampling dates for each industrial user);
   - compliance schedules issued (include list of subject users);
   - written notices of violations issued (include list of subject users);
   - administrative orders issued (include list of subject users),
   - criminal or civil suits filed (include list of subject users); and
   - penalties obtained (include list of subject users and penalty amounts).

3. A list of significantly violating industries required to be published in a local newspaper in accordance with federal regulation 40 CFR Part 403.8(f)(2)(viii) and Department rule 06-096 CMR Chapter 528(9)(f)(2)(vii).

4. A narrative description of program effectiveness including present and proposed changes to the program, such as funding, staffing, ordinances, regulations, rules and/or statutory authority.

5. A summary of all pollutant analytical results for influent, effluent, sludge and any toxicity or bioassay data from the wastewater treatment facility. The summary shall include a comparison of influent sampling results versus threshold inhibitory concentrations for the POTW and effluent sampling results versus water quality standards. Such a comparison shall be based on the sampling program described in the paragraph below or any similar sampling program described in this permit.

MEPDES PERMIT REQUIREMENTS
FOR
INDUSTRIAL PRETREATMENT ANNUAL REPORT

At a minimum, annual sampling and analysis of the influent and effluent of the POTW shall be conducted for the following pollutants:

a.) Total Cadmium	f.) Total Nickel
b.) Total Chromium	g.) Total Silver
c.) Total Copper	h.) Total Zinc
d.) Total Lead	i.) Total Cyanide
e.) Total Mercury	j.) Total Arsenic

The sampling program shall consist of one 24-hour, flow-proportioned, composite and at least one grab sample that is representative of the flows received by the POTW. The composite shall consist of hourly, flow-proportioned grab samples taken over a 24-hour period if the sample is collected manually, or shall consist of a minimum of 48 samples collected at 30-minute intervals if an automated sampler is used. Cyanide shall be taken as a grab sample during the same period as the composite sample. Sampling and preservation shall be consistent with federal regulation 40 CFR Part 136.

6. A detailed description of all interference and pass-through that occurred during the past year.

7. A thorough description of all investigations into interference and pass-through during the past year.

8. A description of monitoring, sewer inspections and evaluations which were done during the past year to detect interference and pass-through, specifying parameters and frequencies.

9. A description of actions being taken to reduce the incidence of significant violations by significant industrial users.

10. The date of the latest adoption of local limits and an indication as to whether or not the City is under a State or Federal compliance schedule that includes steps to be taken to revise local limits.

ATTACHMENT G

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
CSO ACTIVITY AND VOLUMES

MUNICIPALITY OR DISTRICT	MEPDES / NPDES PERMIT NO.
REPORTING YEAR	SIGNED BY:
YEARLY TOTAL PRECIPITATION INCHES	DATE:

CSO EVENT NO.	START DATE OF STORM	PRECIP. DATA		FLOW DATA (GALLONS PER DAY) OR BLOCK ACTIVITY("1")							
		TOTAL INCHES	MAX. HR. INCHES	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	EVENT OVERFLOW GALLONS	EVENT DURATION HRS
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
13											
14											
15											
16											
17											
18											
19											
20											
21											
22											
23											
24											
25											
	TOTALS										

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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

CONTENTS

A. GENERAL PROVISIONS

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

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

(a) They are not

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. OPERATION AND MAINTENACE OF FACILITIES

1. General facility requirements.

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

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

(b) The permittee shall at all times maintain in good working order and operate at maximum efficiency all waste water collection, treatment and/or control facilities.

(c) All necessary waste treatment facilities will be installed and operational prior to the discharge of any wastewaters.

(d) Final plans and specifications must be submitted to the Department for review prior to the construction or modification of any treatment facilities.

(e) The permittee shall install flow measuring facilities of a design approved by the Department.

(f) The permittee must provide an outfall of a design approved by the Department which is placed in the receiving waters in such a manner that the maximum mixing and dispersion of the wastewaters will be achieved as rapidly as possible.

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

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

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

5. Bypasses.

(a) Definitions.

(i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

(ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

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

(c) Notice.

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

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

(d) Prohibition of bypass.

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

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
(C) The permittee submitted notices as required under paragraph (c) of this section.

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

6. Upsets.

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

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

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

(i) An upset occurred and that the permittee can identify the cause(s) of the upset;
(ii) The permitted facility was at the time being properly operated; and
(iii) The permittee submitted notice of the upset as required in paragraph D(1)(f) , below. (24 hour notice).
(iv) The permittee complied with any remedial measures required under paragraph B(4).

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

C. MONITORING AND RECORDS

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

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

3. Monitoring and records.

(a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(b) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.

(c) Records of monitoring information shall include:

(i) The date, exact place, and time of sampling or measurements;
(ii) The individual(s) who performed the sampling or measurements;
(iii) The date(s) analyses were performed;
(iv) The individual(s) who performed the analyses;
(v) The analytical techniques or methods used; and
(vi) The results of such analyses.

(d) Monitoring results must be conducted according to test procedures approved under 40 CFR part 136, unless other test procedures have been specified in the permit.

(e) State law provides that any person who tampers with or renders inaccurate any monitoring devices or method required by any provision of law, or any order, rule license, permit approval or decision is subject to the penalties set forth in 38 MRSA, §349.

D. REPORTING REQUIREMENTS

1. Reporting requirements.

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

(i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or

(ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Section D(4).

(iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;

(b) Anticipated noncompliance. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(c) Transfers. This permit is not transferable to any person except upon application to and approval of the Department pursuant to 38 MRSA, § 344 and Chapters 2 and 522.

(d) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Department for reporting results of monitoring of sludge use or disposal practices.

(ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Department.

(iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.

(e) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(f) Twenty-four hour reporting.

(i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance

has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(ii) The following shall be included as information which must be reported within 24 hours under this paragraph.

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit.
(B) Any upset which exceeds any effluent limitation in the permit.
(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.

(iii) The Department may waive the written report on a case-by-case basis for reports under paragraph (f)(ii) of this section if the oral report has been received within 24 hours.

(g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (d), (e), and (f) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (f) of this section.

(h) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

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

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

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

(a) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(i) One hundred micrograms per liter (100 ug/l);
(ii) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
(iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
(iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

(b) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following ``notification levels":

(i) Five hundred micrograms per liter (500 ug/l);
(ii) One milligram per liter (1 mg/l) for antimony;
(iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
(iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

5. Publicly owned treatment works.

(a) All POTWs must provide adequate notice to the Department of the following:

(i) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA or Chapter 528 if it were directly discharging those pollutants.
(ii) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
(iii) For purposes of this paragraph, adequate notice shall include information on (A) the quality and quantity of effluent introduced into the POTW, and (B) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

(b) When the effluent discharged by a POTW for a period of three consecutive months exceeds 80 percent of the permitted flow, the permittee shall submit to the Department a projection of loadings up to the time when the design capacity of the treatment facility will be reached, and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans.

E. OTHER REQUIREMENTS

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

(a) For municipal sources. During power failure, all wastewaters which are normally treated shall receive a minimum of primary treatment and disinfection. Unless otherwise approved, alternate power supplies shall be provided for pumping stations and treatment facilities. Alternate power supplies shall be on-site generating units or an outside power source which is separate and independent from sources used for normal operation of the wastewater facilities.

(b) For industrial and commercial sources. The permittee shall either maintain an alternative power source sufficient to operate the wastewater pumping and treatment facilities or halt, reduce or otherwise control production and or all discharges upon reduction or loss of power to the wastewater pumping or treatment facilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Maximum daily discharge limitation means the highest allowable daily discharge.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: **June 14, 2016**

PERMIT NUMBER: **#ME0100595**
WASTE DISCHARGE LICENSE: **#W000681-5M -K-R**

NAME AND ADDRESS OF APPLICANT:

CITY OF ROCKLAND
40 Tillson Avenue
Rockland, Maine 04841-3417

COUNTY: **KNOX**

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

ROCKLAND WASTEWATER TREATMENT FACILITY
40 Tillson Avenue
Rockland, Maine 04841-3417

RECEIVING WATER/CLASSIFICATION: **Rockland Harbor/Class SC**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Terrance Pinto**
tpinto@ci.rockland.me.us
(207) 594-0324

1. APPLICATION SUMMARY

a. Application: On September 27, 2012, the City of Rockland submitted a timely and complete application to the Department for renewal of Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0100595/Waste Discharge License (WDL) #W000681-5M-G-R (permit hereinafter) which was issued on December 21, 2007, for a five-year term. The 12/21/07 MEPDES permit allowed the City to discharge an unspecified quantity of secondary treated municipal wastewater and an unspecified quantity of primary treated municipal wastewater from a publicly owned treatment works (POTW) to the Atlantic Ocean at Rockland Harbor, Class SC, in Rockland, Maine. It is noted that the average daily dry weather design criterion of the facility is 3.3 million gallons per day (MGD). The 12/21/07 permit allowed the discharge of an unspecified quantity of excess combined sanitary and storm water wastewater from two (2) combined sewer overflow (CSO) points to the Atlantic Ocean at Rockland Harbor, Class SC, in Rockland, Maine.

1. APPLICATION SUMMARY (cont'd)

The Department issued: a minor permit revision on January 31, 2008 to correct typographical errors and other non-substantive errata; a permit modification on November 21, 2009 to update dilution factors and water quality-based effluent limitations based on an outfall upgrade project; a permit modification on August 19, 2010 to revise the total arsenic concentration threshold based on a statistical evaluation of effluent data for total and inorganic arsenic; and a minor permit revision on February 6, 2012 to revise the mercury monitoring frequency.

b. Source Description: The City operates the Rockland Water Pollution Control Facility, a publicly owned treatment works, for the treatment of residential, commercial, and industrial sanitary and process wastewater from entities within the City of Rockland. The collection system consists of approximately 35 miles of pipe, is approximately 25% separated and 75% combined, and contains 10 pump stations. The City has eliminated all CSO outfalls identified in the previous permit except for CSO #002B (Treatment Plant Wet Weather Pump Station Bypass). On December 23, 2010, the City installed an emergency overflow level indicator alarm and data recorder at CSO #003 (Park Street Pump Station). The City requested that this former CSO point be reclassified as an emergency bypass rather than a CSO.

The largest industrial user connected to the Rockland POTW is FMC BioPolymer. "The FMC BioPolymer plant produces carrageenan, derived from seaweed, to provide innovative applications for global food processors. The products meet demanding texture requirements and multiple other applications, such as binding agents for toothpaste."[1] The flow introduced by FMC BioPolymer exceeds 10 percent of the design flow of the Rockland POTW. The Rockland POTW also receives and treats landfill leachate from the City's landfill. Leachate is conveyed to the treatment facility via a pipeline and pump stations. The City adds hydrogen peroxide at an intermediate pump station to control odors in the leachate piping system. Landfill leachate flows treated on any given day may be as high as 0.50 MGD.

The Rockland POTW receives and treats up to 2,000 gallons per day of septage from local septage haulers. The City has submitted an updated Septage Management Plan, which has been reviewed and approved by the Department, as part of their September 27, 2012 renewal application.

[1] Source: http://www.fmc.com/rockland/AboutRocklandME.aspx (visited September 25, 2014)

1. APPLICATION SUMMARY (cont'd)

c. Wastewater Treatment: The City contracted with Earth Tech, Inc. to conduct a multi-year facilities planning program beginning in 1992 to evaluate and abate untreated discharges from the City's combined sewer overflow system. The City submitted to the Department a report entitled, "Combined Sewer Overflow Facilities Plan Rockland, Maine," dated March 1998, in which the proposed long-term option selected for CSO control was construction of a vortex device (*i.e.*, swirl separator). The Rockland POTW was upgraded in 1999-2000 to increase the monthly average design flow of the facility from 2.9 MGD to 3.3 MGD and provide the facility with the ability to provide primary clarification and solids and floatables removal and disposal, and disinfection for instantaneous peak wet weather flows of up 33.6 MGD through a swirl separator. Secondary treatment is accomplished using a mechanical bar screen, a grit chamber, two primary clarifiers, six covered aeration basins, two secondary clarifiers and two chlorine contact chambers.

