STATE OF MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE



AVERY T. DAY ACTING COMMISSIONER

GOVERNOR

October 9, 2015

Mr. Brent Dickey 225 Water Street Skowhegan, ME. 04976 e-mail: <u>bdickey@skowhegan.org</u>

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100625 Maine Waste Discharge License (WDL) #W002645-6D-J-R Final Permit

Dear Brent:

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 the permit/license and its attached conditions carefully. You must follow the conditions in the order to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State law and is subject to enforcement action.

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

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

Sincerely,

Gregg Wood Division of Water Quality Management Bureau of Water Quality

Enc.

cc: Beth DeHaas, 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

website: www.maine.gov/dep



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

DEPARTMENT ORDER

IN THE MATTER OF

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TOWN OF SKOWHEGAN PUBLICLY OWNED TREATMENT WORKS SKOWHEGAN, SOMERSET COUNTY, MAINE) ME0100625 W002645-6D-J-R APPROVAL

) MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT AND WASTE DISCHARGE LICENSE RENEWAL

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

APPLICATION SUMMARY

The Town has submitted a timely and complete application to the Department for renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0100625/Waste Discharge License (WDL) #W002645-5L-F-R (permit hereinafter) which was issued on June 2, 2008 for a five year term. The 6/2/08 permit authorized the discharge of up to a monthly average flow of 1.65 million gallons per day (MGD) of secondary treated sanitary waste waters from a municipal waste water treatment facility to the Kennebec River, Class B, in Skowhegan, Maine. The 6/2/08 permit also allowed the discharge of primary treated waste waters when the instantaneous flow rate through the primary clarifiers exceeds 5.0 MGD and authorized the discharge of an unspecified quantity of untreated combined sanitary and storm water from eight (8) combined sewer overflow (CSO) outfalls to the Kennebec River, Class B in Skowhegan, Maine.

PERMIT SUMMARY

This permitting action is carrying forward all the terms and conditions of the 6/2/08 permitting action except that substantive changes to the permit include;

Outfall 001A - (secondary treated waste water)

1. Reducing the monitoring frequencies for biochemical oxygen demand (BOD), total suspended solids (TSS) and E. coli bacteria from 2/Week to 1/Week based on statistical evaluation of the most recent three years of test results supported by both EPA and Department guidance on monitoring frequency reductions.

PERMIT SUMMARY

Outfall 001A – (secondary treated waste water)

- 2. Reducing the monitoring frequencies for settleable solids and total residual chlorine from 1/Day to 4/Week based on statistical evaluation of the most recent three years of test results supported by both EPA and Department guidance on monitoring frequency reductions.
- 3. Eliminating monitoring for phosphorus as a statistical evaluation of current test results indicates the discharge from the facility does not have a reasonable potential to exceed EPA's water quality goal of 0.1 mg/L or the Department's draft criteria of 0.030 mg/L.

Outfall #001B - (CSO related bypass - internal waste stream)

4. Eliminating the numeric limitations for *E. coli* bacteria and total residual chlorine given a recent legal precedent on regulating internal waste streams.

Outfall #001C- (Blended effluent)

5. Establishing numeric daily maximum water quality based mass limitations for BOD and TSS on the discharge of blended effluent.

Special Condition J - Combined Sewer Overflows (CSOs)

6. Eliminated CSO Outfall 006 - Dinsmore Street-Pump Station, as the outfall has been removed.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated September 8, 2015, (revised on October 6, 2015) and subject to the Conditions listed below, the Department makes the following **CONCLUSION:**

- 1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
- 2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
- 3. The provisions of the State's antidegradation policy, 38 MRSA Section 464(4)(F), will be met, in that:

CONCLUSIONS (cont'd)

- a. Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
- b. Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
- c. Where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
- d. Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and
- e. Where a discharge will result in lowering the existing quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
- 4. The discharges (including the eight CSO's and the CSO related bypasses of secondary treatment) will be subject to effluent limitations that require application of best practicable treatment.

ACTION

THEREFORE, the Department APPROVES the application of the TOWN OF SKOWHEGAN, to discharge up to a monthly average flow of 1.65 million gallons per day (MGD) of secondary treated sanitary waste waters and allows the discharge of an unspecified quantity of excess combined sanitary and storm water receiving primary treatment only from a municipal waste water treatment facility and untreated combined sanitary and storm water from eight (8) combined sewer overflow (CSO) outfalls to the Kennebec River, Class B, in Skowhegan. The discharges shall be subject to the attached conditions and all applicable standards and regulations including:

- 1. "Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits," revised July 1, 2002, copy attached.
- 2. The attached Special Conditions, including any effluent limitations and monitoring requirements.

ME0100625 W002645-6D-J-R PERMIT

ACTION (cont'd)

3. This permit becomes effective upon the date of signature below and expires at midnight five (5) years after that date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the terms and conditions of this permit and all subsequent 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) (effective April 1, 2003)].

DONE AND DATED AT AUGUSTA, MAINE, THIS 15th DAY OF Other 2015.

COMMISSIONER OF ENVIRONMENTAL PROTECTION

Tichael buchus BY: Avery T. Day, Acting Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application _____ February 27, 2013 _____.

Date of application acceptance ______March 1, 2013 _____

	ed

OCT 1 3 2015

State of Maine Board of Environmental Protection

Date filed with Board of Environmental Protection

This Order prepared by GREGG WOOD, BUREAU OF WATER QUALITY

ME0100625 2015 10/9/15

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge secondary treated waste waters to the Kennebec River. <u>These limitations and</u> <u>monitoring requirements apply to all flows conveyed through the secondary treatment system at all times except as otherwise noted in the associated footnotes ⁽¹⁾.</u>

SECONDARY TREATED WASTE WATERS - OUTFALL #001A

Effluent Characteristic		· · · · · · · · · · · · · · · · · · ·	Discharge	e Limitations			Monitoring Requi	rements
	Monthly	Weekly	Daily	Monthly	Weekly	Daily	Measurement	
	Average	Average	<u>Maximum</u>	Average	Average	<u>Maximum</u>	Frequency	Sample Type
Flow [50050]	1.65 MGD _{/03/}		Report (MGD)		** iii =i	M 18-11	Continuous [99/99]	Recorder IRCI
Biochemical Oxygen Demand (BOD ₅) 1003101	413 lbs/Day _{/261}	619 lbs/Day _[26]	Report lbs/Day _{/261}	30 mg/L _[19]	45 mg/L [19]	50 mg/L ^(1a) [19]	1/Week [01/07]	Composite [24]
BOD _{5[00310]} (When bypass is active)		ny 40 40 -	Report lbs/Day ₁₂₆₁			Report mg/L [19]	1/Week [01/07]	Composite [24]
BOD ₅ % Removal ^(1b) [81010]				85% _[23]		Metali ini 1944 - Maria Ma	1/Month _[01/30]	Calculate [CA]
Total Suspended Solids (TSS) 1005301	413 lbs/Day _[26]	619 lbs/Day _[26]	Report Ibs/Day ₁₂₆₁	30 mg/L [19]	45 mg/L _[19]	50 mg/L ^(1a) [19]	1/Week [0]/07]	Composite _{/24]}
<u>TSS [00530]</u> (When bypass is active)		Report Ibs/Day _[26]	Report lbs/Day _{/26/}		Report mg/L	Report mg/L [19]	1/Week [01/07]	Composite [24]
TSS % Removal ^(1b) [81011]	17			85% _[23]		999 pag mit	1/Month [01/30]	Calculate [CA]
Settleable Solids [00545]	**==	ans firs bit			•••• #•• ***	0.3 ml/L _[25]	4/Week [04/07]	Grab _{(GRI}
<u>E. coli Bacteria</u> ^(2a) [31633] (May 15 – September 30)				64/100 ml ⁽³⁾ [13]		427/100 ml [13]	1/Week [01/07]	Grab _[GR]
<u>E. coli Bacteria</u> ^(2b) _[3]633] Oct 1, 2015–April 30, 2016)			*	Report col/100 ml ⁽³⁾ //37		Report col/100 ml _{//31}	1/Month [01/30]	Grab _[GR]

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SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd) - OUTFALL #001A

SECONDARY TREATED WASTE WATERS - OUTFALL #001A

Effluent Characteristic			Discharg	e Limitations			Monitoring Requ	irements
	Monthly <u>Average</u>	Weekly <u>Average</u>	Daily <u>Maximum</u>	Monthly <u>Average</u>	Weekly <u>Average</u>	Daily <u>Maximum</u>	Measurement <u>Frequency</u>	Sample Type
Total Residual Chlorine ⁽⁴⁾		it-inter				1.0 mg/L [19]	4/Week [04/07]	Grab _[GR]
Mercury (Total) ⁽⁵⁾ [71900]				7.0 ng/L _[3M]		10.6 ng/L _[3M]	1/Year _[01/YR]	Grab _{/GR/}
pH (Std. Units) 1004007						6.0-9.0 [12]	1/Day [0]/01]	Grab (GR)

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

Effluent Characteristic		Discharge	Minimum			
					Monitorin	g Requirements
	Monthly	Daily	Monthly	Daily	Measurement	
	Average	<u>Maximum</u>	<u>Average</u>	<u>Maximum</u>	<u>Frequency</u>	Sample Type
Whole Effluent Toxicity ⁽⁶⁾						
Acute – NOEL						
Ceriodaphnia dubia (Water flea) [TDA3B]				Report % [23]	1/Year _{/01/YRJ}	Composite (24)
Salvelinus fontinalis (Brook trout) [TDA6F]				Report % [23]	1/Year _(01/YR)	Composite (24)
Chronic – NOEL				Report %/23/	1/Year _[0]/YR]	Composite (24)
Ceriodaphnia dubia (Water flea) [TBP3B]			*****	Report % /23/	1/Year (01/YR)	Composite (24)
Salvelinus fontinalis (Brook trout) [TBQ6F]						
Analytical chemistry (7,9) [5/168]	PAL 199			Report ug/L /28/	1/Quarter 101/901	Composite/Grab [24]
Priority Pollutant (8,9) [50008]			****	Report ug/L /28/	1/Year [01/YR]	Composite/Grab [24]

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

2. Consistent with CSO bypass regulations, the permittee is allowed to bypass secondary treatment and provide primary treatment only Outfall #001B (administrative outfall) prior to combining with secondary treated waste water. Bypassing secondary treatment is allowed when the secondary influent flow has exceeded the instantaneous flow rate of 5.0 MGD (3,472 gallons per minute). Allowance to bypass secondary treatment will be reviewed and may be modified or terminated pursuant to Special Condition Q, *Reopening of Permit for Modification,* if there is substantial change in the volume or character of pollutants in the collection/treatment system. Also see supplemental report form, *DEP-49-CSO Form For Use With Dedicated CSO Primary Clarifier,* Attachment A of this permit. Outfall 001B shall be monitored as follows:

PRIMARY TREATED	WASTE WATERS	(OUTFALL #001B)
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Effluent Characteristic		Discharge Li	mitations		Monitoring Requirements				
	Monthly Average	Daily <u>Maximum</u>	Monthly Average	Daily <u>Maximum</u>	Measurement Frequency	Sample Type			
Influent Flow Rate Minimum ₁₀₀₀₅₉₁		Report (gpm) ⁽¹⁰⁾			Instantaneous [91/99]	Recorder _{/RCJ}			
Flow, MGD [50050]	Report (Total MGD) ₁₀₃₁	Report (MGD) [03]			Continuous _[99/99]	Recorder _[RC]			
BOD5 [00310]	Report Ibs/day [26]	Report lbs/day [26]	Report mg/L [19]	Report mg/L [19]	1/Discharge Day ⁽¹¹⁾ /01/DDI	Composite _[24]			
TSS [00530]	Report lbs/day [26]	Report lbs/day [26]	Report mg/L [19]	Report mg/L [19]	1/Discharge Day ⁽¹¹⁾ /01/DDJ	Composite _[24]			
Overflow Use, Occurrences ⁽¹²⁾		****	Report (# of days) [93]	·	1/Discharge Day ⁽¹¹⁾ /01/DDI	Record Total [RT]			
<u>E. coli Bacteria _[3]633] (May 15 – September 30)</u>				Report col/100 ml _{//3/}	1/Discharge Day ⁽¹¹⁾ [01/DD]	Grab _[GR]			
Total Residual Chlorine [50060]				Report mg/L [19]	1/Discharge Day ⁽¹¹⁾ 101/DD1	Grab _[GR]			

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

3. Consistent with CSO bypass regulations, the permittee is allowed to discharge primary and secondary treated waste water (blended effluent) from Outfall #001C (administrative outfall) to the Kennebec River. These limitations and monitoring requirements apply after blending when the flow to the treatment facility has exceeded the instantaneous flow rate of 5.0 MGD (3,472 gallons per minute). Allowance to bypass secondary treatment will be reviewed and may be modified or terminated pursuant to Special Condition Q, *Reopening of Permit for Modification*, if there is substantial change in the volume or character of pollutants in the collection/treatment system. Also see supplemental report form, *DEP-49-CSO Form For Use With Dedicated CSO Primary Clarifier*, Attachment A of this permit.