The collection system is approximately 75% combined causing peak flows to exceed the secondary treatment capacity of the Rockland POTW. The Rockland POTW contains a combined sewer overflow related bypass of secondary treatment. Excess wet weather flows are diverted to a swirl separator for primary clarification and solids and floatables removal and disposal, and disinfection. Effluent from the swirl separator is disinfected by a high rate disinfection system to ensure compliance with applicable water quality-based thresholds for bacteria. The concentrated underflow from the swirl separator is conveyed back to the headworks of the treatment facility for secondary treatment.

Under normal tidal conditions, the effluent from the swirl separator is combined with secondary treated effluent for discharge via the Rockland POTW's main outfall, Outfall #001A. Outfall #001A is a 36-inch diameter reinforced concrete pipe that extends approximately 500 feet out into Rockland Harbor off of Park Street and is submerged to a depth of approximately 10 feet below the surface at mean low water. The diffuser was upgraded in 2009 to increase the number of diffuser ports to 28 to improve mixing of the effluent with the receiving waters.

During extreme high tide events, the main outfall pipe is subject to surcharging which restricts the discharge flow rate. When the swirl separator is active during an extreme high tide event, flows exceeding the hydraulic capacity of Outfall #001A are diverted to a separate physical outfall at Lermond Cove, designed Outfall #002A.

Under extreme wet weather conditions, flows exceeding dry weather and wet weather pumping capacities of the wet weather wet well may be discharged via a 42-inch diameter emergency bypass pipe to Lermond Cove designated Outfall #002B. The Department considers this a CSO.

A map created by the Department showing the location of the treatment system and all outfall points is included as Fact Sheet **Attachment A**.

A schematic of the treatment system is included as Fact Sheet **Attachment B**.

2. PERMIT SUMMARY

a. Summary of outfalls regulated in this permitting action –

1. Outfall #001A: Secondary treated wastewater discharged to Rockland Harbor;

2. Outfall #001B: Blended primary and secondary treated wastewater discharged to Rockland Harbor via Outfall #001A;

3. Outfall #001C – Primary treated waste water from the swirl separator discharged to Rockland Harbor via Outfall #001A or Lermond Cove via Outfall #002A.

4. Outfall #002A: Primary-only treated wastewater discharged to Lermond Cove;

5. Outfall #002B: Treatment Plant Wet Weather Pump Station Bypass of untreated waste water discharged to Lermond Cove; and

6. Outfall #003: Emergency untreated pump station bypass at Park Street discharged to Rockland Harbor.

b. Terms and Conditions: This permit is carrying forward all the terms and conditions of the previous permit except this permit is:

1) *Secondary Treated Wastewater (Outfall #001A)*

a) Revising the monthly average and weekly average technology-based concentration and mass limitations for biochemical oxygen demand (BOD_5) and total suspended solids (TSS) based on special considerations of the secondary treatment regulation;

b) Establishing a waiver from the daily maximum effluent limitations for BOD_5 and TSS during CSO-related bypass events. The Department has defined CSO-related bypass in the permit as a discharge of wastewater from the swirl separator and the secondary treatment system via Outfall #001A when the flow rate through the secondary treatment system has exceeded an instantaneous flow rate of 3,262 gallons per minute (gpm) (4.7 MGD).

c) Revising previous Special Condition H, now called *06-096 CMR 530(2)(D)(4) Statement for Reduced Waived Toxics Testing*, to include certification requirements for inflow/infiltration and transported wastes that may increase the toxicity of the discharge;

d) Eliminating the monthly average limitation and monitoring requirements for inorganic arsenic and the daily maximum concentration reporting requirement for total arsenic based on the results of facility testing;

2. PERMIT SUMMARY (cont'd)

e) Incorporating the interim mercury limitations established by the Department for this facility pursuant to *Certain deposits and discharges prohibited*, 38 M.R.S.A. § 420 and *Waste discharge licenses*, 38 M.R.S. § 413 and *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001);

2) *CSO-Related Bypasses of Secondary Treatment to Rockland Harbor (Outfall #001B)* - For the purposes of this permitting action, this term refers to discharges of blended effluent from the swirl separator and the secondary treatment system via Outfall #001A. This permit allows initiation of a CSO-related bypass of secondary treatment requirements when the instantaneous flow rate through the secondary treatment process has exceeded 3,262 gpm (4.7 MGD).

a) Revising the instantaneous flow rate threshold for initiation of the bypass event from 5.7 MGD to 4.7 MGD based on new information and engineering review;

b) Establishing new effluent limitations for the blended discharge of primary only and secondary treated wastewater;

c) Establishing monthly total and daily maximum effluent flow monitoring and reporting requirements;

d) Establishing daily maximum, performance-based mass limitations of 6,463 lbs./day for BOD_5 and 11,276 lbs./day for TSS that are protective of water quality standards;

e) Eliminating the reporting requirements for BOD_5 percent removal and TSS percent removal;

f) Establishing a water quality-based effluent limitation of 1.0 mg/L for total residual chlorine (TRC);

g) Establishing a water quality-based effluent limitation of 200 colonies / 100 mL for fecal coliform bacteria;

2. PERMIT SUMMARY (cont'd)

3) *CSO-Related Bypasses of Secondary Treatment to Lermond Cove (Outfall #002A)*- For the purposes of this permitting action, this term refers to discharges of effluent directly from the swirl separator to Lermond Cove.

a) Establishing a monthly total and daily maximum discharge flow reporting requirement;

b) Establishing a daily maximum, performance-based mass limitation of 1,131 lbs/day for BOD_5 and 2,376 lbs/day for TSS that are protective of water quality standards;

c. History: This section provides a summary of recent/significant licensing and permitting actions and other significant regulatory actions completed for the Rockland POTW.

March 6, 1998 – Pursuant to *Combined Sewer Overflow Abatement*, 06-096 CMR 570 (last amended February 8, 1978), the City submitted a combined sewer overflow (CSO) Master Plan to the Department.

August 25, 1998 – The U.S. Environmental Protection Agency (USEPA) issued a renewal of National Pollutant Discharge Elimination System (NPDES) permit #ME0100595 to the City. The 8/25/98 permit superseded NPDES permits issued to the City by the USEPA on May 14, 1993 and May 29, 1985 (earliest NPDES permit on file with the Department).

June 7, 2000 – Pursuant to *Certain deposits and discharges prohibited*, 38 M.R.S. § 420, *Waste discharge licenses*, 38 M.R.S. § 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 #W000681-47-D-M by establishing interim monthly average and daily maximum effluent concentration limits of 6.0 parts per trillion (ppt) and 9.0 ppt, respectively, and a minimum monitoring frequency requirement of 4 tests per year for mercury.

January 12, 2001 – The Department received authorization from the USEPA to administer the NPDES permit program in Maine, excluding areas of special interest to Maine Indian Tribes. From that point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) program, and MEPDES permit #ME0100595 has been utilized for this facility.

December 21, 2007 – The Department issued WDL #W000681-5M-G-R to the City for a five-year term. The 12/21/07 permit superseded WDL #W000681-5M-E-R issued on June 13, 2001, WDL Modification #W000681-47-D-M issued on December 6, 1995, WDL #W000681-47-C-R issued on May 28, 1991, WDL #W000681-47-A-R issued on October 23, 1985, and WDL #681 issued on August 13, 1980.

September 2010 – The City physically blocked off CSO #009 at the Landing, eliminating its ability to overflow.

2. PERMIT SUMMARY (cont'd)

December 23, 2010 – The City installed an emergency overflow level indicator alarm and data recorder at CSO #003 at the Park Street pump station. With this equipment installation, the City requested that this overflow be reclassified as an emergency bypass.

January 7, 2011 – The Department notified the City that, as requested, it would be eliminated from the active CSO community list. The Department stated that it would initiate a permit modification to remove CSO # 003 and # 009 from active status and designate CSO # 003 at the Park Street pump station as an emergency bypass. The permit was not modified prior to the December 21, 2012 expiration date; therefore, the terms and conditions for CSOs were never formally eliminated.

September 24, 2012 – The City submitted a timely and complete General Application to the Department for renewal of the December 21, 2007 permit (including subsequent minor permit revisions and permit modifications). The application was accepted for processing on September 27, 2012 and was assigned WDL #W000681-5M-G-R / MEPDES #ME0100595.

January 14, 2013 – The Department issued a proposed draft permit for a formal 30-day public comment period. Significant comments were received from USEPA resulting in significant changes to the January 14, 2013 draft.

May, 2016 - Due to the significant redrafting of terms and conditions from those proposed in the January 14, 2013 draft permit, the Department placed the permit renewal on hold to address the concerns raised. The Department re-evaluated the status of the permit renewal and made a best professional judgment to take a step back in the renewal process given the three-year length of time between the posting of the permit for a 30-day public comment period and the number of substantive revisions to the permit. The Department re-issued the permit as an informal preliminary draft permit on May 23, 2016, to the permittee, Department and EPA personnel only.

3. CONDITIONS OF PERMITS

Conditions of licenses, 38 M.R.S. § 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, 38 M.R.S. § 420 and 06-096 CMR 530 require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (last amended July 29, 2012), 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

Classifications of estuarine and marine waters, 38 M.R.S. § 469 classifies the Atlantic Ocean at Rockland Harbor, as Class SC waters. *Standards for classification of estuarine and marine waters*, 38 M.R.S. § 465-B(3) describes the standards for Class SC waters. Relevant standards for the receiving waters are as follows:

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

The dissolved oxygen content of Class SC waters must be not less than 70% 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 14 per 100 milliliters or an instantaneous level of 94 per 100 milliliters.

Discharges to Class SC waters may cause some changes to estuarine and marine life provided that the receiving waters are of sufficient quality to support all species of fish indigenous to the receiving waters and maintain the structure and function of the resident biological community.

State waters are protected by the State's antidegradation policy which provides that certain existing in-stream water uses and the level of water quality necessary to protect those existing uses must be maintained and protected. 38 M.R.S.A. § 464(4)(F).

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2012 Integrated Water Quality Monitoring and Assessment Report, prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the estuarine and marine waters at Rockland as, "*Category 4-A: Estuarine and Marine Waters with Impaired Use, TMDL Completed.*" The Report states that bacteria may impair either recreational uses (swimming) or shellfish consumption uses, or both. Shellfish consumption impairments only apply to waters naturally capable of supporting the shellfish-harvesting use (*i.e.*, waters of high enough salinity for propagation of shellfish.) On September 28, 2009, the USEPA approved the Department's Maine Statewide Bacteria TMDL (Total Maximum Daily Loads), dated August 2009, for fresh, marine and estuarine waters impaired by bacteria.

The City has developed and implemented a CSO Master Plan for the elimination of all CSO points associated with the Rockland POTW. The Department acknowledges that elimination of all CSO points is a costly and long-term project. As the City's treatment plant and sewer collection system are upgraded and maintained in according to the CSO Master Plan and Nine Minimum Controls, there should be reductions in the frequency and volume of CSO and primary treatment activities and, over time, improvement in the quality of the wastewater discharged to the receiving waters. Compliance with the limitations established in the permit ensure that the discharge of treated wastewater will not cause or contribute to exceedance of water quality standards.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Outfall #001A: Secondary treated wastewater to Rockland Harbor

a. Flow: The monthly average dry weather design capacity of the Rockland POTW is 3.3 MGD. The previous permitting action eliminated the monthly average discharge flow limitation of 3.3 MGD in order to encourage the facility to maximize its secondary treatment capability. This decision encourages the City to process as much wet weather flow as practicable through the secondary treatment process. This permitting action is carrying forward the monthly average discharge flow reporting requirement. Mass limitations established in this permitting action are calculated based on the average design capacity of 3.3 MGD.

The following table summarizes effluent data reported on Discharge Monitoring Reports (DMRs) for the period of January 2012 through September 2015.

Flow (DMRs=45) Outfall #001A

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	3.3 (design)	1.8 – 3.6	2.6
Daily Maximum	n/a	2.1 – 5.0	4.0

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Outfall #001A: Secondary treated wastewater to Rockland Harbor

b. Dilution Factors: 06-096 CMR 530(4)(A)(2)(a) 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 level 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, CORMIX or another predictive model."* Based on the configuration of Outfall #001A and a monthly average discharge flow design criterion of 3.3 million gallons per day (MGD), dilution factors associated with the discharge of secondary treated wastewater via Outfall #001A are as follows:

Acute = 18.2:1 Chronic = 139.7:1 Harmonic mean[2] = 419.0:1

c. Biochemical Oxygen Demand (BOD_5) and Total Suspended Solids (TSS): The previous permitting action established monthly average and weekly average technology-based effluent limits (TBELs) of 30 mg/L and 45 mg/L, respectively, for BOD_5 and TSS pursuant to the secondary treatment regulation at 06-096 CMR 525(3)(III). The previous permit also established a daily maximum TBELs of 50 mg/L for both BOD_5 and TSS based on a Department best professional judgment (BPJ) of best practicable treatment (BPT) for secondary treated wastewater. Monthly average and weekly average TBELs of 826 lbs./day and 1,239 lbs./day, respectively, established in the previous permitting action for BOD_5 and TSS were based on the monthly average flow design criterion of 3.3 MGD and the applicable concentration limits. A summary of the limitations and effluent BOD_5 data as reported on the DMRs submitted to the Department for the period January 2012 through September 2015 follows. is as follows:

BOD_5 Mass (DMRs=45)

Value	Limit (lbs./day)	Range (lbs/day)	Mean (lbs/day)
Monthly Average	826	142 – 821	350
Weekly Average	1,239	167 – 1,144	484
Daily Maximum	Report	179 – 1,445	666

BOD_5 Concentration (DMRs=45)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	30	8.7 – 27	15
Weekly Average	45	10 – 44	21
Daily Maximum	50	11 – 52	26

[2] 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.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Outfall #001A: Secondary treated wastewater to Rockland Harbor

A summary of the effluent TSS data as reported on the DMRs submitted to the Department for the period January 2012 through September 2015 follows.

TSS Mass (DMRs=45)

Value	Limit (lbs./day)	Range (lbs/day)	Mean (lbs/day)
Monthly Average	826	139 – 831	411
Weekly Average	1,239	179 – 1,549	594
Daily Maximum	Report	221 – 6,096	1,085

TSS Concentration (DMRs=45)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	30	8.5 – 37	19
Weekly Average	45	10 – 80	27
Daily Maximum	50	13 – 231	45

In consideration of the results of effluent monitoring for compliance demonstration with the previous permit, the minimum monitoring frequency requirement prescribed by 40 CFR 122.44(i)(2)(B(2), guidance provided by *Interim Guidance for Performance Based Reductions of NPDES Permit Monitoring Frequencies* (USEPA Guidance April 1996) and a Department best professional judgment based on guidance provided by Department document entitled, *Performance-Based Reduction of Monitoring Frequencies, Modification of EPA Guidance, April 1996*, May 22, 2014, this permitting action is carrying forward the minimum monitoring frequency requirement for BOD_5 and TSS of three times per week (3/week).

The secondary treatment regulation at 40 CFR 133.103(b) provides that the effluent limitations for BOD_5 and TSS from a POTW may be less stringent than the minimum level of effluent quality attainable by secondary treatment prescribed at 40 CFR 133.102(a)[3] when 1) the permitted discharge of such pollutants, attributable to the industrial category, would not be greater than that which would be permitted under sections 301(b)(1)(A)(i), 301(b)(2)(E) or 306 of the Clean Water Act if such industrial category were to discharge directly into the navigable waters, and 2) the flow or loading of such pollutants introduced by the industrial category exceeds 10 percent of the design flow or loading of the publicly owned treatment works.

[3] Monthly average of 30 mg/L; weekly average of 45 mg/L; 30-day percent removal of 85%; pH of 6.0-9.0.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Outfall #001A: Secondary treated wastewater to Rockland Harbor

Sections 301(b)(1)(A)(i) 301(b)(2)(E) of the Clean Water Act apply to point sources other than POTWs. Section 306 of the Clean Water Act applies to categories of sources for which effluent limitations guidelines for existing sources, standards of performance for new sources and pretreatment standards for new and existing sources have been promulgated or proposed under 40 CFR 402 through 699.

Neither the USEPA nor Department has promulgated effluent limitation guidelines that are applicable to FMC Biopolymer as if it was a direct discharge to Rockland Harbor. Therefore, sections 301(b)(1)(A)(i), 301(b)(2)(E) and 306 of the Clean Water Act are not applicable in consideration of adjusting upwards the effluent limitations for BOD_5 and TSS due to FMC Biopolymer's industrial contribution to the Rockland POTW.

The industrial contribution in terms of both flow and BOD_5 and TSS loading from FMC Biopolymer to the Rockland POTW exceeds 10% of design capacity of the treatment works. Therefore, the special considerations for adjustment of secondary treatment regulations at 40 CFR 133.103(b) may be utilized to adjust upward the BOD_5 and TSS limits for the Rockland POTW. When such an adjustment is made, the values for BOD_5 and TSS should be adjusted proportionately.

This permitting action is establishing less stringent limitations for BOD_5 and TSS than were established in the previous permit based on the special considerations for industrial wastes that were not contemplated when developing the previous permit. During development of this permit, the Rockland POTW provided new information regarding the industrial contribution to the treatment works that was not available at the time the previous permit was issued. The Department concluded based on this information that the industrial contribution from FMC is significant and that the effluent limitations for the Rockland POTW warrant reconsideration. Section 402(o) of the Clean Water Act contains prohibitions for anti-backsliding. Generally, anti-backsliding prohibits the issuance of a renewed permit with less stringent limitations than were established in the previous permit. The Clean Water Act contains certain exceptions to anti-backsliding at Section 402(o)(2). In the case of the Rockland POTW and the limitations for BOD_5 and TSS, the Department has determined that the limitations established in the previous permit would not have been established at the time the previous permit was issued based on the new information[4] that has been obtained since issuance of the 2007 permit. Section 402(o)(2)(B)(i) of the Clean Water Act contains an exception to anti-backsliding for information is available which was not available at the time of permit issuance (other than revised

[4] Information concerning the strength and treatability of the industrial contribution to the POTW that was provided to the Department by the City during development of the reissued permit and identification that effluent limit violations that occurred during the term of the previous permit constitute new information that was not available at the time the previous permit was issued.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Outfall #001A: Secondary treated wastewater to Rockland Harbor

regulations, guidance, or test methods) and which would have justified the application of a less stringent effluent limitation at the time of permit issuance. Therefore, the Department concludes that the anti-backsliding provisions have been satisfied and adjustment of the BOD_5 and TSS limits to be less stringent than those established in the previous permit is permissible. [It is noted that anti-backsliding prohibitions and exceptions are mirrored in Chapter 523 of the Department's rules and at 40 CFR 122.44(l)(2)(i)(B)(1).]

Revised effluent limitations for BOD_5 and TSS were established based on the past demonstrated performance of the FMC Biopolymer and Rockland POTW treatment systems. Past demonstrated performance analysis of FMC Biopolymer's wastewater was performed on water quality data from a point following initial treatment provided as part of FMC Biopolymer's pretreatment agreement with the City of Rockland. FMC Biopolymer collects process wastewater, conditions it with polymer, and runs it through a 10,000-gallon Lamella clarifier to remove solids (which are dewatered in a screw press and ultimately used for authorized agronomic purposes). The clarifier effluent is pumped to a 200,000 gallon equalization tank, and then to a 5,000 gallon neutralization tank, where the pH is adjusted to 6.0 – 9.0 (typically closer to 9.0). The effluent is then conveyed to the Rockland POTW for additional treatment.

The characteristics of BOD_5 and TSS from FMC Biopolymer are fundamentally different from the characteristics of sanitary wastewater for which the Rockland POTW was designed to treat. The variability of products (e.g., types of seaweed) processed and the settleability characteristics of the high-molecular-weight polysaccharides contained in the wastewater result in a wastewater source that, even following pretreatment, is not treated as efficiently as typical sanitary and municipal type wastewater at a conventional POTW.

Consequently, the Department revised BOD_5 and TSS limits based on best professional judgment in the absence of an available effluent guideline or any other permit in the nation that could be considered for consistency purposes in deriving technology-based limits. For purposes of calculating effluent limitations for BOD_5 and TSS, this permitting action assumes that the Rockland POTW will achieve a removal efficiency of 65% of the FMC Biopolymer wastewater after pretreatment at the FMC Biopolymer facility.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Outfall #001A: Secondary treated wastewater to Rockland Harbor

Average flows from the Rockland POTW (2009-2014) are 2.6 MGD (secondary treated effluent) and FMC Biopolymer (2011-2013) are 0.55 MGD. Flow from FMC is introduced into Rockland POTW at a point after the primary clarifier but before the aeration basin. End-of-pipe TBELs for BOD_5 and TSS may be derived by combining the FMC Biopolymer portion and Rockland POTW portion as follows.

BOD_5 Limits – FMC Biopolymer portion based on 95%tile (monthly average) 97%tile (weekly average) 99%tile (daily maximum) is as follows:

Monthly average mass: 3,522 lbs/day

Weekly average mass: 3,617 lbs/day

Daily maximum mass: 3,986 lbs/day

Assuming 65% removal efficiency through the Rockland POTW, the FMC Biopolymer portion for BOD_5 may be calculated as follows:

Monthly average mass: (3,522 lbs/day)(0.35) = 1,233 lbs/day

Weekly average mass: (3,617 lbs/day)(0.35) = 1,266 lbs/day

Daily maximum mass: (3,986 lbs/day)(0.35) = 1,395 lbs/day

The POTW portion may be calculated using the following formula:

(Conc. Standard)(Design Flow)(Conversion Factor)(% of Flow from POTW)

Thus, the portion for the Rockland POTW is:

Monthly average:
(30 mg/L)(3.3 MGD)(8.34 lbs./gal)[(2.6 MGD – 0.55 MGD*)/2.6 MGD] = 651 lbs./day

Weekly average:
(45 mg/L)(3.3 MGD)(8.34 lbs./gal)[(2.6 MGD – 0.55 MGD*)/2.6 MGD] = 977 lbs./day

Daily maximum:
(50 mg/L)(3.3 MGD)(8.34 lbs./gal)[(2.6 MGD – 0.55 MGD*)/2.6 MGD] = 1,085 lbs./day

*Arithmetic mean flow from FMC for the period 2011 – 2013

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Outfall #001A: Secondary treated wastewater to Rockland Harbor

End-of-pipe limitations are the sum of the FMC Biopolymer and the Rockland POTW portions. Concentration limitations were back-calculated from the mass limitations. The calculations for BOD_5 are as follows.

Monthly average mass: 651 lbs./day + 1,233 lbs./day = **1,884 lbs./day**
Monthly average concentration: (1,884 lbs./day)/[(3.3 MGD)(8.34 lb./gal)] = **68 mg/L**

Weekly average mass: 977 lbs/day + 1,266 lbs,/day = **2,243 lbs./day**
Weekly average concentration: (2,243 lbs./day)/[(3.3 MGD)(8.34 lbs./gal)] = **81 mg/L**

Daily maximum mass: 1,085 lbs./day + 1,395 lbs./day = **2,480 lbs./day**(1)
Daily maximum concentration: (2,480 lbs./day)/[(3.3 MGD)(8.34 lbs./gal)] = **90 mg/L**

(1) To encourage the treatment facility to maximize use of its secondary treatment process during wet weather events, this permitting action is not establishing a daily maximum numeric mass limitation but is establishing a "report" only requirement for the daily maximum BOD_5.