BLENDED EFFLUENT (OUTFALL #001C)

Effluent Characteristic		Discharge Li	mitations		Monitoring Requ	<u>uirements</u>
	Monthly <u>Average</u>	Daily <u>Maximum</u>	Monthly <u>Average</u>	Daily <u>Maximum</u>	Measurement <u>Frequency</u>	Sample <u>Type</u>
Flow, MGD [50050]	Report (Total MGD) ₁₀₃₁	Report (MGD) [03]			1/Discharge Day ⁽¹¹⁾ /01/DDJ	Calculate _[CA]
BOD5 ⁽¹³⁾ [00310]	Report lbs/day [26]	2,349 lbs/day _[26]	Report mg/L [19]	Report mg/L [19]	1/Discharge Day ⁽¹¹⁾ /01/DDJ	Calculate _[CA]
TSS ⁽¹³⁾ [00530]	Report lbs/day [26]	5,924 lbs/day [26]	Report mg/L [19]	Report mg/L [19]	1/Discharge Day ⁽¹¹⁾ /01/DDJ	Calculate _[CA]
<u>E. coli Bacteria</u> ^(2a) _[3]633] (May 15 – September 30)	·			427 col/100 ml [13]	1/Discharge Day ⁽¹¹⁾ /01/DD1	Calculate _[C4]
Total Residual Chlorine ⁽⁴⁾ [50060]				1.0 mg/L _[19]	1/Discharge Day ⁽¹¹⁾ [01/DD]	Calculate [CA]

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd) <u>Footnotes</u>:

Sampling Locations:

Influent sampling for flow, BOD₅ and TSS shall be sampled just downstream of the bar rack but before grit removal.

Effluent receiving secondary treatment (Outfall #001A- physical outfall) shall be sampled for all parameters after the chlorine contact chamber on a year-round basis.

Effluent receiving primary treatment (Outfall #001B –administrative outfall) shall be sampled for flow, BOD₅, TSS, *E. coli* bacteria and total residual chlorine after the storm flow chlorine contact chamber and prior to combining with the secondary treated effluent being discharged via physical outfall Outfall #001A. The calculated monitoring results for the blended effluent shall be reported on the administrative Outfall #001C (blended effluent) pages of the monthly discharge monitoring report (DMR).

Any change in sampling location(s) other than those specified above must be reviewed and approved by the Department in writing.

Sampling – Sampling and analysis must be conducted in accordance with; a) methods approved in 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis shall be analyzed by a laboratory certified by the State of Maine's Department of Health & Human Services. Samples that are sent to another POTW licensed pursuant to *Waste discharge licenses*, 38 M.R.S.A. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 263 (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.

Outfall #001A - Secondary treated effluent

1. BOD & TSS

a. Outfall #001A – Limitations for Outfall #001A remain in effect at all times with the exception of daily maximum concentration limits of 50 mg/L for BOD and 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.

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

Footnotes:

Outfall #001A - Secondary treated effluent

b. Percent removal - The treatment facility shall maintain a minimum of 85 percent removal of both BOD₅ 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 "*NODI-A*" on the monthly Discharge Monitoring Report.

2. E. coli bacteria

- a. (May 15 September 30) Limits are seasonal and apply between May 15 and September 30 of each calendar year. The Department reserves the right to require disinfection on a year-round basis to protect the health and welfare of the public.
- b. (October 1, 2015 April 30, 2016) The permittee shall sample the effluent l/month with at least one sampling event being a wet weather event during the fall (October December) and one wet weather event in the spring (March April). For the purposes of this permit, wet weather event being defined as an instantaneous influent flow rate of greater than or equal to 2,600 gpm or 3.75 MGD.
- 3. *E. coli* bacteria The monthly average limitation is a geometric mean limitation and shall be calculated and reported as such.
- 4. Total residual chlorine (TRC) TRC limits and monitoring requirements are applicable whenever elemental chlorine or chlorine based compounds are being used to disinfect the discharge. The permittee shall utilize approved test methods that are capable of bracketing the limitations in this permit.
- 5. Mercury All mercury sampling (1/Year) required to determine compliance with interim limitations established pursuant to *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001) shall be conducted in accordance with EPA's "clean sampling techniques" found in EPA Method 1669, <u>Sampling Ambient Water For Trace Metals At EPA Water Quality Criteria Levels</u>. All mercury analyses shall be conducted in accordance with EPA method 1631E, <u>Determination of Mercury in Water by Oxidation</u>, <u>Purge and Trap, and Cold Vapor Fluorescence Spectrometry</u>. See Attachment B, *Effluent Mercury Test Report*, of this permit for the Department's form for reporting mercury test results.

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

Footnotes:

Outfall #001A - Secondary treated effluent

Compliance with the monthly average limitation established in 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.

- 6. Whole effluent toxicity (WET) testing Definitive WET testing is a multiconcentration testing event (a minimum of five dilutions bracketing the critical acute and chronic dilution of 0.5% and 0.1% 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 and growth as the end points.
 - a. Surveillance level testing Pursuant to 06-096 CMR 530(2)(D)(3)(c), surveillance level analytical chemistry testing is waived for this facility.
 - b. Screening level testing Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement, the permittee shall initiate screening level WET tests at a frequency of once per year (any calendar quarter). Testing shall be conducted on the water flea (*Ceriodaphnia dubia*) and the brook trout (*Salvelinus fontinalis*). Toxicity tests must be conducted by an experienced laboratory approved by the Department. The laboratory must follow procedures as described in the following U.S.E.P.A. methods manuals as modified by Department protocol for salmonids. See Attachment C of this permit for the Department protocol.
 - a. <u>Short Term Methods for Estimating the Chronic Toxicity of Effluent and Receiving</u> <u>Water to Freshwater Organisms</u>, 4th Edition, October 2002, EPA-821-R-02-013.
 - b. <u>Methods for Measuring the Acute Toxicity of Effluent and Receiving Waters to</u> <u>Freshwater and Marine Organisms, Fifth Edition</u>, 3rd Edition, October 2002, EPA-821-R-02-012.

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

Footnotes:

Outfall #001A – Secondary treated effluent

WET test results must be submitted to the Department not later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, that the permittee may review the toxicity reports for up to 10 business days after receiving the results from the laboratory before submitting them. The permittee shall evaluate test results being submitted and identify to the Department possible exceedances of the critical acute and chronic water quality thresholds of 0.5% and 0.1%, respectively.

Results of WET tests shall be reported on the "Whole Effluent Toxicity Report Fresh Waters" form included as Attachment D of this permit each time a WET test is performed. Each time a WET test is performed, the permittee shall sample and analyze for the parameters in the WET Chemistry and the Analytical Chemistry sections of the most current Department form entitled, Maine Department of Environmental Protection, WET and Chemical Specific Data Report Form. See Attachment E of this permit.

- 7. Analytical chemistry Refers to a suite of chemicals in Attachment E of this permit.
 - a. Surveillance level testing Pursuant to 06-096 CMR 530(2)(D)(3)(c), surveillance level analytical chemistry testing is waived for this facility.
 - b. Screening level testing Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement, the permittee shall conduct screening level analytical chemistry testing at a minimum frequency of once per calendar quarter (1/Quarter) for four consecutive calendar quarters.

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 shall evaluate test results being submitted and identify to the Department, possible exceedances of the acute, chronic or human health AWQC as established in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective October 9, 2005). For the purposes of DMR reporting, enter a "1" for yes, testing done this monitoring period or "N-9" monitoring not required this period.

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

Footnotes:

Outfall #001A - Secondary treated effluent

- 8. Priority pollutant testing Refers to a suite of chemicals in Attachment E of this permit.
 - a. Surveillance level testing Pursuant to 06-096 CMR 530(2)(D)(3)(c), surveillance level priority pollutant testing is not required.
 - b. Screening level testing Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement, the permittee shall conduct screening level priority pollutant testing at a minimum frequency of once per year.
- 9. Priority pollutant and analytical chemistry Testing shall be conducted on samples collected at the same time as those collected for whole effluent toxicity tests when applicable. Priority pollutant and analytical chemistry testing shall be conducted using methods that permit detection of a pollutant at existing levels in the effluent or that achieve minimum reporting levels of detection as specified by the Department.

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

Outfall #001B - Primary treated only waste stream

- 10. Minimum instantaneous influent flow The permittee must report the <u>minimum</u> instantaneous influent flow rate entering the headworks of the plant for each month during which there was a CSO-bypass discharge.
- 11. Discharge Day A discharge day is defined as a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.

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

Footnotes:

Outfall #001B - Primary treated only waste stream

12. Overflow occurrence – An overflow occurrence is defined as the period of time between initiation and cessation of flow from the storm flow chlorine contact tank. 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. One composite sample for BOD5 and total suspended solids shall be collected per discharge day if a continuous overflow occurrence is greater than 60 minutes in duration or intermittent occurrences totaling 120 minutes during a 24-hour period. Composite samples shall be flow proportioned from all intermittent overflows during that 24-hour period. Samples for BOD and TSS are only required to be collected for events that occur between 7:00 AM Sunday - 7:00 AM Friday excluding any day immediately preceding a holiday. Only one grab sample for E. coli bacteria and total residual chlorine is required to be collected per discharge day if a continuous overflow occurrence is greater than 60 minutes in duration or intermittent occurrences totaling 120 minutes during a 24-hour period. Samples for total residual chlorine are only required if the event(s) occur between 7:00 AM and 3:00 PM (Monday - Friday) excluding holidays. Samples for E. coli bacteria are only required if the event(s) occur between 7:00 AM Monday and 3:00 PM Thursday, excluding holidays and any day immediately preceding a holiday.

For overflow occurrences exceeding one day in duration, sampling shall be performed each day of the event according to the measurement frequency specified. For example, if an overflow occurs for all or part of three discharge days, the permittee shall take three composite samples for BOD and TSS, initiating samples at the start of the overflow and each subsequent discharge day thereafter and terminating samples at the end of the discharge day or the end of the overflow occurrence. Samples shall be flow proportioned.