TSS Limits – FMC Biopolymer portion based on 95%tile (monthly average) 97%tile (weekly average) 99%tile (daily maximum) is as follows:

Monthly average mass: 2,264 lbs/day

Weekly average mass: 2,388 lbs/day

Daily maximum mass: 2,458 lbs/day

Assuming 65% removal efficiency through the Rockland POTW, the FMC Biopolymer portion for TSS may be calculated as follows:

Monthly average mass: (2,264 lbs/day)(0.35) = 792 lbs/day

Weekly average mass: (2,388 lbs/day)(0.35) = 836 lbs/day

Daily maximum mass: (2,458 lbs/day)(0.35) = 860 lbs/day

The POTW portion may be calculated using the following formula:

(Conc. Standard)(Design Flow)(Conversion Factor)(% of Flow from POTW)

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Outfall #001A: Secondary treated wastewater to Rockland Harbor

Thus, the portion for the Rockland POTW is:

Monthly average:
(30 mg/L)(3.3 MGD)(8.34 lbs./gal)[(2.6 MGD – 0.55 MGD)/2.6 MGD] = 651 lbs./day

Weekly average:
(45 mg/L)(3.3 MGD)(8.34 lbs./gal)[(2.6 MGD – 0.55 MGD)/2.6 MGD] = 977 lbs./day

Daily maximum:
(50 mg/L)(3.3 MGD)(8.34 lbs./gal)[(2.6 MGD – 0.55 MGD)/2.6 MGD] = 1,085 lbs./day

End-of-pipe technology-based effluent limitations are the sum of the FMC Biopolymer and the POTW portions. Concentration limitations were back-calculated from the mass limitations. The calculations for TSS are as follows.

Monthly average mass: 651 lbs./day + 792 lbs./day = **1,443 lbs./day**
Monthly average concentration: (1,443 lbs./day)/[(3.3 MGD)(8.34 lb./gal)] = **52 mg/L**

Weekly average mass: 977 lbs./day + 836 lbs./day = **1,813 lbs./day**
Weekly average concentration: (1,813 lbs./day)/[(3.3 MGD)(8.34 lbs./gal)] = **66 mg/L**

Daily maximum mass: 1,085 lbs./day + 860 lbs./day = **1,945 lbs./day**(2)
Daily maximum concentration: (1,945 lbs./day)/[(3.3 MGD)(8.34 lbs./gal)] = **71 mg/L**

(2) To encourage the treatment facility to maximize use of its secondary treatment process during wet weather events, this permitting action is not establishing a daily maximum numeric mass limitation but is establishing a "report" only requirement for the daily maximum TSS.

The Department has determined that the less stringent effluent limitations for BOD_5 & TSS will not violate the provisions of the State's antidegradation policy, *Classification of Maine waters*, 38 M.R.S. § 464(4)(F).

The secondary treatment regulation at 06-096 CMR 525(3)(III) requires that the 30-day average percent removal of BOD_5 and TSS must not be less than 85 percent. This permitting action is carrying forward a requirement to achieve 85 percent removal of BOD_5 and TSS for all non-wet weather related discharges. For POTWs with combined sewers, a decision must be made on a case-by-case basis as to whether any attainable percentage removal level can be defined during wet weather events, and if so, what the level should be. In making this determination, adjustment of the 85 percent removal requirement for POTWs with combined sewers should still provide incentive to control excess infiltration.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Outfall #001A: Secondary treated wastewater to Rockland Harbor

A requirement to achieve 85 percent removal of BOD_5 and TSS 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 requirement to achieve a minimum of 85% removal of BOD_5 and TSS when influent strength is less than 200 mg/L. Dilute influent strength of 200 mg/L or less is considered to be attributable to wet weather related flows. The reissued permit for the City contains conditions for CSO abatement, including requirements for a CSO Master Plan to address excess infiltration.

The Department has established a daily maximum concentration limit of 50 mg/L for secondary treated wastewater as best professional judgment of best practicable treatment. This standard was developed and approved by the Board of Environmental Protection prior to NPDES delegation and promulgation of secondary treatment regulations into State rule that are consistent with the Clean Water Act. The Department has reconsidered the applicability of this daily maximum standard for facilities with CSO-related bypasses of secondary treatment. The Department concludes that the CSO-related bypass scenario was not contemplated at the time the Board of Environmental Protection approved use of a daily maximum limitation of 50 mg/L for BOD_5 and TSS and that it is not a standard that can consistently be achieved at POTWs with CSO-related bypass of secondary treatment. Therefore, this permitting action is establishing a waiver from the daily maximum effluent limitations for BOD_5 & TSS during CSO-related bypass events. The Department has defined CSO-related bypass in the permit as a discharge of wastewater from the swirl separator and the secondary treatment system via Outfall #001A to Rockland Harbor or via Outfall #002A to Lermond Cove when the flow rate through the secondary treatment process exceeds an instantaneous flow rate of 3,262 gpm (4.7 MGD).

d. Settleable Solids: The previous permitting action established, and this permitting action is carrying forward, a daily maximum concentration limit of 0.3 ml/L for settleable solids, which is considered a best practicable treatment limitation (BPT) for secondary treated wastewater.

A summary of effluent settleable solids data as reported on the DMRs submitted to the Department for the period January 2012 through September 2015 follows.

Settleable Solids Concentration (DMRs= 45)

Value	Limit (ml/L)	Range (ml/L)	Mean (ml/L)
Daily Maximum	0.3	0.1 – 28	0.2[5]

[5] It is noted that the mean of 0.2 ml/L was calculated excluding the outlying data point of 28 ml/L reported for January 2012.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Outfall #001A: Secondary treated wastewater to Rockland Harbor

In consideration of the results of effluent monitoring for compliance demonstration with the previous permit, the minimum monitoring frequency requirement prescribed by 40 CFR 122.44(i)(2)(B(2), guidance provided by *Interim Guidance for Performance Based Reductions of NPDES Permit Monitoring Frequencies* (USEPA Guidance April 1996) and a Department best professional judgment based on guidance provided by Department document entitled, *Performance-Based Reduction of Monitoring Frequencies, Modification of EPA Guidance, April 1996*, May 22, 2014, this permitting action is carrying forward the minimum monitoring frequency requirement for settleable solids of once per day (1/day).

e. Fecal Coliform Bacteria: The previous permitting action established, and this permitting action is carrying forward, seasonal monthly average and daily maximum concentration limits of 15 colonies/100 ml and 50 colonies/100 ml, respectively, for fecal coliform bacteria, which are consistent with the National Shellfish Sanitation Program. Bacteria limits are seasonal and apply between May 15 and September 30 of each year. However, pursuant to Maine law 38 M.R.S §413-A(5), the Department reserves the right to require year-round disinfection to protect the health, safety and welfare of the public after notice to the permittee and all other interested parties of record and with opportunity for a hearing.

A summary of effluent fecal coliform bacteria data as reported on the DMRs for the period January 2012 through September 2015 (applicable months only) follows:

Fecal coliform bacteria (DMRs = 20)

Value	Limit (col/100 mL)	Range (col/100 mL)	Mean (col/100 mL)
Monthly Average	15	1 – 12	4
Daily Maximum	50	4 – 1,986	159

In consideration of the results of effluent monitoring for compliance demonstration with the previous permit, the minimum monitoring frequency requirement prescribed by 40 CFR 122.44(i)(2)(B(2), guidance provided by *Interim Guidance for Performance Based Reductions of NPDES Permit Monitoring Frequencies* (USEPA Guidance April 1996) and a Department best professional judgment based on guidance provided by Department document entitled, *Performance-Based Reduction of Monitoring Frequencies, Modification of EPA Guidance , April 1996*, May 22, 2014, this permitting action is carrying forward the minimum monitoring frequency requirement for fecal coliform bacteria of five times per week (5/week).

It is noted that this permitting action authorizes the City to sample effluent for compliance with fecal coliform bacteria limits at a point following disinfection and prior to dechlorination. The Department is authorizing this change in sampling location in consideration that the City experiences bacteria regrowth in the dechlorination chamber. This action is consistent with recommendations provided by the Department in a September 2003 Operations and Maintenance Newsletter article titled, "Coliform Bacteria Regrowth."

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Outfall #001A: Secondary treated wastewater to Rockland Harbor

f. Total Residual Chlorine (TRC): The previous permitting action and November 21, 2009, permit modification established technology-based monthly average and water quality-based daily maximum concentration limits of 0.1 mg/L and 0.2 mg/L, respectively, for TRC. Limitations on TRC are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. Department permitting actions impose the more stringent of either a water quality-based or BPT-based limit. With dilution factors as determined above, end-of-pipe (EOP) water quality-based concentration thresholds for TRC may be calculated as follows:

Acute (A) Criterion	Chronic (C) Criterion	A & C Dilution Factors	Calculated Acute Threshold	Chronic Threshold
0.013 mg/L	0.0075 mg/L	18.2:1 (A) 139.7:1 (C)	0.24 mg/L	1.1 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 need to dechlorinate the discharge in order to meet water quality-based thresholds, the Department has established daily maximum and monthly average BPT limits of 0.3 mg/L and 0.1 mg/L, respectively. The City dechlorinates the effluent prior to discharge in order to achieve compliance with the water quality-based thresholds. The calculated acute water quality-based threshold of 0.24 mg/L is more stringent than the daily maximum technology-based standard of 0.3 mg/L and is therefore being established 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 1.1 mg/L and is therefore being carried forward in this permitting action.

A summary of the effluent TRC data for the period January 2012 through September 2015 (applicable disinfection period only) follows.

Total residual chlorine (DMRs=20)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	0.1	0.01 – 0.19	0.03
Daily Maximum	0.2	0.02 – 3.0	0.3

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Outfall #001A: Secondary treated wastewater to Rockland Harbor

In consideration of the results of effluent monitoring for compliance demonstration with the previous permit, the minimum monitoring frequency requirement prescribed by 40 CFR 122.44(i)(2)(B(2), guidance provided by *Interim Guidance for Performance Based Reductions of NPDES Permit Monitoring Frequencies* (USEPA Guidance April 1996) and a Department best professional judgment based on guidance provided by Department document entitled, *Performance-Based Reduction of Monitoring Frequencies, Modification of EPA Guidance, April 1996*, May 22, 2014, this permitting action is carrying forward the minimum monitoring frequency requirement for TRC of twice per day (2/day).

g. pH: 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.

The DMR data indicate the facility has been in compliance with the pH range limitation 100% of the time during the period of January 2012 through September 2015 (# DMRs = 45).

In consideration of the results of effluent monitoring for compliance demonstration with the previous permit, the minimum monitoring frequency requirement prescribed by 40 CFR 122.44(i)(2)(B(2), guidance provided by *Interim Guidance for Performance Based Reductions of NPDES Permit Monitoring Frequencies* (USEPA Guidance April 1996) and a Department best professional judgment based on guidance provided by Department document entitled, *Performance-Based Reduction of Monitoring Frequencies, Modification of EPA Guidance , April 1996*, May 22, 2014, this permitting action is carrying forward the minimum monitoring frequency requirement for pH of once per day (1/day).

h. Mercury: Pursuant to 38 M.R.S. § 420 and 38 M.R.S. § 413 and 06-096 CMR 519, the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL #W000681-47-D-M by establishing interim monthly average and daily maximum effluent concentration limits of 6.0 parts per trillion (ppt) and 9.0 ppt, respectively, and a minimum monitoring frequency requirement of 4 tests per year for mercury.

38 M.R.S. § 420(1-B)(B)(1) provides that a facility is not in violation of the AWQC for mercury if the facility is in compliance with an interim discharge limit established by the Department. A review of the Department's database for the period January 2004 through April 2012 is as follows.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Outfall #001A: Secondary treated wastewater to Rockland Harbor

Mercury (n = 34)

Value	Limit (ng/L)	Range (ng/L)	Mean (ng/L)
Monthly Average	6.0	1.11 – 18.1	5.0
Daily Maximum	9.0		

On February 6, 2012, the Department issued a minor revision to the December 21, 2007 permit thereby revising the minimum monitoring frequency requirement from once per quarter to once per year pursuant to 38 M.R.S. § 420(1-B)(F). This minimum monitoring frequency is being carried forward in this permitting action.

i. Total Nitrogen: 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 voluntarily participated in a Department-coordinated project to measure effluent nitrogen, and submitted monthly samples from May-October, 2015. The mean value of the permittee's five total nitrogen samples was 42.7 mg/L. For reasonable potential evaluations, the Department considers 42.7 mg/L to be representative of total nitrogen discharge levels from the Rockland POTW.

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.

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 eelgrass in the vicinity of discharge outfalls. Extrapolating estuarine criteria to an exposed coastal marine environment may result in thresholds that are not appropriate given the lower ambient nutrient concentrations expected in the open ocean. 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 small eelgrass beds that were mapped in the immediate vicinity of the outfall in 2003. The Lermond Cove discharge location is 0.4-0.5 miles to the nearest mapped eelgrass. The discharge from the permittee's facility to Rockland Harbor would be considered a discharge to a semi-protected embayment.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Outfall #001A: Secondary treated wastewater to Rockland Harbor

With the exception of ammonia, nitrogen is not acutely toxic. Therefore, the Department is considering a far-field dilution to be more appropriate when evaluating impacts of total nitrogen to the marine environment. The Department has made a best professional judgment determination to consider the geographic area of Rockland Harbor inside the breakwater for calculation of far-field dilution. Modelling by the Department's Division of Environmental Assessment indicates that the far-field dilution was determined by developing a hydrodynamic WASP model that replicates the hydraulic geometry of Rockland Harbor.

- The model defined Rockland Harbor as the tidally influenced area within the breakwater area (line drawn from the end of breakwater generally southerly to a small jut of land on the opposing shore).

- The ocean boundary was defined as an area approximately 1,500 meters by 1,500 meters immediately adjacent to Rockland Harbor (1,500 meters is the width of gap in the breakwater and the opposing shore).

- Water movement (hydrodynamic influences) within Rockland Harbor was generated by simulating four months of actual tidal ranges/frequencies from the ocean boundary. This four month period represents the full range of expected tidal influence.

- The hydraulic influence of the outfall was modeled as the continuous discharge of the maximum stated storm influence for the entire length of the model run.

- The dilution factor was determined by continuously injecting a tracer constituent at a constant concentration and evaluating the resultant average concentration in Rockland Harbor.

This results in an estimated dilution factor of 1,421:1 for far-field. The increase in the ambient total nitrogen is only 0.03 mg/L based on the following calculation.

Total nitrogen concentrations in effluent = 42.7 mg/L
Far-field dilution factor = 1,421:1

In-stream concentration after dilution: $\frac{42.7 \text{ mg/L}}{1{,}421} = 0.03$ mg/L

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Outfall #001A: Secondary treated wastewater to Rockland Harbor

The Department has been collecting ambient total nitrogen data in close proximity to the Maine coastline to support an effort to develop statewide nutrient criteria for marine waters. The Department has calculated a mean background concentration of 0.24 mg/L for total nitrogen based on ambient data collected (n=64) within or near Rockland Harbor. Applying this background value to the estimated increase in ambient total nitrogen after reasonable opportunity for mixing in the far-field, the concentration of total nitrogen in the receiving water will be 0.24 mg/L + 0.03 mg/L = 0.27 mg/L. The in-stream concentration value of 0.27 mg/L is less than the Department and USEPA's best professional judgment based total nitrogen thresholds of 0.45 mg/L, considered necessary to protect aquatic life in the receiving water, using dissolved oxygen as the indicator of whether this designated use is achieved, and 0.32 mg/L, for protection of eelgrass. Therefore, the Department is making a best professional judgment determination that the discharge of total nitrogen from the Rockland POTW does not exhibit a reasonable potential to exceed applicable water quality standards for Class SC waters.

j. Whole Effluent Toxicity (WET) & Chemical-Specific Testing: 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.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Outfall #001A: Secondary treated wastewater to Rockland Harbor

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 ≥20:1 but <100:1.
3) Level III – chronic dilution factor ≥100:1 but <500:1 or >500:1 and Q ≥1.0 MGD
4) Level IV – chronic dilution factor >500:1 and Q ≤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 Rockland facility falls into the Level III frequency category as the facility has a chronic dilution factor ≥100:1 but <500:1. Chapter 530(2)(D)(1) specifies that surveillance and screening level testing requirements are as follows:

06-096 CMR 530(2)(D) specifies routine WET, priority pollutant, and analytical chemistry test schedules for Level III dischargers as follows.

Surveillance level testing

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

Screening level testing

Level	WET Testing	Priority pollutant testing	Analytical chemistry
III	1 per year	1 per year	4 per year

This permit 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.

06-096 CMR 530(3)(E) states:

For effluent monitoring data and the variability of the pollutant in the effluent, the Department shall apply the statistical approach in 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.) to data to determine whether water-quality based effluent limits must be included in a waste discharge license. Where it is determined through this approach that a discharge contains pollutants or WET at levels that have a reasonable potential to cause or contribute to an exceedance of water quality criteria, appropriate water quality-based limits must be established in any licensing action.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Outfall #001A: Secondary treated wastewater to Rockland Harbor

WET Evaluation

On April 14, 2016, the Department conducted a statistical evaluation on the most recent 60 months of WET test results on file with the Department for the Rockland POTW in accordance with the statistical approach outlined above. The 4/14/16 statistical evaluation indicates the discharge from the Rockland POTW has not exceeded or demonstrated a reasonable potential to exceed the critical acute or chronic ambient water quality thresholds of 5.5% and 0.7% respectively, for the mysid shrimp or sea urchin. See **Attachment C** of this Fact Sheet for a summary of the WET test results.

06-096 CMR 530(2)(D)(3)(b) states, "Dischargers in Levels III and IV may be waived from conducting surveillance testing for individual WET species or chemicals provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedences....." Based on the provisions of 06-096 CMR 530 and Department best professional judgment, this permitting action is waiving surveillance level WET testing requirements for this facility.

Therefore, this permit action establishes a screening level testing requirements as follows:

Screening Level Testing

Level	WET Testing
III	1 per 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.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

+

Outfall #001A: Secondary treated wastewater to Rockland Harbor

Special Condition H of the previous permit established, *06-096 CMR 530(2)(D)(4) Statement For Reduced Toxics Testing*, pursuant to 06-096 CMR 530(2)(D)(4). This permitting action is revising previous Special Condition H to include certification requirements for inflow/infiltration and transported wastes that may increase the toxicity of the discharge. 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 D** of this Fact Sheet.

06-096 CMR 530(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 Rockland Harbor in the vicinity of the Rockland POTW outfall. Therefore, a default background concentration of 10% of the applicable water quality criteria is being used in the calculations of this permitting action.

06-096 CMR 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 distance between dischargers.

06-096 CMR 530(3)(E) states, "Where it is determined through [the statistical approach referred to in USEPA's Technical Support Document for Water Quality-Based Toxics Control] that a discharge contains pollutants or WET at levels that have a reasonable potential to cause or contribute to an exceedance of water quality criteria, appropriate water quality-based limits must be established in any licensing action."

06-096 CMR 530(3)(D) states, "Where the need for effluent limits has been determined, limits derived from acute water quality criteria must be expressed as daily maximum values. Limits derived from chronic or human health criteria must be expressed as monthly average values."

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Outfall #001A: Secondary treated wastewater to Rockland Harbor

Chemical Evaluation

On April 14, 2016, the Department conducted a statistical evaluation of the most recent 60 months of chemical-specific test results on file with the Department. See Attachment E of this Fact Sheet for the dates in the most current 60-month period. The evaluation indicates that the discharge does not exceed or demonstrate a reasonable potential to exceed the critical AWQC for any pollutants, including inorganic arsenic, which was regulated in the previous permitting action. Therefore, this permitting action is eliminating the effluent limitations and monitoring requirements for arsenic established in the previous permitting action.

Based on the provisions of 06-096 CMR 530 and Department best professional judgment, this permitting action is waiving surveillance level analytical chemistry testing requirements for this facility. Therefore, screening level testing is being established as follows:

Screening Level Testing

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

k. Transported Wastes - The previous permitting action authorized the permittee to receive and introduce up to 2,000 gpd of transported wastes into the wastewater treatment process or solids handling stream. Department rule Chapter 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 has requested the Department carry forward the daily quantity of 2,000 gpd of transported wastes that it is authorized to receive and treat as it is introduced directly into the facility's influent flow. With a design capacity of 3.3 MGD, 2,000 gpd represents 0.05% of said capacity.

The Department has determined that under normal operating conditions, the receipt and treatment of 2,000 gpd of transported wastes to the facility will not cause or contribute to upset conditions of the treatment process.

7. CSO-RELATED BYPASS OF SECONDARY TREATMENT

The permittee maintains a combined sewer system from which wet weather overflows occur. Section 402(q)(1) of the Clean Water Act requires that "each permit, order or decree issued pursuant to this chapter after December 21, 2000 for a discharge from a municipal combined storm and sanitary sewer shall conform to the Combined Sewer Overflow Control Policy signed by the Administrator on April 11, 1994 ....." 33 U.S.C. § 1342(q)(1). The Combined Sewer Overflow Control Policy (CSO Policy, 59 Fed. Reg. 18688-98), states that under USEPA's regulations the intentional diversion of waste streams from any portion of a treatment facility, including secondary treatment, is a bypass and that 40 CFR 122.41(m), allows for a facility to bypass some or all the flow from its treatment process under specified limited circumstances. Under the regulation, the permittee must show that the bypass was unavoidable to prevent loss of life, personal injury or severe property damage, that there was no feasible alternative to the bypass and that the permittee submitted the required notices. The CSO Policy also provides that, for some CSO-related permits, the study of feasible alternatives in the control plan may provide sufficient support for the permit record and for approval of a CSO-related bypass to be included in an NPDES permit.[6] Such allowances will be re-evaluated upon the reissuance of the permit, or when new information becomes available that would represent cause for modifying the permit.

The CSO Policy indicates that the feasible alternative threshold may be met if, among other things, "... the record shows the secondary treatment system is properly operated and maintained, that the system has been designed to meet secondary limits for flows greater than peak dry weather flow, plus an appropriate quantity of wet weather flow, and that it is either technically or financially infeasible to provide secondary treatment at the existing facilities for greater amounts of wet weather flow."[7]

USEPA's CSO Control Policy and CWA section 402(q)(1) provide that the CSO-related bypass provision in the permit should make it clear that all wet weather flows passing through the headworks of the POTW will receive at least primary clarification and solids and floatables removal and disposal, and disinfection, where necessary, and any other treatment that can reasonably be provided.[8] Under section 402(q)(1) of the CWA and as stated in the CSO Policy, in any case, the discharge must not violate applicable water quality standards.[9] The Department will evaluate and establish on a case-by-case basis effluent limitations for discharges that receive only a primary level of clarification prior to discharge and those bypasses that are blended with secondary treated effluent prior to discharge to ensure applicable water quality standards will be met.

---

6 59 Fed. Reg. 18,688, at 18,693 and 40 CFR Part 122.41(m)(4) (April 19, 1994).

7 59 Fed. Reg. at 18,694.

8 59 Fed. Reg. at 18,693.

9 59 Fed. Reg. at 18694, col 1 (April 19, 1994).

7. CSO-RELATED BYPASS OF SECONDARY TREATMENT (cont'd)

This permitting action allows a CSO-related bypass at the Rockland POTW based on the City's evaluation of feasible alternatives, as summarized in "Combined Sewer Overflow Facilities Plan Rockland, Maine," dated March 1998, excerpts of which were resubmitted to the Department on October 20, 2014. During wet weather events when flows to the treatment facility exceed the peak flow capacity of the secondary treatment system excess flow is diverted to a swirl separator for primary clarification and solids and floatables removal and disposal, and disinfection. In the March 1998 report, the peak flow capacity was determined to be 3,958 gpm (5.7 MGD), and this flow rate was established in the previous permit as a bypass threshold that must be achieved before excess flow was diverted to the swirl separator. The City updated its Wet Weather Management Plan (WWMP) Plan in August 2015. The August 2015 WWMP update states, "[o]perating experience during wet weather for the past several years has shown that the current 5.7 MGD trigger flow is too high and often results in effluent violations." The City contracted Wright-Pierce to conduct an engineering evaluation of the treatment system to determine the appropriate bypass threshold that would maximize treatment of both systems and therefore overall quality of all discharges. In a letter from Wright-Pierce to the City, dated January 16, 2015, and appended to the August 2015 WWMP update, a revised bypass threshold of 4.7 MGD, including the 0.7 MGD underflow from the swirl separator, was recommended. The Department's CSO Coordinator reviewed the information provided by the City and concluded that revising the bypass threshold in the permit from 5.7 MGD to 4.7 MGD was justified and appropriate for this facility.