OUTFALL #001C -- Blended effluent

13. 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 monthly average mass of BOD and TSS of the secondary treated waste water (Outfall #001A) to each of the daily BOD and TSS mass values of the primary treated waste water when the bypass is active and report the highest combined mass of BOD and TSS values for each month. Example calculation is as follows:

BOD mass (monthly average for secondary) + BOD mass (highest for bypass)

=BOD/TSS mass (blended effluent)

B. NARRATIVE EFFLUENT LIMITATIONS

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

C. TREATMENT PLANT OPERATOR

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

D. LIMITATIONS FOR INDUSTRIAL USERS

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

E. AUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on March 1, 2013; 2) the terms and conditions of this permit; and 3) from Outfall #001A and eight (8) combined sewer overflow outfalls listed in Special Condition J, *Combined Sewer Overflows*, of this permit. Discharges of waste water from any other point source are not authorized under this permit, and shall be reported in accordance with Standard Condition D(1)(f), *Twenty four hour reporting*, of this permit.

F. NOTIFICATION REQUIREMENT

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

- 1. Any introduction of pollutants into the waste water 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 waste water collection and treatment system by a source introducing pollutants into the system at the time of permit issuance. For the purposes of this section, notice regarding substantial change shall include information on:
 - (a) the quality and quantity of waste water introduced to the waste water collection and treatment system; and
 - (b) any anticipated impact caused by the change in the quantity or quality of the waste water to be discharged from the treatment system.

G. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY

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 10,000 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 containing chemicals in quantities potentially harmful to the treatment facility or receiving water.

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SPECIAL CONDITIONS

G. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY

- 2. The character and handling of all transported wastes received must be consistent with the information and management plans provided in application materials submitted to the Department.
- 3. At no time shall the addition of transported wastes cause or contribute to effluent quality violations. Transported wastes may not cause an upset of or pass through the treatment process or have any adverse impact on the sludge disposal practices of the wastewater treatment facility.

Wastes that contain heavy metals, toxic chemicals, extreme pH, flammable or corrosive materials in concentrations harmful to the treatment operation must be refused. Odors and traffic from the handling of transported wastes may not result in adverse impacts to the surrounding community. If any adverse effects exist, the receipt or introduction of transported wastes into the treatment process or solids handling stream shall be suspended until there is no further risk of adverse effects.

- 4. The permittee shall maintain records for each load of transported wastes in a daily log which shall 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.

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

- 5. The addition of transported wastes into the treatment process or solids handling stream shall not cause the treatment facility's design capacity to be exceeded. If, for any reason, the treatment process or solids handling facilities become overloaded, introduction of transported wastes into the treatment process or solids handling stream shall be reduced or terminated in order to eliminate the overload condition.
- 6. Holding tank wastewater from domestic sources to which no chemicals in quantities potentially harmful to the treatment process have been added shall not be recorded as transported wastes but should be reported in the treatment facility's influent flow.

G. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY

- 7. During wet weather events, transported wastes may be added to the treatment process or solids handling facilities only in accordance with a current Wet Weather Flow Management Plan approved by the Department that provides for full treatment of transported wastes without adverse impacts.
- 8. In consultation with the Department, chemical analysis is required prior to receiving transported wastes from new sources that are not of the same nature as wastes previously received. The analysis must be specific to the type of source and designed to identify concentrations of pollutants that may pass through, upset or otherwise interfere with the facility's operation.
- 9. Access to transported waste receiving facilities may be permitted only during the times specified in the application materials and under the control and supervision of the person responsible for the wastewater treatment facility or his/her designated representative.
- 10. The authorization 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 Chapter 555 of the Department's rules and the terms and conditions of this permit.

H. WET WEATHER FLOW MANAGEMENT PLAN

The treatment facility staff shall maintain a current written Wet Weather Flow Management Plan to direct the staff on how to operate the facility effectively during periods of high flow. The Department acknowledges that the existing collection system may deliver flows in excess of the monthly average design capacity of the treatment plant during periods of high infiltration and rainfall.

Within 90 days of completion of new and or substantial upgrades of the waste water treatment facility, the permittee shall submit to the Department for review and approval, a new or revised Wet Weather Flow Management Plan which conforms to Department guidelines for such plans. The revised plan shall 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.

Once the Wet Weather Flow Management Plan has been approved, the permittee shall review their plan at least annually and record any necessary changes to keep the plan up to date. The plan shall be kept on-site at all times and made available to Department and EPA personnel upon request.

I. OPERATION & MAINTENANCE (O&M) PLAN

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

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

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

J. COMBINED SEWER OVERFLOWS (CSOs)

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

1. CSO locations

<u>Outfall #</u>	Location	Receiving Water & Class
002	Water Street – Pump Station	Kennebec River, Class B
003	Footbridge-North End –Interceptor	Kennebec River, Class B
004	Joyce Street-Interceptor	Kennebec River, Class B
005	Elm Street – Pump Station	Kennebec River, Class B
007	Water Street/ High Street	Kennebec River, Class B
008	Footbridge-South End –Interceptor	Kennebec River, Class B
009	Island Avenue Pump Station	Kennebec River, Class B
010	Water Street/North Avenue	Kennebec River, Class B

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

- 2. Prohibited Discharges
 - a) The discharge of dry weather flows is prohibited. All such discharges shall be reported to the Department in accordance with Standard Condition D (1) of this permit.
 - b) No discharge shall occur as a result of mechanical failure, improper design or inadequate operation or maintenance.
 - c) No discharges shall occur at flow rates below the maximum design capacities of the wastewater treatment facility, pumping stations or sewerage system.
- 3. Narrative Effluent Limitations
 - a) The effluent shall 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 shall not contain materials in concentrations or combinations that are hazardous or toxic to aquatic life; or which would impair the usage designated by the classification of the receiving waters.
 - c) The discharge shall not impart color, turbidity, toxicity, radioactivity or other properties that cause the receiving waters to be unsuitable for the designated uses and other characteristics ascribed to their class.
 - d) Notwithstanding specific conditions of this permit, the effluent by itself or in combination with other discharges shall not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.
- 4. CSO Master Plan (see Sections 2 & 3 of Chapter 570 Department Rules)

The permittee shall implement CSO control projects in accordance with the most current Department approved (January 11, 2013) CSO Master Plan entitled *Sewer System Master Plan Update For CSO Abatement, Town of Skowhegan, May 2012.* The abatement schedule may be amended from time to time based on mutual agreements between the permittee and the Department. The permittee must notify the Department in writing prior to any proposed changes to the implementation schedule.

J. COMBINED SEWER OVERFLOWS (CSO's)(cont'd)

On or before December 31, 2017, *(EFIS Code 75305)* the permittee shall complete construction of the sanitary sewer projects for Summer Street and Bennett Street and notify the Department in writing that the project has been completed.

On or before December 31, 2018, *(EFIS Code 81699)* the permittee shall submit to the Department for review and approval a CSO Long Term Control Plan (Master Plan) that contains a 5-year update analyzing the effectiveness of the abatement projects to date and an abatement project schedule update for the next five years if deemed necessary. The permittee must show that the bypass of secondary treatment is unavoidable to prevent loss of life, personal injury or severe property damage and that there are no feasible alternative to the bypass.

To modify the dates and or projects specified above (but not dates in the Master Plan), the permittee must file an application with the Department to formally modify this permit. The work items identified in the abatement schedule may be amended from time to time based upon approval by the Department. The permittee must notify the Department in writing prior to any proposed changes to the implementation schedule.

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

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

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

The permittee shall conduct block testing or 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 shall be determined by actual flow monitoring, or by estimation using a model such as EPA's Storm Water Management Model (SWMM).

Results shall be submitted annually as part of the annual *CSO Progress Report* (see below), and shall include annual precipitation, CSO volumes (actual or estimated) and any block test data required. Any abnormalities during CSO monitoring shall also be reported. CSO control projects that have been completed shall be monitored for volume and frequency of overflow to determine the effectiveness of the project toward CSO abatement. This requirement shall not apply to those areas where complete separation has been completed and CSO outfalls have been eliminated.

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

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

Chapter 570 Section 8 lists requirements relating to any proposed addition of wastewater to the combined sewer system. Documentation of the new wastewater additions to the system and associated mitigating measures shall 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.

8. Annual CSO Progress Reports (see Section 7 of Chapter 570 of Department Rules) By March 1 (EFIS Code CS010), of each year the permittee shall submit CSO Progress Reports covering the previous calendar year (January 1 to December 31). The CSO Progress Report shall include, but is not necessarily limited to, the following topics as further described in Chapter 570: CSO abatement projects, schedule comparison, progress on inflow sources, costs, flow monitoring results, CSO activity and volumes, nine minimum controls update, sewer extensions, and new commercial or industrial flows.

The CSO Progress Reports shall be completed on a standard form entitled "Annual CSO Progress Report", furnished by the Department, and submitted in electronic form 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: <u>CSOCoordinator@maine.gov</u>

9. Signs

If not already installed, the permittee shall 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 shall be a minimum of 12" x 18" in size with white lettering against a green background and shall contain the following information:

TOWN OF SKOWHEGAN WET WEATHER SEWAGE DISCHARGE CSO # AND NAME

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

10. Definitions

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

- a. Combined Sewer Overflow a discharge of excess waste water from a municipal or 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.

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

By December 31 of each calendar year, the permittee shall provide the Department with a certification describing any of the following that have occurred since the effective date of this permit *[EFIS Code 75305]*: See Attachment F of the <u>Fact Sheet</u> of this permit 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;
- (e) Increases in the type or volume of hauled wastes accepted by the facility.

The Department may require that annual 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.

L. MONITORING AND REPORTING

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

Department of Environmental Protection Central Maine Regional Office Bureau of Water Quality Division of Water Quality Management 17 State House Station Augusta, Maine 04333

L. MONITORING AND REPORTING (cont'd)

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

Additional monthly reporting requires submitting (in electronic version preferably) a *DEP-49-CSO Form For Use With Dedicated CSO Primary Clarifiers*" (see **Attachment A** of this permit) to:

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

M. REOPENING OF PERMIT FOR MODIFICATIONS

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

N. SEVERABILITY

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

ATTACHMENT A

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP-49-CSO FORM FOR USE WITH DEDICATED CSO PRIMARY CLARIFIERS

	WET WEATHER BYPASS OPERATIONS REPORT FOR										State License Na MEPDES/NPDES Permit No SIGNED BY					DATE;						Doc Nun DEP-49-	n DEPLW0463 CSO-Dedicated.xlx (rev. 12/12/01)										
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ATTACHMENT B

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Maine Department of Environmental Protection Effluent Mercury Test Report

Name of Facility:	Federal Permit # ME
Purpose of this test: Initial limit deter Compliance mon Supplemental or	mination itoring for: year calendar quarter extra test
SAMPLE COI	LLECTION INFORMATION
Sampling Date: mm dd yy Sampling Location:	Sampling time:AM/PM
Weather Conditions:	
Please describe any unusual conditions wit time of sample collection:	h the influent or at the facility during or preceding the
Optional test - not required but recommend evaluation of mercury results:	led where possible to allow for the most meaningful
Suspended Solidsmg/L	Sample type: Grab (recommended) or Composite,
ANALYTICAL RES	ULT FOR EFFLUENT MERCURY
Name of Laboratory:	
Date of analysis: Please Enter Effluent Li	Result:ng/L (PPT) mits for your facility
Effluent Limits: Average =	ng/L Maximum =ng/L
Please attach any remarks or comments fro their interpretation. If duplicate samples w	m the laboratory that may have a bearing on the results or ere taken at the same time please report the average.
CI	ERTIFICATION
I certifiy that to the best of my knowledge t conditions at the time of sample collection. using EPA Methods 1669 (clean sampling) instructions from the DEP.	he foregoing information is correct and representative of The sample for mercury was collected and analyzed and 1631 (trace level analysis) in accordance with
Ву:	Date:
Title:	

PLEASE MAIL THIS FORM TO YOUR ASSIGNED INSPECTOR

ATTACHMENT C

Salmonid Survival and Growth Test

The Salmonid survival and growth test must follow the procedures for the fathead minnow larval survival and growth tests detailed in USEPA's freshwater acute and chronic methods manuals with the following Department modifications:

Species - Brook Trout, *Salvelinus fontinalis*, or other salmonid approved by the Department.

Age - Less than six months old for the first test each year and less than twelve months for subsequent tests.

Size - The largest fish must not be greater than 150% of the smallest.

Loading Rate - < 0.5 g/l/day

Feeding rate - 5% of body weight 3 times daily (15%/day)

Temperature - $12^{\circ} \pm 1^{\circ}C$

Dissolved Oxygen - 6.5 mg/l ,aeration if needed with large bubbles (> 1 mm diameter) at a rate of <100/min

Dilution Water - Receiving water upstream of discharge (or other ambient water approved by the Department)

Dilution Series - A minimum of 5 effluent concentrations (including the instream waste concentrations bracketing acute and chronic dilutions calculated pursuant to Section D); a receiving water control; and control of known suitable water quality

Duration - Acute = 48 hours

- Chronic = 10 days minimum

Test acceptability - Acute = minimum of 90% survival in 2 days

- Chronic = minimum of 80% survival in 10 days; minimum growth of 20 mg/gm/d dry weight in controls, (individual fish weighed, dried at 100° C to constant weight and weighed to 3 significant figures)

ATTACHMENT D

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION WHOLE EFFLUENT TOXICITY REPORT FRESH WATERS

Facility Name				MEPDES Permi	i(#	
Facility Representative	hat to the best of my	knowledge that the	Signature	d is true, accurate,	and complete.	
Facility Telephone #			Date Collected	mm/dd/yy	_Date Tested	mm/đd/yy
Chlorinated? Results A-NOEL C-NOEL	water flea	Dechlorinated? Auent trout	<u> </u>		A-NOEL C-NOEL	Effluent Limitations
Data summary QC standard lab control receiving water control cone, 1 (%) cone, 2 (%) cone, 3 (%) cone, 4 (%) cone, 5 (%) cone, 6 (%) stat test used place * new Reference toxicant toxicant / date limits (mg/L) results (mg/L)	% s A>90 xt to values statis A-NOEL	water flea	no. young >15/female	6or trout show f	inal wt and % incu	final weight (mg) > 2% increase
Comments Laboratory conducting tes Company Name Mailing Address	st		Company Rep. Na Company Rep. Sig Company Telephol	me (Printed) nature		

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

ATTACHMENT E

• •

Printed 9/11/2015

Maine Department of Environmental Protection

WET and Chem

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

	Facility Name			MEPDES # Pipe #		Facility Re	presentative Signature To the best of my kno	wledge this info	mation is true,	, accurate an	d complete.
	Licensed Flow (MGD)			Flow for I	Day (MGD) ⁽¹⁾		Flow Avg. for Mo	onth (MGD) ⁽²⁾			
	Chronic dilution factor			Date Sampl	le Collected		Date Samp	le Analyzed	1		
	Human health dilution factor				• •			-			
	Criteria type: M(arine) or F(resh)	f	Laboratory					Telephone		·	
	In the second state of the								-		
			Lab Conta						Lab ID #		
	ERROR WARNING ! Essential facility	FRESHIV	ALER VER		· í						
	required entries in bold above.	Please see the fo	otnotes on t	he last page.		Receiving Water or Ambient	Effluent Concentration (ug/l, or as noted)				
關語	WHOLE EFFLUENT TOXICITY							的影響的		計画版 版	
			Effluent Acute	Limits, % Chronic			WET Result, % Do not enter % sign	Reporting Limit Check	Possible Acute	Exceed	ence (7)
	Trout - Acute								1		
<u> </u>	Trout - Chronic										
	Water Flea - Acute										
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	pH (S.U.) (9)										
	Total Organic Carbon (mg/L)				Į	(8)				Ļ	
	Total Solids (mg/L)				Ļ				Ļ	<u> </u>	·
	Total Suspended Solids (mg/L)				·						
	Aukalinity (mg/L)					(8)					
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	Total Calaium (mar/l.)		l	······································		(0)					<u> </u>
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	ANALYTICAL CHEMISTRY										
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	WELL lesting on the receiving water is	Demonstruct Limite	1 ~ + + (5)	Chronic ⁽⁶⁾	Licolth (6)			Reporting		Changin	110010
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	AMMONIA						·····			+	i
M						(8)		[+	<u>+</u>
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DEPLW 0740-H2015
Maine Department of Environmental Protection WET and Chem

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

	PRIORITY POLLUTANTS (4)										
	· ·			Effluent Limi	its	,	***************************************		Possible	Exceed	ence (7)
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A	2-NITROPHENOL	5		1						1	
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A	PHENOL	5									
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BN	1,2-DIPHENYLHYDRAZINE	20									
BN	1.3-(M)DICHLOROBENZENE	5	1								
BN	1.4-(P)DICHLOROBENZENE	5				1					
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BN	2,6-DINITROTOLUENE	5						<u> </u>			<u> </u>
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WET and Chem

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V	1.2-DICHLOROPROPANE	6				<u> </u>	<u> </u>				
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V	trans-dichloroethene)	5				<u> </u>	·		<u> </u>		
	1,3-DICHLOROPROPYLENE (1,3-		1	1				1	1]	
V	dichloropropene)	5	1	1		I				1	
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V	BROMOFORM	5	1	 1		T		l
V	CARBON TETRACHLORIDE	5		1				
V	CHLOROBENZENE	6				1	1	
V	CHLORODIBROMOMETHANE	3	}	1		ŀ	1	
V	CHLOROETHANE	5		1	-		ł	
V	CHLOROFORM	5		1			1	
V	DICHLOROBROMOMETHANE	3			·			
V	ETHYLBENZENE	10						
V	METHYL BROMIDE (Bromomethane)	5					1	
V	METHYL CHLORIDE (Chloromethane)	5					1	
V	METHYLENE CHLORIDE	5				 		
v	TETRACHLOROETHYLENE (Perchloroethylene or Tetrachloroethene)	5						
V	TOLUENE	5					1	
	TRICHLOROETHYLENE						1	
V	(Trichloroethene)	3]	
V	VINYL CHLORIDE	5				t		

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) Melchayls offen reported in nanograms perintering/e) by the contract/aboration/ solbel since to convert to iniciograms perinterion 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.

Comments:

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STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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	4	Connection to municipal sewer	10		
F		DEFINITONS	10		

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STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

A. GENERAL PROVISIONS

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

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

- (a) They are not
 - (i) Designated as toxic or hazardous under the provisions of Sections 307 and 311, respectively, of the Federal Water Pollution Control Act; Title 38, Section 420, Maine Revised Statutes; or other applicable State Law; or
 - (ii) Known to be hazardous or toxic by the licensee.
- (b) The discharge of such materials will not violate applicable water quality standards.

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

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

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

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

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

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

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

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

B. OPERATION AND MAINTENACE OF FACILITIES

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

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

5. Bypasses.

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

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

(d) Prohibition of bypass.

- (i) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:
 - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (C) The permittee submitted notices as required under paragraph (c) of this section.
- (ii) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph (d)(i) of this section.

6. Upsets.

- (a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- (c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (i) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (ii) The permitted facility was at the time being properly operated; and

- (iii) The permittee submitted notice of the upset as required in paragraph D(1)(f), below. (24 hour notice).
- (iv) The permittee complied with any remedial measures required under paragraph B(4).
- (d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

C. MONITORING AND RECORDS

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

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

3. Monitoring and records.

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

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

D. REPORTING REQUIREMENTS

1. Reporting requirements.

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

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

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

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

5. Publicly owned treatment works.

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

E. OTHER REQUIREMENTS

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

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

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

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

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

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

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

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

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

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

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

Maximum daily discharge limitation means the highest allowable daily discharge.

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

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

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

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

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

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

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

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

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

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

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

AND

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: September 8, 2015

PERMIT NUMBER:ME0100625LICENSE NUMBER:W002645-6D-J-R

NAME AND ADDRESS OF APPLICANT:

TOWN OF SKOWHEGAN 225 Water Street Skowhegan, Maine 04976

COUNTY:

Somerset County

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

53 Joyce Street Skowhegan, Maine 04330

RECEIVING WATER/CLASSIFICATION: Kennebec River/Class B

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: Mr. Brent Dickey, Superintendent (207) 474-6909 e-mail: <u>bdickey@skowhegan.org</u>

1. APPLICATION SUMMARY

a. <u>Application</u>: The Town of Skowhegan (Town/permittee hereinafter) has submitted a timely and complete application to the Department for renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0100625/Waste Discharge License (WDL) #W002645-5L-F-R (permit hereinafter) which was issued on June 2, 2008 for a five year term. The 6/2/08 permit authorized the discharge of up to a monthly average flow of 1.65 million gallons per day (MGD) of secondary treated sanitary waste waters from a municipal waste water treatment facility to the Kennebec River, Class B, in Skowhegan, Maine. The 6/2/08 permit also allowed the discharge of primary treated waste waters when the instantaneous flow rate through the primary clarifiers exceeds 5.0 MGD and authorized the discharge of an unspecified quantity of untreated combined sanitary and storm water from nine (9) combined sewer overflow (CSO) outfalls to the Kennebec River, Class B in Skowhegan may and storm water from nine facility.

1. APPLICATION SUMMARY (cont'd)

b. <u>Source Description</u>: The waste water treatment facility receives sanitary waste water flows from approximately 1,497 residential, commercial and industrial connections to the collection system within the Town of Skowhegan's boundaries. The permittee has indicated there are no major commercial or industrial users of the system that contribute more than 10% of the flow or pollutant loading to the waste water treatment facility.

The Town's sewer collection system is approximately 31 miles in length, has ten (10) pump stations and is approximately 65% combined and 35% separated. Six (6) of the ten (10) pump stations are serviced by a portable generator and two of the pump stations are equipped with holding tanks. There are eight (8) remaining permitted CSO's associated with the collection system. These are listed in Special Condition J, *Combined Sewer Overflows (CSO)*, of this permitting action.

c. <u>Waste Water Treatment</u>: The Town completed an upgrade of the waste water treatment facility in 2004. The primary objective of the upgrade was to mitigate CSO events by providing the facility with the ability to provide primary treatment and disinfection for flows that exceed an instantaneous flow rate of 5.0 MGD (3,472 gallons per minute) through the secondary treatment process. Other major project components included in the upgrade were new influent screening, secondary treatment improvements (including provisions for contact stabilization mode of operation, secondary clarifier density current baffles, and return sludge pumps), solids handling improvements (including a new waste sludge pump, sludge storage tank, sludge feed pumps, dewatering system and post-lime stabilization and sewer replacement to reduce system inflow.

Secondary Treatment

The upgraded waste water treatment facility is capable of providing a secondary level of treatment of up to 1.65 MGD as a monthly average and 5.0 MGD as an instantaneous flow. Flows are conveyed into the waste water treatment facility via an interceptor pipe measuring 24" in diameter which is capable of delivering up to 7.5 MGD to the treatment facility. During dry weather flows, a secondary level of treatment is provided via a conventional activated sludge treatment process that includes an aerated grit chamber, two primary clarifiers tanks (each 40 feet in diameter), two aeration tanks with diffused aeration, two secondary clarifiers (each 50 feet in diameter) and two chlorine contact chambers where sodium hypochlorite is utilized as a disinfectant. The facility is capable of dechlorinating the discharge if necessary. Secondary treated effluent flow is measured via ultra-sonic meter located after the chlorine contact chamber. Treated effluent is discharged to the Kennebec River via a reinforced concrete pipe measuring 24" in diameter without a diffuser.

FACT SHEET

1. APPLICATION SUMMARY (cont'd)

The pipe extends out into the main channel of the river approximately 150 feet where there is approximately five feet of water over the crown of the pipe under low flow conditions in the river. See Attachment B of this Fact Sheet for a schematic of the treatment facility.