The effluent from the swirl separator is then combined with the effluent from the secondary treatment system for discharge via Outfall #001A to Rockland Harbor. Under extreme conditions of high influent flow and high tidal conditions, the hydraulic capacity of the main outfall pipe is exceeded at which point effluent from the swirl separator is discharged directly to Rockland Harbor at Lermond Cove via Outfall #002A. This permitting action is establishing end-of-pipe limitations for both CSO-related discharge scenarios to comply with USEPA's CSO Control Policy and Clean Water Act section 402(q)(1).

The CSO Control Policy does not define specific design criteria or performance criteria for primary clarification. The Department and USEPA agree that existing primary treatment infrastructure was constructed to provide primary clarification. Therefore, the effluent quality from a properly designed, operated and maintained existing primary treatment system satisfies the requirements for primary clarification and solids removal.

For facilities that blend primary and secondary effluent prior to discharge, such as the Rockland POTW, compliance must be evaluated at the point of discharge, unless impractical or infeasible.[10] Monitoring to assess compliance with limits based on secondary treatment and other applicable limits is to be conducted following recombination of flows at the point of discharge or, where not feasible, by mathematically combining analytical results for the two waste streams. Where a CSO-related bypass is directly discharged after primary settling and chlorination, monitoring will be at end of pipe if possible.

---

[10] 40 CFR 122.45(h).

7. CSO-RELATED BYPASS OF SECONDARY TREATMENT (cont'd)

Due to the variability of CSO-related bypass treatment systems and wet weather related influent quality and quantity, a single technology-based standard cannot be developed for all of Maine's CSO-related bypass facilities[11]. To standardize how the Department will regulate these facilities to ensure compliance with the CSO Control Policy and Clean Water Act[12], the Department has determined that effluent limitations for the discharge of CSO-related bypass effluent that is combined with effluent from the secondary treatment system should be based on the more stringent of either the past demonstrated performance of the properly operated and maintained treatment system(s) or site-specific water quality-based limits derived from computer modeling or best professional judgment of Department water quality engineers of assimilative capacity of the receiving water.

The federal secondary treatment regulation does not contain daily maximum effluent limitations for BOD_5 and TSS. The Department has established a daily maximum concentration limit of 50 mg/L for secondary treated wastewater as best professional judgment of best practicable treatment. This standard was developed by the Department prior to NPDES delegation and promulgation of secondary treatment regulations into State rule that are consistent with the Clean Water Act. Following consultation with USEPA, the Department has decided to waive the requirement to comply with numeric daily maximum limitations for BOD_5 and TSS during CSO-related bypass discharges.

Outfall #001C – Swirl Separator – Primary Treatment (internal waste stream)

l. Flow: The previous permitting action established, and this permitting action is carrying forward, a reporting requirement for total volume of waste water bypassing secondary treatment in each month (expressed in million gallons) as well as the daily maximum discharge flow volume (expressed in million gallons per day or MGD) for the month.

m. Surface Loading Rate: This permitting action is not carrying forward the daily maximum surface loading rate reporting requirements as the data collected to date for all facilities allowed to bypass secondary treatment has not provided useful information on the performance of clarifiers. However, the results for the period January 2012 – November 2015 are as follows:

Surface Loading Rate (DMRs = 45)

Value	Limit (gpd/sf)	Range (gpd/sf)	Average (gpd/sf)
Daily Maximum	Report	1,018 – 13,065	5,971

[11] Maine currently has 16 permitted facilities with a CSO-related bypass.

[12] In other words, that any other treatment that can reasonably be provided is, in fact, provided.

7. CSO-RELATED BYPASS OF SECONDARY TREATMENT (cont'd)

Outfall #001C – Swirl Separator – Primary Treatment (internal waste stream)

n. Overflow Occurrences: The previous permitting action established, and this permitting action is carrying forward, a reporting requirement for the total number of overflow occurrences during each calendar month. A reportable overflow occurrence is defined as a discharge from the CSO bypass system for greater than 60 minutes continuously or greater than 120 minutes intermittently during a 24-hour period.

A review of the DMRs that were submitted for the period January 2012 – September 2015 indicates the following:

Overflow occurrences/month (DMRs=45)

Value	Limit (# of days)	Range (# of days)	Total (# of days)
Daily Maximum	Report	---	---
2012	---	1 – 10	67
2013	---	1 – 12	67
2014	---	0 – 24	98
2015 (Jan – Aug)	---	0 – 20	47

o. BOD & TSS – The previous permitting action established a daily maximum concentration reporting requirement for BOD and TSS with a monitoring requirement of 1/Discharge Day.

A review of the DMRs that were submitted for the period January 2012 – September 2015 indicates the following:

BOD_5 Concentration (DMRs=45)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	Report	41-591	100

TSS Concentration (DMRs=45)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	Report	45 – 1,584	226

This permit is carrying forward the daily maximum concentration reporting requirement for both BOD and TSS and is establishing a daily maximum mass reporting requirement as the permittee has been given the option to sample the blended effluent or sample the primary and secondary treated waste stream independently and the mathematically add the values to calculate the blended effluent mass values.

As for the monitoring frequency, this permit is eliminating the requirement to sample the primary treated waste water that is blended with the secondary treated waste water on a 1/Discharge Day basis. This permit establishes a monitoring frequency of 3/Week to coincide with the sampling of the secondary treated waste water (Outfall #001A) monitoring frequency.

7. CSO-RELATED BYPASS OF SECONDARY TREATMENT (cont'd)

Outfall #001C – Swirl Separator – Primary Treatment (internal waste stream)

p. BOD & TSS percent removal - The previous permit contained a requirement to calculate the BOD5 and TSS percent removal rates on the primary treated waste stream bypassing secondary treatment. A review of the DMR data for the period January 2012 – September 2015 indicates the BOD5 and TSS percent removals have been reported as follows:

BOD % Removal (DMRs=45)

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	Report	-116 - 63	26

TSS % Removal (DMRs=45)

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	Report	-185 - 71	23

The Department is eliminating the requirement to report the percent removal rates on the primary treated waste stream bypassing secondary treatment as the information collected to data has been of limited value to the Department.

q. Fecal Coliform Bacteria: The previous permitting action established a daily maximum concentration limitation of 200 colonies/100 mL for fecal coliform bacteria along with a monitoring frequency of 1/Discharge Day.

A review of the DMRs that were submitted for the period May 2012 – September 2015 indicates the following:

Fecal coliform bacteria (DMR=20)

Value	Limit (col/100 ml)	Range (col/100 ml)	Mean (col/100 ml)
Daily Maximum	200	4 – 2,420	578

The Department is revising the numeric limit to a "report" only requirement as limiting an internal waste stream is not necessary given compliance with limitations in the permit is determined after the primary treated and secondary treated waste streams are blended. As for the monitoring frequency, this permit is establishing a monitoring frequency of 5/Week to coincide with the fecal coliform bacteria monitoring frequency of 5/Week for the secondary treated waste water (Outfall #001A) monitoring frequency. Collection of grab samples for fecal coliform bacteria are only required if the overflow occurrence occurs between the hours of 7:00 AM – 4:00 PM during the normal work week (Monday through Friday, holidays excluded).

7. CSO-RELATED BYPASS OF SECONDARY TREATMENT (cont'd)

Outfall #001C – Swirl Separator – Primary Treatment (internal waste stream)

r. Total Residual Chlorine (TRC): The previous permit established a daily maximum concentration limitation of 1.0 mg/L for TRC. A review of the DMRs that were submitted for the period May 2012 – September 2015 indicates the following:

Total residual chlorine (DMRs=20)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	1.0	0.01 – 0.49	0.44

The Department is revising the numeric limit to a "report" only requirement as limiting an internal waste stream is not necessary given compliance with limitations in the permit is determined after the primary treated and secondary treated waste streams are blended. As for the monitoring frequency, this permit is establishing a monitoring frequency of 5/Week to coincide with the TRC monitoring frequency of 5/Week for the secondary treated waste water (Outfall #001A) monitoring frequency. Collection of grab samples for fecal coliform bacteria are only required if the overflow occurrence occurs between the hours of 7:00 AM – 4:00 PM during the normal work week (Monday through Friday, holidays excluded).

s. Minimum Influent flow rate – This permitting action is establishing a new requirement to report the minimum instantaneous influent flow rate [expressed in gallons per minute (gpm)] through the secondary treatment process at the initiation of each overflow occurrence. Waste water exiting the swirl separator is either blended with the secondary treated waste water and discharged to Rockland Harbor via physical Outfall #001A or discharged directly to Lermond Cove via physical Outfall #002A.

OUTFALL #002A - Primary treated waste water discharged to Lermond Cove

t. Flow: The previous permitting action established, and this permitting action is carrying forward, a reporting requirement for total volume of waste water bypassing secondary treatment in each month (expressed in million gallons) as well as the daily maximum discharge flow volume (expressed in million gallons per day or MGD) for the month.

u. Dilution factors – The discharge of primary treated water from Outfall #002A to Lermond Cove only occurs when there is at least two feet of water over the crown of the outfall. With a past demonstrated performance flow value of 0.75 MGD (99 percentile of discharges from January 2012 – September 2015), the Department has modeled the discharge to Lermond Cove and determined the dilution factors are as follows:

Acute 106:1 Chronic 106:1

7. CSO-RELATED BYPASS OF SECONDARY TREATMENT (cont'd)

OUTFALL #002A - Primary treated waste water discharged to Lermond Cove

v. Surface Loading Rate: This permitting action is not carrying forward the daily maximum surface loading rate reporting requirements as the data collected to date for all facilities allowed to bypass secondary treatment has not provided useful information on the performance of clarifiers. However, the results for the period January 2012 – September 2015 are as follows:

Surface Loading Rate (DMRs = 45)

Value	Limit (gpd/sf)	Range (gpd/sf)	Average (gpd/sf)
Daily Maximum	Report	2,034 – 11,524	6,984

w. Overflow Occurrences: The previous permitting action established, and this permitting action is carrying forward, a reporting requirement for the total number of overflow occurrences during each calendar month.

A review of the DMRs that were submitted for the period January 2012 – September 2015 indicates the following:

Overflow occurrences/month (DMRs=45)

Value	Limit (# of days)	Range (# of days)	Total (# of days)
Daily Maximum	Report	---	---
2012	---	0 – 3	10
2013	---	0 – 2	6
2014	---	0 – 5	18
2015 (Jan – Aug)	---	0 – 2	4

x. BOD & TSS – The previous permitting action established a daily maximum concentration reporting requirement for BOD and TSS with a monitoring requirement of 1/Discharge Day. To promote consistency, the permitte has asked the Department to change to sample frequency to 1/Overflow Occurrence. Overflow occurrence being defined as a discharge from the CSO bypass system for greater than 60 minutes continuously or greater than 120 minutes intermittently during a 24-hour period. Overflow occurrences are reported in discharge days. Multiple intermittent overflow occurrences in one discharge day are reported as one overflow occurrence.