Wet Weather Flows (CSO-Related Bypasses of Secondary Treatment)

During wet weather events, flows up to 7.5 MGD pass through the preliminary and primary treatment components of the plant (grit removal and primary clarification). At the flow distribution structure after the primary clarifiers, instantaneous flow rates up to 5.0 MGD (3,472 gallons per minute) are conveyed to the secondary treatment process and the balance of the flow is conveyed to a dedicated storm flow chlorine contact chamber for disinfection with dechlorination capabilities. After disinfection, the primary treated flow is combined with the secondary treated flow (after the secondary treatment disinfection chamber) prior to discharge to the river via Outfall #001A. Measurements of flows receiving primary treatment is obtained via an ultra-sonic flow meter located at the discharge end of the storm flow chlorine contact chamber. See Attachment B of this fact Sheet for a schematic of the treatment facility.

2. PERMIT SUMMARY

 a. <u>Terms and conditions</u> - This permitting action is carrying forward all the terms and conditions of the 6/2/08 permitting action except that <u>substantive changes</u> to the permit include;

Outfall 001A - (secondary treated waste water)

- 1. Reducing the monitoring frequencies for biochemical oxygen demand (BOD), total suspended solids (TSS) and *E. coli* bacteria from 2/Week to 1/Week based on statistical evaluation of the most recent three years of test results supported by both EPA and Department guidance on monitoring frequency reductions.
- 2. Reducing the monitoring frequencies for settleable solids and total residual chlorine from 1/Day to 4/Week based on statistical evaluation of the most recent three years of test results supported by both EPA and Department guidance on monitoring frequency reductions.
- 3. Eliminating monitoring for phosphorus as a statistical evaluation of current test results indicates the discharge from the facility does not have a reasonable potential to exceed EPA's water quality goal of 0.100 mg/L or the Department's draft criteria of 0.030 mg/L.

Outfall #001B – (CSO related bypass – primary treated waste stream)

4. Eliminating the numeric limitations for *E. coli* bacteria and total residual chlorine given a recent legal precedent on regulating internal waste streams.

2. PERMIT SUMMARY

Outfall #001C- (Blended effluent)

5. Establishing numeric daily maximum water quality based mass limitations for BOD and TSS on the discharge of blended effluent.

Special Condition J – Combined Sewer Overflows (CSOs)

- 6. Eliminated CSO Outfall 006 Dinsmore Street-Pump Station, as the outfall has been removed.
- b. <u>History</u>: The most current relevant licensing permitting and other actions include the following:

April 6, 1998 – The Department issued WDL renewal #W002645-46-C-R for a five-year term.

September 30, 1998 – The U.S. Environmental Protection Agency (EPA) issued National Pollutant Discharge Elimination System (NPDES) permit renewal #ME0100625 with an expiration date of March 31, 2003.

December 1999 – The Department and the EPA approved the December 1997 document CSO Master Plan and Waste Water Treatment Plant Upgrade, Proposed Implementation Schedule (with subsequent revisions).

May 25, 2000 – The Department established interim average and maximum concentration limitations for the discharge of mercury.

January 12, 2001 – The State of Maine received authorization from the EPA to administer the NPDES permitting program in Maine. From this date forward the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) permit program.

June 2001 – The Department and the USEPA approved the implementation schedule in a document entitled, *Combined Sewer Overflow Facilities Plan Update* dated March 2001.

April 25, 2003 – The Department issued combination MEPDES permit #ME0100625/WDL W002645-5L-E-R for a five-year term.

April 10, 2006 – The Department issued a modification of the 4/25/03 MEPDES permit/WDL by incorporating whole effluent toxicity (WET) and chemical specific testing requirements pursuant to Department rule, 06-096 CMR, Chapter 530, *Surface Water Toxics Control Program*, promulgated on October 12, 2005.

June 2, 2008 – The Department issued combination MEPDES permit #ME0100625/WDL W002645-5L-F-R for a five-year term.

2. PERMIT SUMMARY (cont'd)

February 6, 2012 - The Department issued minor revision MEPDES permit #ME0100625/WDL #W002645-5L-G-M that reduced the monitoring frequency for total mercury from 4/Year to 1/Year.

May 7, 2012 – The Department issued minor revision MEPDES permit #ME0100625/WDL #W002645-6D-H-M that modified the date by which the Town was to submit an updated CSO Master Plan to the Department.

May 25, 2012 – The Town submitted a CSO Master Plan entitled, *Sewer System Master Plan Update for CSO Abatement, Town of Skowhegan, May 2012,* which was approved by the Department on January 11, 2013.

February 27, 2013 - The Town submitted a timely and complete application to the Department to renew the MEPDES permit/WDL.

3. CONDITIONS OF PERMITS

Maine law, 38 M.R.S.A. Section 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, 38 M.R.S.A., Section 420 and Department rule 06-096 CMR Chapter 530, *Surface Water Toxics Control Program*, require the regulation of toxic substances not to exceed levels set forth in Department rule 06-096 CMR Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants*, and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

4. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A., Section 467(4) indicates the main stem of the Kennebec River affected by the discharge is classified as a follows.

From the Route 201A bridge in Anson-Madison to the Fairfield-Skowhegan boundary, including all impoundments - Class B.

From the Fairfield-Skowhegan boundary to the Shawmut Dam - Class C.

From the Shawmut Dam to its confluence with Messalonskee Stream, excluding all impoundments - Class B.

Waters impounded by the Hydro-Kennebec Dam and the Lockwood Dam in Waterville-Winslow - Class C.

4. RECEIVING WATER QUALITY STANDARDS (cont'd)

From its confluence with Messalonskee Stream to the Sidney-Augusta boundary, including all impoundments - Class B.

(From the Sidney-Augusta boundary to the Calumet Bridge at Old Fort Western in Augusta, including all impoundments - Class B.

From the Calumet Bridge at Old Fort Western in Augusta to a line drawn across the tidal estuary of the Kennebec River due east of Abagadasset Point - Class B. Further, the Legislature finds that the free-flowing habitat of this river segment provides irreplaceable social and economic benefits and that this use must be maintained.

Maine law 38 M.R.S.A. §465(4)(B) describes standards for classification of Class C waters as follows:

The dissolved oxygen content of Class C water may be not less than 5 parts per million or 60% of saturation, whichever is higher, except that in identified salmonid spawning areas where water quality is sufficient to ensure spawning, egg incubation and survival of early life stages, that water quality sufficient for these purposes must be maintained. In order to provide additional protection for the growth of indigenous fish, the following standards apply.

- (1) The 30-day average dissolved oxygen criterion of a Class C water is 6.5 parts per million using a temperature of 22 degrees centigrade or the ambient temperature of the water body, whichever is less, if:
 - (a) A license or water quality certificate other than a general permit was issued prior to March 16, 2004 for the Class C water and was not based on a 6.5 parts per million 30-day average dissolved oxygen criterion; or
 - (b) A discharge or a hydropower project was in existence on March 16, 2005 and required but did not have a license or water quality certificate other than a general permit for the Class C water.
 - (1)This criterion for the water body applies to licenses and water quality certificates issued on or after March 16, 2004.
 - (2) In Class C waters not governed by subparagraph (1), dissolved oxygen may not be less than 6.5 parts per million as a 30-day average based upon a temperature of 24 degrees centigrade or the ambient temperature of the water body, whichever is less. This criterion for the water body applies to licenses and water quality certificates issued on or after March 16, 2004.

4. RECEIVING WATER QUALITY STANDARDS (cont'd)

Maine law, 38 M.R.S.A., Section 465(3) describes standards for classification of Class B waters as follows:

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

The dissolved oxygen content of Class B waters may not be less than 7 parts per million or 75% of saturation, whichever is higher, except that for the period from October 1st to May 14th, in order to ensure spawning and egg incubation of indigenous fish species, the 7-day mean dissolved oxygen concentration may not be less than 9.5 parts per million and the 1-day minimum dissolved oxygen concentration may not be less than 8.0 parts per million in identified fish spawning areas. Between May 15th and September 30th, the number of Escherichia coli bacteria of human and domestic animal origin in these waters may not exceed a geometric mean of 64 per 100 milliliters or an instantaneous level of 236 per 100 milliliters. In determining human and domestic animal origin, the department shall assess licensed and unlicensed sources using available diagnostic procedures.

Discharges to Class B waters may not cause adverse impact to aquatic life in that the receiving waters must be of sufficient quality to support all aquatic species indigenous to the receiving water without detrimental changes in the resident biological community.

5. RECEIVING WATER CONDITIONS

<u>The State of Maine 2012 Integrated Water Quality Monitoring and Assessment Report</u>, (Report) prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists a 14.65 mile segment of the Kennebec River from the Fairfield/Skowhegan line to the confluence with the Sebasticook River (ADB Assessment Unit ID Unit ID ME0103000312_339R_02) and lists a 17.7-mile segment of the Kennebec River from the confluence with the Sebasticook River to the Calumet Bridge in Augusta (ADB Assessment Unit ID ME0103000312_339R_01) that are impacted by the discharge from the permittee as "Category 4-B: Rivers and Streams Impaired by Pollutants -Pollution Control Requirements Reasonably Expected to Result in Attainment." Impairment in this context refers to a fish consumption advisory due to the presence of dioxin (including 2,3,7,8-TCDD). The 2012 Report states that dioxin sources have been removed and the river is expected to attain its ascribed standards.

5. RECEIVING WATER CONDITIONS (cont'd)

The 2012 305(b) Report lists a 17.7-mile segment of the Kennebec River from the confluence with the Sebasticook River to the Calumet Bridge in Augusta (ADB Assessment Unit ID ME0103000312_339R) and a 30.53 segment of the Kennebec River from the Calumet Bridge in Augusta to the Chops at Merrymeeting Bay Augusta (ADB Assessment Unit ID ME0103000312_340R) in *Category 5-D: Rivers and Streams Impaired by Legacy Pollutants.* Impairment in this context is fish tissue monitoring revealing legacy PCBs.

The 2012 Report also lists Maine's fresh waters as "Category 5-C Rivers and Streams with Impaired Use, TMDL Completed" due to US EPA approval of a Regional Mercury TMDL. Impairment in this context refers to a statewide fish consumption advisory due to elevated levels of mercury in some fish tissues. The Report states, "Impairment caused by atmospheric deposition of mercury; a regional scale TMDL has been approved. Maine has a fish consumption advisory for fish taken from all freshwaters due to mercury. Many waters, and many fish from any given water, do not exceed the action level for mercury. However, because it is impossible for someone consuming a fish to know whether the mercury level exceeds the action level, the Maine Department of Human Services decided to establish a statewide advisory for all freshwater fish that recommends limits on consumption. Maine has already instituted statewide programs for removal and reduction of mercury sources."

This permit incorporates technology based concentration limits for total mercury that were established in a permit decision issued on May 23, 2000. Pursuant to 38 M.R.S.A. § 420(1-B)(B), "a facility is not in violation of the ambient criteria for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413 subsection 11." See section 6(i) of this Fact Sheet for a summary of the mercury test results for the most current 60-months.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Secondary Treated Effluent

a. <u>Flow</u>: The monthly average flow limitation of 1.65 MGD in the previous permitting action is being carried forward in this permitting action and is considered to be representative of the monthly average dry weather design flow for the waste water treatment facility. A review of the monthly Discharge Monitoring Report (DMR) data for the period January 2012 – March 2015 indicates flows have been reported as follows

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	1.65	0.518-2.215	1.0
Daily Maximum	Report	0.615 - 3.038	2.0

Flow

Secondary Treated Effluent

<u>Dilution Factors</u> - The Department established applicable dilution factors for the discharge in accordance with freshwater protocols established in Department rule 06-096 CMR, Chapter 530, *Surface Water Toxics Control Program*, October 2005. With a monthly average permit flow limit of 1.65 MGD the dilution factors are as follows:

Modified Acute⁽¹⁾ = 481 cfs \Rightarrow (481 cfs)(0.6464) + (1.65 MGD) = 189:1 (1.65 MGD)

Acute: $1Q10^{(2)} = 1,923$ cfs $\Rightarrow (1,923 \text{ cfs})(0.6464) + (1.65 \text{ MGD}) = 754:1$ (1.65 MGD)

Chronic: $7Q10^{(2)} = 2,359 \text{ cfs} \Rightarrow (2,359 \text{ cfs})(0.6464) + (1.65 \text{ MGD}) = 925:1$ (1.65 MGD)

Harmonic Mean: = 3,983 cfs \Rightarrow (3,983 cfs)(0.6464) + (1.65 MGD) = 1,561:1 (1.65 MGD)

Footnotes:

- (1) Chapter 530.5 (D)(4)(a) states that analyses using numeric acute criteria for aquatic life must be based on 1/4 of the 1Q10 stream design flow to prevent substantial acute toxicity within any mixing zone. The 1Q10 is the lowest one day flow over a tenyear recurrence interval. The regulation goes on to say that where it can be demonstrated that a discharge achieves rapid and complete mixing with the receiving water by way of an efficient diffuser or other effective method, analyses may use a greater proportion of the stream design, up to including all of it. The Department has made the determination that the discharge does not receive rapid and complete mixing with the receiving water, therefore the default stream flow of ¼ of the 1Q10 is applicable in acute statistical evaluations pursuant to Chapter 530.
- (2) The 7Q10 and 1Q10 critical low flow values were recalculated in calendar year 2000 during the Department's update of the water quality model for the Kennebec River.
- c. <u>Biochemical Oxygen Demand (BOD5) & Total Suspended Solids (TSS):</u> The previous permit established monthly and weekly average BOD5 and TSS best practicable (BPT) concentration limits of 30 mg/L and 45 mg/L respectively, that were based on secondary treatment requirements pursuant to 06-096 CMR Chapter 525 § (3)(III). The maximum daily BOD5 and TSS concentration limits of 50 mg/L were based on a Department best professional judgment (BPJ) of BPT. All three concentration limits are being carried forward in this permitting action.

Secondary Treated Effluent

As for mass limitations, the previous permitting action established monthly average and weekly average limitations based on a monthly average limit of 1.65 MGD. The mass limits are being carried forward in this permitting action and were calculated as follows:

Monthly average: (1.65 MGD)(8.34)(30 mg/L) = 413 lbs/dayWeekly average: (1.65 MGD)(8.34)(45 mg/L) = 619 lbs/day

No daily maximum mass limitations (report only) for BOD5 or TSS were established in the previous licensing or this permitting action as doing so may discourage the Town from treating as much waste water as possible through the secondary treatment system during wet weather events.

A review of the monthly Discharge Monitoring Report (DMR) data for the period January 2012 – March 2015 indicates BOD and TSS levels have been reported as follows:

BOD Mass

Value	Limit (lbs/day)	Range (lbs/day)	Mean (lbs/day)
Monthly Average	413	26 - 242	82
Daily Maximum	Report	39 - 736	201

BOD Concentration

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	30	3.5 - 30	10
Daily Maximum	50	4.3 - 96	20

TSS mass

Value	Limit (lbs/day)	Range (lbs/day)	Mean (lbs/day)
Monthly Average	413	19 - 121	54
Daily Maximum	Report	31 - 460	152

TSS concentration

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	30	2.6 - 14	6
Daily Maximum	50	3.3 - 36	13

The monitoring frequency for BOD and TSS of 2/Week in the previous permitting action was based on a long standing Department guidance document for facilities with a monthly average flow greater than 1.0 MGD but less than 5.0 MGD.

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

Secondary Treated Effluent

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

Although EPA's 1996 Guidance recommends evaluation of the most current two years of effluent data for a parameter, the Department is considering 39 months of data (January 2012 – March 2015). A review of the mass monitoring data for BOD & TSS indicates the ratios (expressed in percent) of the long term effluent average to the monthly average limits can be calculated as 20% and 13% respectively. According to Table I of the EPA Guidance and Department Guidance, a 2/Week monitoring requirement can be reduced to 1/Week. Therefore, this permitting action is reducing the monitoring frequency for BOD and TSS from 2/Week to 1/Week.

This permitting action also carries forward a requirement of 85% removal for BOD and TSS pursuant to Department rule 06-096 CMR Chapter 525(3)(III)(a & b)(3). A review of the monthly Discharge Monitoring Report (DMR) data for the period January 2012 – March 2015 indicates % removal rates for BOD & TSS have been reported as follows:

BOD % Removal (DMRs=38)

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	85	87 - 98	94

TSS % Removal (DMRs=38)

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	85	92 - 99	96

d. <u>Settleable Solids</u> - The previous permitting action established a daily maximum concentration limit of 0.3 ml/L considered by the Department to be a BPJ of BPT along with a monitoring frequency of 1/Day.

A review of the monthly Discharge Monitoring Report (DMR) data for the period January 2012 – March 2015 indicates settleable solids levels have been reported as follows:

Settleable solids concentration

Value	Limit (ml/L)	Range (ml/L)	Average (ml/L)					
Daily Maximum	0.3	0-0.2	0.05					

Secondary Treated Effluent

Although EPA's 1996 Guidance recommends evaluation of the most current two years of effluent data for a parameter, the Department is considering 39 months of data (January 2012 – March 2015). A review of the monitoring data for settleable solids indicates the ratios (expressed in percent) of the long term effluent average to the daily maximum limit can be calculated as 16%. According to Table I of the EPA Guidance and Department Guidance, a 1/Day monitoring requirement can be reduced to 4/Week. Therefore, this permitting action is reducing the monitoring frequency for settleable solids solids from to 1/Day to 4/Week.

e. <u>Escherichia coliform (*E. coli.*) bacteria</u>: The monthly average and daily maximum *E. coli* bacteria limits of 64 colonies/100 ml and 427 colonies/100 ml in the previous permitting action are being carried forward in this permitting action and were based on the State of Maine Water Classification Program criteria for Class B waters at that time. Subsequent to issuance of the 4/23/03 permit, the State Legislature adopted more stringent AWQC for *E. coli* bacteria. The newer criteria for Class B water are 64 colonies/100 ml as a monthly average and 236 colonies/100 ml as a daily maximum. The Department has made the determination that after taking into consideration the dilution associated with the discharge, the BPT limits established in this permitting action are protective of the newer AWQC for bacteria. The limitations are seasonal and apply from May 15th – September 30th of each year. The Department reserves the right to require year-round disinfection to protect the health and welfare of the public.

A review of the monthly DMR data for the period May 2012 – September 2014 indicates *E. coli* bacteria levels have been reported as follows:

Value	Limit (col/100 ml)	Range (col/100 ml)	Mean (col/100 ml)
Monthly Average	64	1 – 10	5
Daily Maximum	427	4-326	54

E coli. bacteria

Although EPA's 1996 Guidance recommends evaluation of the most current two years of effluent data for a parameter, the Department is considering 12 months of seasonal data (May 2012 – September 2014). A review of the monitoring data for *E. coli* bacteria indicates the ratios (expressed in percent) of the long term effluent average to the monthly average limit can be calculated as 8%. According to Table I of the EPA Guidance and Department Guidance, a 2/Week monitoring requirement can be reduced to 1/Week. Therefore, this permitting action is reducing the monitoring frequency for *E. coli* bacteria from 2/Week to 1/Week.

Secondary Treated Effluent

The Department of Marine Resources (DMR) in collaboration with the Department of Environmental Protection is establishing *E. coli* bacteria testing at a frequency of 1/Month during the non-summer months for one year beginning in the fall of 2015 at waste water treatment plant (WWTP) outfalls in the upper Kennebec and Androscoggin Rivers. This monitoring is being established in an effort to eliminate these point sources of pollution as the cause of a public health risk to shellfish harvest in the lower river.

In 2001, the USFDA investigation of the Kennebec River Estuary concluded that high river flow due to rain events negatively impacts water quality (increased fecal coliform) in the lower river. Because of this, DMR was required to manage shellfish harvest based on a river flow management plan. There is significant soft-shell clam resource in the lower Kennebec River; in the most recent years this area supports eighty seven commercial shellfish licenses and contributes over \$867,000 dollars to the Maine economy. This plan was implemented in 2009 by DMR and required that the river close to shellfish harvest for a minimum of fourteen days when flow exceeded 30K cubic feet per second (cfs). After implementation, closures based on the new plan resulted in an almost 50% reduction in shellfish harvest. In 2010 efforts began by the DMR in partnership with local, regional and state collaborators to collect additional data in the lower river after high flow events to make adjustments to the river flow management plan. Data collected from this effort significantly increased shellfish harvest; actual closures and the duration of closures times were both reduced. However, no change was made to the plan since 2009 during the fall and early winter months because of the persistent high levels of fecal pollution during high flow events greater than 30,000 cfs.

These data collected in the lower river suggest that the major impacts associated with the water quality degradation are attributed to upriver pollution sources. There is a significant presence of both point and non-point pollution sources in the Kennebec and Androscoggin Rivers' watersheds, with the majority of the largest sources located north of Merrymeeting Bay. These pollution sources include eight municipal WWTPs and six with combined sewer overflows. It is unclear whether or not WWTP's that do not chlorinate year round and specifically in the fall season, contribute to the elevated and persistent high fecal scores in the lower river. Our request to sample for one year at each of the WWTP will allow us to assess the impacts and contributions of each WWTP and make recommendations for additional chlorination if it is necessary.

f. <u>Total Residual Chlorine</u> - The previous permitting action established a seasonal (May 15 – September 30) daily maximum BPT limit of 1.0 mg/L along with a 1/Day monitoring requirement. Limits on total residual chlorine (TRC) are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. The Department imposes the more stringent of the water quality or technology based limits in permitting actions. End-of-pipe water quality based concentration thresholds may be calculated as follows:

Secondary Treated Effluent

Parameter	Acute	Chronic	Acute	Chronic	Acute	Chronic
	Criteria	Criteria	Dilution	Dilution	Limit	Limit
Chlorine	19 ug/L	11 ug/L	189:1	925:1	3.6 mg/L	10 mg/L

Example calculation: Acute -0.019 mg/L(189) = 3.6 mg/L

In the case of the Skowhegan facility, the calculated acute water quality based threshold is higher than 1.0 mg/l, thus the BPT limit of 1.0 mg/L is imposed as a daily maximum limit. A review of the seasonal DMR data for the period May 2012 – September 2014 indicates the daily maximum TRC discharged is as follows:

Total residual chlorine

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	1.0	0.05 - 0.85	0.4

Although EPA's 1996 Guidance recommends evaluation of the most current two-years of effluent data for a parameter, the Department is considering 12 months of seasonal data (May 2012 – September 2014). A review of the monitoring data for TRC indicates the ratios (expressed in percent) of the long term effluent average to the daily maximum limit can be calculated as 40%. According to Table I of the EPA Guidance and Department Guidance, a 1/Day monitoring requirement can be reduced to 4/Week. Therefore, this permitting action is reducing the monitoring frequency for TRC from to 1/Day to 4/Week.

- g. <u>Total phosphorus</u> The previous permitting action established a seasonal
 - (June September) 1/Month monitoring and reporting requirement for total phosphorus due to the limited assimilative capacity of the Kennebec River. The Town was required to report monthly average and daily maximum mass and concentrations values for total phosphorus. Gathering such data was required to enable the Department to continually update the river model developed by the Department in calendar year 2000 to predict potential algal blooms that may lead to depressed ambient dissolved oxygen conditions.