A review of the DMRs that were submitted for the period January 2012 – September 2015 indicates the following:

BOD_5 Concentration (DMRs=45)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	Report	20 – 132	52

7. CSO-RELATED BYPASS OF SECONDARY TREATMENT (cont'd)

OUTFALL #002A - Primary treated waste water discharged to Lermond Cove

TSS Concentration (DMRs=45)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	Report	32 - 234	127

This permit is carrying forward the daily maximum concentration reporting requirement for both BOD and TSS and is establishing daily maximum mass limits of 1,131 lbs/day for BOD and 2,376 lbs/day for TSS based on a 99 percentile of a past demonstrated performance evaluation of the actual mass discharged from Outfall #002A to Lermond Cove between January 2012 and September 2015. A summary of the data and the calculated 99 percentile is as follows:

BOD_5 Mass (DMRs=45)

Value	Range (lbs/day)	99% (lbs/day)
Daily Maximum	1 – 1,185	1,131

TSS Mass (DMRs=45)

Value	Range (lbs/day)	99% (lbs/day)
Daily Maximum	1 – 2,411	2,376

Because discharges to Lermond Cove occur only during high CSO influent flows and highest tide conditions, a discharge event during the spring tide was modeled. The daily average BOD and daily average TSS concentrations for this event were plotted against those concentrations in the cove resulting from a constant dry weather discharge to harbor outfall #001A. The small increase in peak BOD concentration (≈0.13 mg/L) would be unlikely to have a measurable impact on the cove's dissolved oxygen levels, particularly as elevated levels persist above those for the dry-weather discharge for only three days. Likewise, the small, transient increase in peak TSS concentration (≈0.31 mg/L) would be unlikely to have any sustained impact to the cove (e.g. by persistently reducing light penetration). Therefore, the Department is making a BPJ determination that the performance-based mass limits established in this permit for Outfall #002A will not cause or contribute to a violation of water quality standards.

This permitting action is carrying forward the requirement to sample the discharge from Outfall #002A to Lermond Cove on a 1/Overflow occurrence basis.

y. BOD & TSS percent removal - The previous permit contained a requirement to calculate the BOD5 and TSS percent removal rates on the primary treated waste stream bypassing secondary treatment. A review of the DMR data for the period January 2012 – September 2015 indicates the BOD5 and TSS percent removals have been reported as follows:

7. CSO-RELATED BYPASS OF SECONDARY TREATMENT (cont'd)

OUTFALL #002A - Primary treated waste water discharged to Lermond Cove

BOD % Removal (DMRs=45)

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	Report	-172 – 59	6

TSS % Removal (DMRs=45)

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	Report	-136 - 70	3

The Department is eliminating the requirement to report the percent removal rates on the primary treated waste stream bypassing secondary treatment as the information collected to data has been of limited value to the Department.

z. Fecal Coliform Bacteria: The previous permitting action established a Department best professional judgment (BPJ) of best practicable treatment (BPT) daily maximum concentration limitation of 200 colonies/100 mL for fecal coliform bacteria along with a monitoring frequency of 1/Discharge Day. Both are being carried forward in this permitting action. However, for consistency purposes, the monitoring frequency is being established at a frequency of 1/Overflow occurrence.

A review of the DMRs that were submitted for the period May 2012 – September 2015 indicates the following:

Fecal coliform bacteria (DMRs=20)

Value	Limit (col/100 ml)	Range (col/100 ml)	Mean (col/100 ml)
Daily Maximum	200	1 – 194	49

The limit of 200 col/100 ml is protective of the daily maximum water quality criteria of 50 col/100 ml for fecal coliform bacteria which the Department utilizes as an indicator organism consistent with the U.S. Food and Drug Administration's National Sanitation Shellfish Program given the acute dilution factor associated with the discharge is 106:1.

aa. Total Residual Chlorine (TRC): The previous permit established a daily maximum concentration limitation of 1.0 mg/L for TRC based on a Department BPJ of BPT. A review of the DMRs that were submitted for the period May 2012 – September 2015 indicates the following:

Total residual chlorine (DMRs=20)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	1.0	0.01 – 0.5	0.11

7. CSO-RELATED BYPASS OF SECONDARY TREATMENT (cont'd)

OUTFALL #002A - Primary treated waste water discharged to Lermond Cove

Based on the configuration of the outfall pipe (submerged to a depth of at least two feet at the time of discharge), the Department has determined that the discharge has a dilution factor of 106:1. With an acute AWQC of 0.013 mg/L for TRC an end-of-pipe (EOP) water quality-based concentration threshold for TRC may be calculated as follows:

(0.013 mg/L)(106) = 1.4 mg/L

The previous effluent limitation of 1.0 mg/L is more stringent than the calculated water quality-based threshold and is therefore being carried forward in this permitting action. This permitting action is establishing a minimum monitoring frequency requirement of 1/Overflow occurrence.

OUTFALL #001B – Blended effluent discharged to Rockland Harbor

This permitting action is establishing a new outfall #001B (administrative only) that establishes technology based limitations for the discharge of blended effluent (primary treated from Outfall #001C plus secondary treated from Outfall #001A) from the physical Outfall #001A. The limitations and monitoring requirements are as follows:

bb. Flow – This permit is establishing a total monthly and daily maximum flow report requirements for the blended effluent. The permittee shall report the total monthly flow and the highest daily flow when discharging blended effluent.

cc. BOD_5 and TSS: During CSO-related bypasses via Outfall #001A, secondary treated wastewater is combined with wastewater from the City's swirl separator treatment system (Outfall #001C), which is designed to provide primary clarification and solids and floatables removal and disposal, and disinfection. The permittee is not able to consistently achieve compliance with technology based limitations derived from the secondary treatment regulation during CSO-related bypasses. As part of its consideration of possible adverse effects resulting from the bypass, the Department must ensure that the bypass will not cause exceedance of water quality standards. CSO Control Policy at 59 Fed. Reg. 18694.

The City has provided past demonstrated performance thresholds (based on 99th percentile) for flow, BOD_5 and TSS for the primary treated waste stream in isolation based on data from January 2009 through June 2015.

Flow: 10.1 MGD
BOD_5: 3,983 lbs./day
TSS: 9,335 lbs./day

7. CSO-RELATED BYPASS OF SECONDARY TREATMENT (cont'd)

OUTFALL #001B – Blended effluent discharged to Rockland Harbor

To determine if water quality standards are being met when bypassing secondary treatment, the Department has assessed the impact of the discharge at full permitted flow from the secondary (2°) treatment side of the facility (2,480 lbs./day and 1,941 lbs./day, respectively, for BOD_5 and TSS) plus the past demonstrated performance (99%) BOD_5 and TSS loads from the primary (1°) treated waste stream summarized above. The modeled values are as follows:

BOD_5: 2,480 lbs./day (2°) + 3,983 lbs./day (1°) = **6,463 lbs./day**

TSS: 1,941 lbs./day (2°) + 9,335 lbs./day (1°) = **11,276 lbs./day**

Two CSO events were modeled for the June 2014 to September 2014 period: one at a neap tide and one at a spring tide. The daily average BOD and daily average TSS concentrations for these two events were plotted against those for a constant, dry-weather discharge. A 99th-percentile CSO discharge to outfall #001A at neap tide results in the highest BOD and TSS concentrations within Rockland Harbor. The negligible increase in the peak BOD concentration (≈0.02 mg/L) would be unlikely to have a measurable impact on the harbor's dissolved oxygen levels, even though elevated levels persist above those for the dry-weather discharge for about seven days. Likewise, the negligible increase in peak TSS concentration (≈0.05 mg/L) would be unlikely to have any impact to the harbor (e.g. by measurably reducing light penetration).

Based on the combined BOD_5 and TSS values (blended effluent) cited, the Department has made a best professional judgment, maximum effluent discharge limitations of 6,463 lbs./day for BOD_5 and 11,276 lbs./day for TSS established in this permit provides reasonable assurance that the discharge will not cause or contribute to a violation of an applicable water quality standard in the Rockland Harbor and complies with the State's antidegradation policy at 38 M.R.S. § 464(4)(F).

dd. Fecal Coliform Bacteria: The permitting action is establishing a daily maximum limitation of 200 colonies/100 mL for fecal coliform bacteria for the direct discharge of blended effluent to Rockland Harbor as best professional judgment of best practicable treatment for this category of discharge. The limitation is in effect on a seasonal (May 15 – September 30) basis to protect the health, safety and welfare of the public. This permitting action is establishing a minimum monitoring frequency requirement of 5/Week, consistent with the sampling regime for the secondary treated waste stream (Outfall #001A).

Given the acute dilution factor associated with the discharge is 18.2:1, the limit of 200 col/100 ml is protective of the daily maximum water quality criteria of 50 col/100 ml for fecal coliform bacteria which the Department utilizes as an indicator organism consistent with the U.S. Food and Drug Administration's National Sanitation Shellfish Program

7. CSO-RELATED BYPASS OF SECONDARY TREATMENT (cont'd)

OUTFALL #001B – Blended effluent discharged to Rockland Harbor

ee. Total Residual Chlorine: This permitting action is establishing a daily maximum limitation of 1.0 mg/L for total residual chlorine for the direct discharge of blended effluent to Rockland Harbor as best professional judgment of best practicable treatment for this category of discharge. This permitting action is establishing a minimum monitoring frequency requirement of 2/Day, consistent with the sampling regime for the secondary treated waste stream (Outfall #001A).

8. PRETREATMENT

The permittee is required to administer a pretreatment program based on the authority granted under Federal regulations 40 CFR Part 122.44(j), 40 CFR Part 403, section 307 of the Federal Water Pollution Control Act (Clean Water Act), and *Pretreatment Program*, 06-096 CMR 528 (amended March 17, 2008). The permittee's pretreatment program received USEPA approval on July 19, 1985, and as a result, appropriate pretreatment program requirements were incorporated into the previous National Pollutant Discharge Elimination System (NPDES) permit that were consistent with that approval and federal pretreatment regulations in effect when the permit was issued. The State of Maine has been authorized by the USEPA to administer the federal pretreatment program as part of receiving authorization to administer the NPDES program.

Upon issuance of this permit, the permittee is obligated to modify (if applicable) its pretreatment program to be consistent with current federal regulations and State rules. Those activities that the permittee must address include, but are not limited to, the following: (1) develop and enforce Department-approved specific effluent limits (technically-based local limits - last approved by the USEPA on July 29, 2011); (2) revise the local sewer-use ordinance or regulation, as appropriate, to be consistent with federal regulations and State rules; (3) develop an enforcement response plan; (4) implement a slug control evaluation program; (5) track significant non-compliance for industrial users; and (6) establish a definition of and track significant industrial users. These requirements are necessary to ensure continued compliance with the permittee's MEPDES permit and its sludge use or disposal practices.

In addition to the requirements described above, this permit requires that **within 180 days prior to the expiration date of this permit,** the permittee must submit to the Department in writing, a description of proposed changes to permittee's pretreatment program deemed necessary to assure conformity with current federal and State pretreatment regulations and rules, respectively. These requirements are included in the permit to ensure that the pretreatment program is consistent and up-to-date with all pretreatment requirements in effect. **By March 1 of each calendar year,** the permittee must submit a pretreatment annual report detailing the activities of the program for the twelve-month period ending 60 days prior to the due date.

9. COMBINED SEWER OVERFLOWS & BYPASS OF SECONDARY TREATMENT

This permit contains effluent limitations and monitoring requirements for the following combined sewer overflow point.

Outfall #	Description	Receiving Water and Class
002B	Treatment Plant Wet Weather Pump Station Bypass	Lermond Cove

Combined Sewer Overflow Abatement 06-096 CMR 570 (repealed and Replaced February 5, 2000) states in part that a discharge from a combined overflow point within a sewerage system is permitted only when the discharge meets the following conditions.

- Discharge in excess of design capacity. The discharge consists of wastewater in excess of design capacity of a municipal or quasi-municipal sewerage system, including pumps or treatment facilities, that conveys both sanitary wastes and stormwater in a single pipe system and that is in direct response to a storm event or snow melt;

- Discharge not due to mechanical failure. The discharge is not the result of mechanical failure, improper design or inadequate operation or maintenance, and;

- CSO Master Plan. The licensee is actively developing or implementing a CSO Master Plan in accordance with this chapter, and as approved by the department; or the licensee has implemented the CSO Master Plan and a discharge occurs that is caused by conditions exceeding those upon which the Plan is based.

The City submitted a CSO Master Plan prepared by Earth Tech entitled, *Combined Sewer Overflow Facilities Plan, Rockland, Maine, March 1998*. The plan and schedule were subsequently modified in a document entitled, *City of Rockland - Modification to the CSO Facilities Plan* dated March 8, 2005. The modified plan and schedule was approved by the Department on April, 5, 2005.