A review of the seasonal DMR data for the period June 2012 – September 2014 indicates total phosphorus discharge values have been reported as follows:

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	Report	0.8 - 12.5	6.5
Daily Maximum	Report	0.8 - 12.5	6.5

Total Phosphorus Mass

Secondary Treated Effluent

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)	
Monthly Average	Report	0.07 - 1.6	0.87	
Daily Maximum	Report	0.07 - 1.6	0.87	

Total phosphorus Concentration

Waste Discharge License Conditions, 06-096 CMR 523 specifies that water quality based limits are necessary when it has been determined that a discharge has a reasonable potential to cause or contribute to an excursion above any State water quality standard including State narrative criteria.¹ In addition, 06-096 CMR 523 specifies that water quality based limits may be based upon criterion derived from a proposed State criterion, or an explicit State policy or regulation interpreting its narrative water quality criterion, supplemented with other relevant information which may include: EPA's Water Quality Standards Handbook, October 1983, risk assessment data, exposure data, information about the pollutant from the Food and Drug Administration, and current EPA criteria documents.²

USEPA's Quality Criteria for Water 1986 (Gold Book) puts forth an in-stream phosphorus concentration goal of less than 0.100 mg/L in streams or other flowing waters not discharging directly to lakes or impoundments, to prevent nuisance algal growth. The use of the 0.100 mg/L Gold Book goal is consistent with the requirements of 06-096 CMR 523 noted above for use in a reasonable potential (RP) calculation.

Based on the above rationale, the Department has chosen to utilize the Gold Book goal of 0.100 mg/L. It is the Department's intent to continue to make determinations of actual attainment or impairment based upon environmental response indicators from specific water bodies. The use of the Gold Book goal of 0.100 mg/L for use in the RP calculation will enable the Department to establish water quality based limits in a manner that is reasonable and that appropriately establishes the potential for impairment, while providing an opportunity to acquire environmental response indicator data, numeric nutrient indicator data, and facility data as needed to refine the establishment of site-specific water quality-based limits for phosphorus. Therefore, this permit may be reopened during the term of the permit to modify any reasonable potential calculation, phosphorus limits, or monitoring requirements based on site-specific data.

For the background concentration in the Kennebec River just upstream of the Skowhegan discharge, the Department collected three test results during summer of 2014 and the highest result was 0.012 mg/L which is being utilized in reasonable potential calculations in this Fact Sheet.

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

² 06-096 CMR 523(5)(d)(1)(vi)(A)

Secondary Treated Effluent

To be conservative, the Department is utilizing the maximum background concentration in determining whether the discharge has a reasonable potential to exceed the AWQ goal of 0.100 mg/L and the mean effluent concentration of 0.87 mg/L.

Using the following calculation and criteria, the Skowhegan facility does not have a reasonable potential to exceed the EPA's Gold Book value of 0.100 mg/L for phosphorus or a reasonable potential to exceed the Department's 06-096 CMR Chapter 583 draft criteria of 0.030 mg/L. The calculations are as follows:

$$Cr = QeCe + QsCs Qr$$

Qe = effluent flow i.e. facility design flow		1.65 MGD
Ce = effluent pollutant concentration	=	0.87 mg/L
Qs = 7Q10 flow of receiving water	=	1,525 MGD
Cs = upstream concentration	=	0.012 mg/L
Qr = receiving water flow	=	1,527 MGD
Cr = receiving water concentration	=	?

Cr = (1.65 MGD x 0.87 mg/L) + (1.525 MGD x 0.012 mg/L) = 0.013 mg/L1,527 MGD

$Cr = 0.013 \text{ mg/L} \le 0.100 \text{ mg/L} \Rightarrow$	No Reasonable Potential
$Cr = 0.013 \text{ mg/L} \le 0.030 \text{ mg/L} \Rightarrow$	No Reasonable Potential

Therefore, no end-of-pipe limitations or monitoring requirements for total phosphorus are being established in this permit.

- h. <u>pH Range</u>- The previous permitting action established a pH range limitation of 6.0 –9.0 standard units pursuant to Department rule, 06-096 CMR, Chapter 525 §(3)(III)(c). The limits are considered BPT. A review of the DMR data for the period January 2012 March 2015 indicates the limitation has never been exceeded.
- <u>Whole Effluent Toxicity (WET), Analytical chemistry and priority pollutant</u> Maine law, 38 M.R.S.A., Sections 414-A and 420, prohibits 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. The previous permitting action contained WET and chemical specific testing requirements pursuant to Department rule Chapter 530.5, *Surface Water Toxics Control Program*, promulgated in October 1995. The rule was subsequently

Secondary Treated Effluent

revised and promulgated as Department Rule, 06-096 CMR Chapter 530, *Surface Water Toxics Control Program*, and Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants* in October 2005 and 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 waste water, existing treatment and receiving water characteristics.

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

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

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

Department rule Chapter 530 (2)(D) specifies the criteria to be used in determining the minimum monitoring frequency requirements for WET, priority pollutant and analytical chemistry testing. Based on the Chapter 530 criteria, the permittee's facility falls into the Level III frequency category as the facility has a chronic dilution factor >500:1 and a $Q \ge 1.0$ MGD. Chapter 530(2)(D)(1) specifies that <u>routine</u> surveillance and screening level testing requirements are as follows:

Screening level testing

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

Surveillance level testing

Level	WET Testing	Priority pollutant	Analytical chemistry
	·	testing	
III	1 per year	Not required	1 per year

Secondary Treated Effluent

Chapter 530(2)(D)(3)(d) states in part that for Level III facilities "...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 exceedance as calculated pursuant to section 3(E)."

Chapter 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."

Chapter 530 §3 states, "In determining if effluent limits are required, the Department shall consider all information on file and effluent testing conducted during the preceding 60 months. However, testing done in the performance of a Toxicity Reduction Evaluation (TRE) approved by the Department may be excluded from such evaluations."

WET Evaluation

On April 27, 2015, the Department conducted a statistical evaluation on the most recent 60 months of WET test results on file with the Department in accordance with the statistical approach in Chapter 530. See Attachment C of this Fact Sheet for a summary of the WET tests evaluated. The statistical evaluation indicates the discharge from the permittee's waste water treatment facility does not have any WET test results for the water flea or the brook trout that exceed or have a reasonable potential to exceed the critical modified acute or chronic water quality thresholds of 0.5% and 0.1 % respectively. The critical thresholds are calculated as the mathematical inverse of the applicable dilution factors of 189:1 as a modified acute and 925:1 as a chronic.

Based on the results of the 4/27/15 statistical evaluation, the permittee continues to qualify for the Chapter 530(2)(D)(3)(d) testing reduction for WET test species. Therefore, this permit action waives surveillance level testing for the first three years and the fifth year of the term of the permit.

Secondary Treated Effluent

Chapter 530 (2)(D) states:

- (4) All dischargers having waived or reduced testing must file statements with the Department on or before December 31 of each year describing the following.
 - (a) Changes in the number or types of non-domestic wastes contributed directly or indirectly to the wastewater treatment works that may increase the toxicity of the discharge;
 - (b) Changes in the operation of the treatment works that may increase the toxicity of the discharge; and
 - (c) Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge.

Special Condition K, 06-096 CMR 530(2)(D)(4) Statement For Reduced/Waived Toxics Testing, of this permitting action requires the permittee to file an annual certification with the Department.

Department rule Chapter 530 (2)(D)(1) specifies that screening level testing is to be established beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement, the permittee shall initiate screening level as follows;

Level	WET Testing
III	1 per year for the water flea
	1 per year for the brook trout

Analytical chemistry & priority pollutant testing evaluation

See Attachment D of this Fact Sheet for a summary of chemical-specific test dates and results for the pollutants of concern that exceed or have a reasonable potential to exceed applicable AWQC.

Chapter 530 §3 states, "In determining if effluent limits are required, the Department shall consider all information on file and effluent testing conducted during the preceding 60 months. However, testing done in the performance of a Toxicity Reduction Evaluation (TRE) approved by the Department may be excluded from such evaluations."

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Chapter 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 very limited information on the background levels of metals in the water column of the Kennebec River. Therefore, a default background concentration of 10% of the applicable water quality criteria is being used in the calculations of this permitting action.

Chapter 530 4(E), states "In allocating assimilative capacity for toxic pollutants, the Department shall hold a portion of the total capacity in an unallocated reserve to allow for new or changed discharges and non-point source contributions. The unallocated reserve must be reviewed and restored as necessary at intervals of not more than five years. The water quality reserve must be not less than 15% of the total assimilative quantity".

Chapter 530 §(3)(E) states "... 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."

Chapter 530 §4(F) states in part "Where there is more than one discharge into the same fresh or estuarine receiving water or watershed, the Department shall consider the cumulative effects of those discharges when determining the need for and establishment of the level of effluent limits. The Department shall calculate the total allowable discharge quantity for specific pollutants, less the water quality reserve and background concentration, necessary to achieve or maintain water quality criteria at all points of discharge, and in the entire watershed. The total allowable discharge quantity for pollutants must be allocated consistent with the following principles.

Evaluations must be done for individual pollutants of concern in each watershed or segment to assure that water quality criteria are met at all points in the watershed and, if appropriate, within tributaries of a larger river.

Secondary Treated Effluent

The total assimilative capacity, less the water quality reserve and background concentration, may be allocated among the discharges according to the past discharge quantities for each as a percentage of the total quantity of discharges, or another comparable method appropriate for a specific situation and pollutant. Past discharges of pollutants must be determined using the average concentration discharged during the past five years and the facility's licensed flow.

The amount of allowable discharge quantity may be no more than the past discharge quantity calculated using the statistical approach referred to in section 3(E) [Section 3.3.2 and Table 3-2 of USEPA's "Technical Support Document for Water Quality-Based Toxics Control"] of the rule, but in no event may allocations cause the water quality reserve amount to fall below the minimum referred to in 4(E) [15% of the total assimilative capacity]. Any difference between the total allowable discharge quantity and that allocated to existing dischargers must be added to the reserve.

The Kennebec River has multiple dischargers that are subject to the Department's Chapter 530 testing requirements above and below the Skowhegan facility. The Richmond facility is the most downstream discharger in the watershed that is dominated by fresh water flow.

On May 11, 2015, the Department conducted statistical evaluations based on 15% of the ambient water quality criteria reserve being withheld (Report ID 782) and 0% of the reserve of the criteria being withheld (Report ID 778) to determine if the unallocated assimilative capacity would avoid an exceedance or avoid a reasonable potential to exceed applicable ambient water quality criteria for toxic pollutants. Report ID 778 indicates the S.D. Warren pulp and paper manufacturing facility would no longer has a reasonable potential to exceed the chronic ambient water quality criteria for aluminum. Therefore, the Department is utilizing the full 15% of the unallocated assimilative capacity in the statistical evaluation when establishing limits for toxic pollutants in waste discharge licenses for facilities in the Kennebec River watershed.

The 4/27/15 statistical evaluation indicates the discharge from the Skowhegan facility does not exceed or have a reasonable potential to exceed any acute, chronic or human health AWQC for any of the chemicals tested to date. Therefore, no numeric limitations for any WET species or chemicals tested to date are being established in this permitting action.
Secondary Treated Effluent

As for testing frequencies Chapter 530(2)(D)(3)(b) states in part that for Level III facilities "... 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 exceedance as calculated pursuant to section 3(E)." Based on the results of the 4/27/15 statistical evaluation, Skowhegan qualified for the testing waiver. Department rule Chapter 530(2)(D)(1) specifies that screening level testing is to be established beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement, the permittee shall initiate screening level as follows;

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

As with the waiver for surveillance level WET testing, Special Condition K, 06-096 CMR 530(2)(D)(4) Statement For Reduced/Waived Toxics Testing, of this permitting action requires the permittee to file an annual certification with the Department.

It is noted however that if future WET or other chemical specific test results indicates the discharge exceeds critical water quality thresholds or AWQC, this permit will be reopened pursuant to Special Condition M, *Reopening of Permit For Modification*, of this permit to establish applicable limitations and monitoring requirements.