The City has been actively implementing the recommendations of the Master Plan and to date has significantly reduced the volume of untreated combined sewer overflows to the receiving waters. Special Condition M, *Combined Sewer Overflows*, of this permit contains a schedule of compliance for items in the most current up-to-date abatement plan which must be completed.

The Department acknowledges that the elimination of the remaining CSO at the treatment plant wet weather pump station (Outfall #002B), the emergency bypasses at the Park Street pump station (Outfall#003), and the CSO-related bypass of secondary treatment (Outfall #001C and #002A) are costly, long-term project. As the Rockland treatment facility and the sewer collection system is upgraded and maintained in according to the CSO Master Plan and Nine Minimum Controls, there will be reductions in the frequency and volume of CSO and bypass activities and, over time, improvement in the quality of the wastewater discharged to the receiving waters.

10. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

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

11. PUBLIC COMMENTS

Public notice of this application was made in the *Herald Gazette* newspaper on or about September 21, 2012. 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).

12. DEPARTMENT CONTACTS

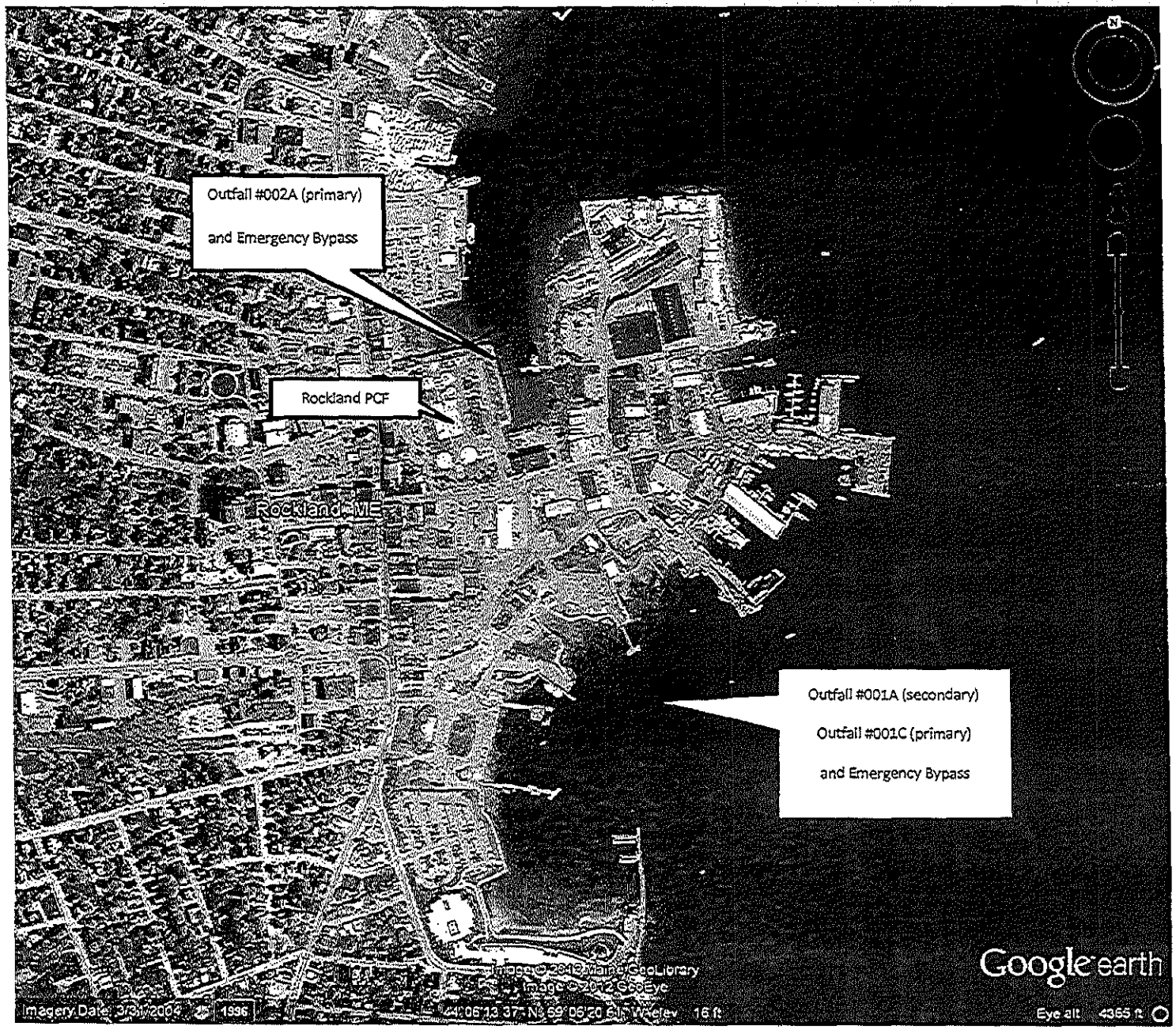
Additional information concerning this permitting action may be obtained from, and written comments sent to:

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
e-mail: gregg.wood@maine.gov

13. RESPONSE TO COMMENTS

During the period of June 14, 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


Outfall #002A (primary)
and Emergency Bypass
Rockland PCF
Rockland, ME
Outfall #001A (secondary)
Outfall #001C (primary)
and Emergency Bypass
Image © 2012 GeoEye
Google earth
Eye alt 4365 ft

ATTACHMENT B

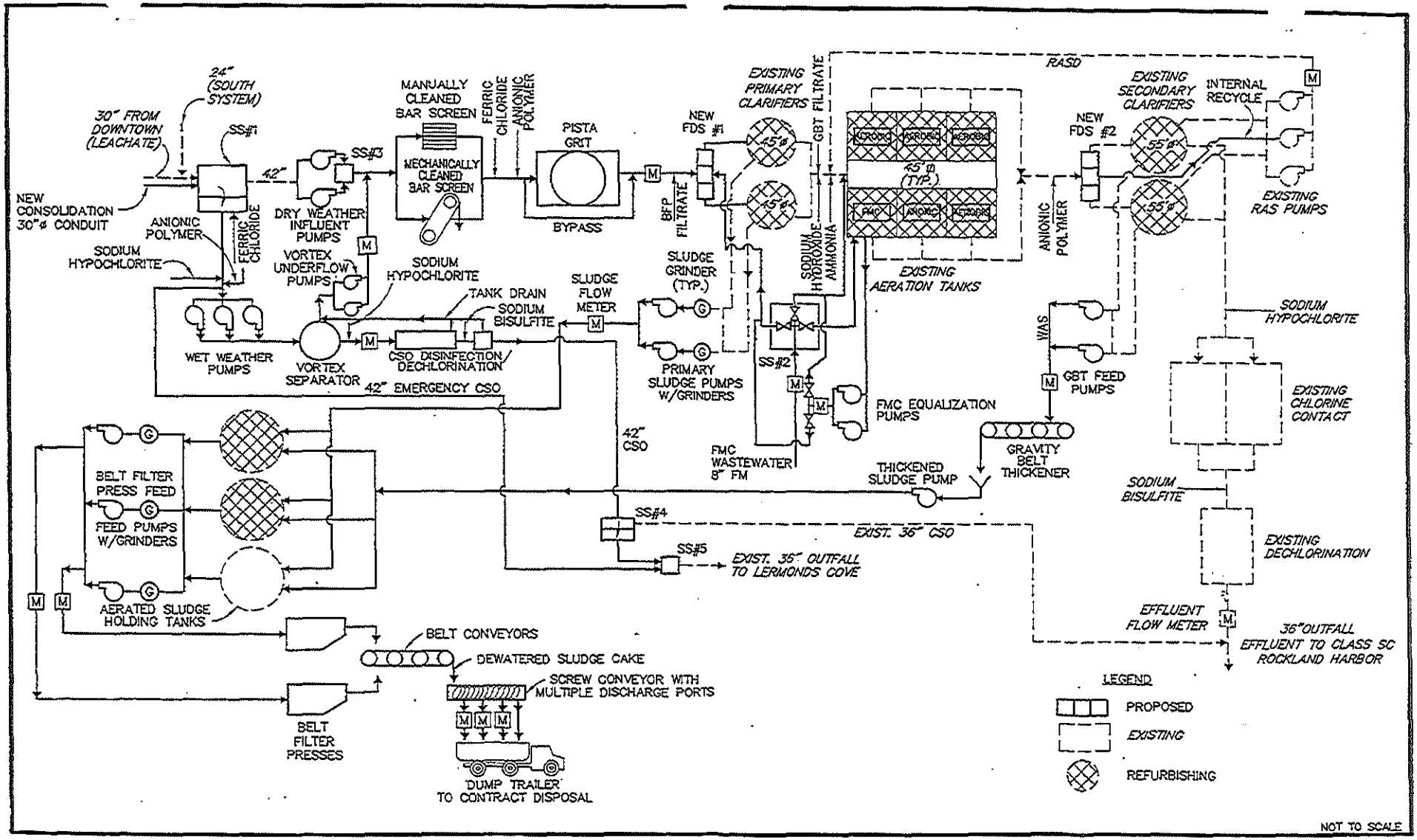


FIGURE 1–1
PROCESS FLOW SCHEMATIC

ATTACHMENT C

WET TEST REPORT

Data for tests conducted for the period
25/May/2011 - 25/May/2016

ROCKLAND NPDES= ME0010059 Effluent Limit: Acute (%) = 5.495 Chronic (%) = 0.716

Species	Test	Percent	Sample date	Critical %	Exception	RP
MYSID SHRIMP	A_NOEL	100	10/11/2011	5.495		
MYSID SHRIMP	A_NOEL	100	03/05/2012	5.495		
SEA URCHIN	C_NOEL	100	03/05/2012	0.716		
SEA URCHIN	C_NOEL	25	05/21/2012	0.716		

ATTACHMENT D

PRIORITY POLLUTANT DATA SUMMARY

Date Range: 25/May/2011 - 25/May/2016

Facility Name: **ROCKLAND** NPDES: **ME0100595**

Test Date	Monthly (Flow MGD)	Daily (Flow MGD)	Total Test Number	Test # By Group M	V	BN	P	O	A	Clean	Hg
06/07/2011	2.80	1.50	1	1	0	0	0	0	0	F	0
07/07/2011	2.50	2.40	1	1	0	0	0	0	0	F	0
08/02/2011	2.90	2.90	1	1	0	0	0	0	0	F	0
10/11/2011	4.00	2.80	131	14	28	46	25	7	11	F	0
11/08/2011	3.60	3.10	1	1	0	0	0	0	0	F	0
01/10/2012	2.60	2.40	1	1	0	0	0	0	0	F	0
01/22/2012	2.60	2.10	11	9	0	0	0	2	0	F	0
02/06/2012	2.30	2.30	7	7	0	0	0	0	0	F	0
03/05/2012	2.60	3.20	17	10	0	0	0	7	0	F	0
04/03/2012	NR	1.80	12	10	0	0	0	2	0	F	0
05/21/2012	3.20	2.50	17	10	0	0	0	7	0	F	0
08/02/2012	2.10	2.10	1	1	0	0	0	0	0	F	0
10/04/2012	2.60	2.60	1	1	0	0	0	0	0	F	0

Key:

A = Acid O = Others P = Pesticides

BN = Base Neutral M = Metals V = Volatiles

Date Range: 25/May/2011 - 25/May/2016

Facility Name: **ROCKLAND** NPDES: **ME0100595**

Test Date	Monthly (Flow MGD)	Daily (Flow MGD)	Total Test Number	Test # By Group M	V	BN	P	O	A	Clean	Hg
01/07/2013	2.70	2.10	1	1	0	0	0	0	0	F	0
04/16/2013	2.70	2.50	1	1	0	0	0	0	0	F	0
07/09/2013	NR	NR	1	1	0	0	0	0	0	F	0
03/25/2015	2.84	3.52	9	9	0	0	0	0	0	F	0

Key:

A = Acid O = Others P = Pesticides

BN = Base Neutral M = Metals V = Volatiles

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. ADMINISTRATIVE APPEALS TO THE BOARD

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:

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 or 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.

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.