Mercury: Pursuant to Maine law, 38 M.R.S.A. §420 and Department rule, 06-096 CMR j. Chapter 519, Interim Effluent Limitations and Controls for the Discharge of Mercury, the Department issued a Notice of Interim Limits for the Discharge of Mercury to the permittee thereby administratively modifying WDL # W-002645 by establishing interim monthly average and daily maximum effluent concentration limits of 7.0 parts per trillion (ppt) and 10.6 ppt, respectively, and a minimum monitoring frequency requirement of four tests per year for mercury. The interim mercury limits were scheduled to expire on October 1, 2001. However, effective June 15, 2001, the Maine Legislature enacted Maine law, 38 M.R.S.A. §413, sub-§11 specifying that interim mercury limits and monitoring requirements remain in effect. On September 28, 2011, the Maine Legislature enacted, Certain deposits and discharges prohibited, 38 M.R.S.A § 420 sub-§ 1-B(F), allowing the Department to reduce mercury monitoring frequencies to once per year for facilities that maintain at least five (5) years of mercury testing data. The permittee met the data requirement and on February 6, 2012, the Department issued a permit modification revising the minimum mercury monitoring frequency from 4/Year to 1/Year.

Secondary Treated Effluent

Maine law 38 M.R.S.A., §420 1-B,(B)(1) states that a facility is not in violation of the AWQC for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413, subsection 11. A review of the Department's data base for the most current 60 months indicates the permittee has been in compliance with the interim limits for mercury as it has reported values ranging from 0.9 - 2.2 ppt with an arithmetic mean of 1.4 ppt.

k. <u>Transported Wastes</u> - The previous permitting action authorized the permittee to receive and introduce up to 10,000 gpd and 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 10,000 gpd of transported wastes that it is authorized to receive and treat as it utilizes the side stream/storage method of metering transported wastes into the facility's influent flow. With a design capacity of 1.65 MGD, 10,000 gpd represents 0.61% of said capacity.

The Department has determined that under normal operating conditions, the receipt and treatment of 10,000 gpd of transported wastes to the facility will not cause or contribute to upset conditions of the treatment process.

CSO-Related Bypasses of Secondary Treatment

During wet weather events, flows up to 7.5 MGD pass through the preliminary and primary treatment component of the plant (screening, grit removal and primary clarification). At the flow distribution structure after the primary clarifiers, instantaneous flow rates up to 5.0 MGD (3,472 gallons per minute) are conveyed to the secondary treatment process and the balance of the flow is conveyed to a dedicated storm flow chlorine contact chamber for disinfection with dechlorination capabilities. After disinfection, the primary treated flow (Outfall #001B) is combined with the secondary treated flow (from the secondary treatment disinfection chamber) and this –blended flow- (Outfall #001C) discharges to the river via the physical Outfall #001A. Measurement of flows receiving primary treatment are obtained via an ultra-sonic flow meter located at the end of the storm flow chlorine contact chamber.

CSO-Related Bypasses of Secondary Treatment

A review of the DMR data for the period January 2012 – January 2015 indicates the following:

I. <u>Flow</u>:

Flow					
Value	Limit (MGD)	Range (MGD)	Total (MGD)		
Total gallons/month	Report	0.027 - 3.44 (2012)	13.354 (2012)		
-	-	0.086 - 2.686 (2013)	14.639 (2013)		
		0.107 - 3.327 (2014)	14.971 (2014)		
Daily Maximum	Report	0.027 - 2.093 (2012)	n/a (2012)		
•	-	0.070 – 1.75 (2013)	n/a (2013)		
		0.103 - 2.036 (2014)	n/a (2014)		

m. Surface loading rate

Surface loading rate

Value	Limit (gpd/sf)	Range (gpd/sf)	Mean (gpd/sf)
Daily Maximum	Report	1,533 - 6,038	2,394

n. Overflow occurrences

Overflow occurrences/month

Value	Limit (# of days)	Range (# of days)	Total (# of days)
Daily Maximum	Report	ام به مر 	
2012		0 - 7	33
2013		1-9	50
2014		0 - 18	59

o. <u>BOD</u>

BOD concentration

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	Report	0 - 178	104

BOD mass

Value	Limit (lbs/day)	Range (lbs/day)	Mean (lbs/day)
Daily Maximum	Report	0-1,713	497

CSO-Related Bypasses of Secondary Treatment

p. <u>TSS</u>

TSS concentration

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	Report	0 - 490	185

TSS mass

Value	Limit (lbs/day)	Range (lbs/day)	Mean (lbs/day)
Daily Maximum	Report	0 - 6,841	1,102

q. E. coli bacteria

E. coli counts

Value	Limit	Range	Mean
	(col/100mL)	(col/100mL)	(col/100mL)
Daily Maximum	427	0-2,419	51

r. Total residual chlorine

Total residual chlorine

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	1.0	0-0.96	0.4

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.³ Such approvals will be re-evaluated upon the reissuance of the permit, or when new information becomes available that would represent cause for modifying the permit.

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

FACT SHEET

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

CSO-Related Bypasses of Secondary Treatment

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."⁴

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.⁵ 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.⁶ 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.

This permitting action allows a CSO-related bypass of secondary treatment at the Skowhegan facility based on an evaluation of feasible alternatives, which indicates it is technically and financially infeasible at this time to provide secondary treatment at the existing facilities as summarized in the original CSO Master Plan entitled, Town of Skowhegan CSO Mater Plan And Waste Water Treatment Plant Upgrade, Proposed Implementation Schedule, dated December 12, 1997, and the most current Department approved (January 11, 2013) CSO Master Plan entitled Sewer System Master Plan Update For CSO Abatement, Town of Skowhegan, May 2012. During wet weather events when flows to the treatment facility has exceeded an instantaneous flow rate of 5.0 MGD (3,472 gallons per minute), secondary treatment of all wet weather flows is not practicable and excess primary treated flow is diverted to a dedicated storm flow chlorine contact chamber for disinfection with dechlorination capabilities. After disinfection, the primary treated flow is combined with the secondary treated flow (after the secondary treatment disinfection chamber) prior to discharge to the river via the physical outfall designated as Outfall #001A. This permitting action is establishing end-of-pipe limitations to comply with USEPA's CSO Control Policy and Clean Water Act section 402(q)(1).

⁴ 59 Fed. Reg. at 18,694.

⁵ 59 Fed. Reg. at 18,693.

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

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

CSO-Related Bypasses of Secondary Treatment

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 permittee's facility, compliance must be evaluated at the point of discharge, unless impractical or infeasible.⁷ 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.

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 facilities⁸. To standardize how the Department will regulate these facilities to ensure compliance with the CSO Control Policy and Clean Water Act ⁹, 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.

In allocating assimilative capacity for BOD_5 and TSS for discharges from CSO-related bypasses, the Department will 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 will 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. The Department may increase this amount where it has information that significant non-point sources of a pollutant are present in a watershed. The Department may allocate quantities held in water quality reserve to new or changed dischargers according to the principles of the State's anti-degradation policy described in 38 M.R.S.A. § 464(4)(F). The Department may, however, use any unallocated assimilative capacity that the Department has set aside for future growth if the use of that unallocated assimilative capacity would avoid an exceedance of an applicable water quality standard or a determination by the Department of a reasonable potential to exceed an applicable water quality standard.

^{7 40} CFR 122.45(h).

⁸ Maine currently has 16 permitted facilities with a CSO-related bypass.

⁹ In other words, that any other treatment that can reasonably be provided is, in fact, provided.

CSO-Related Bypasses of Secondary Treatment

The federal secondary treatment regulation does not contain daily maximum effluent limitations for BOD₅ 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 chosen to waive the requirement to comply with numeric daily maximum concentration limitations for BOD₅ and TSS for days with CSO-related bypass events. This permitting action is eliminating the reporting requirements for primary clarifier BOD₅ and TSS percent removal based on best professional judgment that these technology-based metrics have not been particularly useful in assessing primary treatment system performance and are not necessary to ensure water quality standards are met.

During CSO-related bypasses, secondary treated wastewater is combined with wastewater from the primary treatment system, 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 effluent limits (TBELs) 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.

For the discharge of blended effluent to the Kennebec River via the main outfall (#001A), the Department is establishing daily maximum water quality-based effluent limitations for BOD_5 and TSS. For data management purposes, this permitting action is designating an outfall identifier of Outfall #001C for discharges of blended wastewater when the flow rate through secondary treatment has exceeded an instantaneous flow rate of (5.0 MGD) 3,472 gallons per minute.

Blended effluent discharged to the Kennebec River

Discharges of blended effluent to the Kennebec River are only allowed when the influent to the treatment facility has exceeded an instantaneous flow rate of 5.0 MGD (3,472 gpm) and the storm flow chlorine contact chamber is in use.

s. <u>Flow, BOD₅ and TSS</u>: The Department has calculated past demonstrated performance thresholds (based on 99th percentile) for flow, BOD₅ and TSS for the primary treated waste stream in isolation based on data from calendar years 2013 and 2014 (109 overflow occurrences with 56 requiring sampling) as follows:

Flow: 4.33 MGD BOD₅: 1,661 lbs./day TSS: 5,235 lbs./day

Blended effluent discharged to the Kennebec River

To determine if water quality standards are being met when bypassing secondary treatment, the Department has assessed the impact of permitted BOD and TSS loads and flow from the secondary treatment side of the facility (based on 1.65 MGD and 50 mg/L) plus the past demonstrated performance (99%) BOD and TSS loads and flow of the primary treated waste stream cited above. The modeled values are as follows:

BOD: 688 lbs/day + 1,661 lbs/day = 2,349 lbs/day (2°) (1°) TSS: 688 lbs/day + 5,236 lbs/day = 5,924 lbs/day (2°) (1°) Flow: 1.65 MGD + 2.68 MGD = 4.33 MGD (2°) (1°)

To determine if water quality standards (dissolved oxygen) are maintained during times when bypassing secondary treatment, one must calculate the increase in the BOD and TSS concentration in the receiving water when the facility is discharging blended effluent. The only remaining unknown variable is what flow does one use for the Kennebec River when the primary and secondary treatment systems are active?

The Department evaluated the flows of the Kennebec River recorded at USGS gauging station at North Sidney (station #01049265) for each day during 2013 and 2014 in which there was a bypass of secondary treatment. The data indicates the Kennebec River is susceptible to very large swings in flow rates in very short periods of time. Therefore, for the purposes of this permitting action only, the Department chose the lowest river flow of 2,950 cfs (10/16/14) for the period January 2013 and December 2014 to calculate the increase in BOD and TSS concentrations in the Kennebec River. The calculations are as follows:

What are the BOD and TSS concentrations discharged from the facility when the blended effluent is discharged?

BOD:
$$2,349 \text{ lbs/day} = 65 \text{ mg/L}$$

(4.33 MGD)(8.34 lbs/gal)

TSS:
$$5.924 \text{ lbs/day} = 164 \text{ mg/L}$$

(4.33 MGD)(8.34 lbs/gal)

What is the increase in the concentrations in the Kennebec River after rapid and complete mixing?

CSO-Related Bypasses of Secondary Treatment

Dilution factor: (2,950 cfs)(0.6464) + (4.33 MGD) = 441:13.13 MGD)

> BOD: $65 \underline{\text{mg/L}} = 0.15 \text{ mg/L}$ (not measurable) 441

TSS: 164 mg/L = 0.37 mg/L (not measurable) 441

Based on the combined BOD₅ and TSS values (blended effluent) cited, the Department has made a best professional judgment, maximum effluent discharge limitations of 2,349 lbs./day for BOD₅ and 5,924 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 Kennebec River and complies with the State's antidegradation policy at 38 M.R.S.A. § 464(4)(F).

These limitations are based on new information concerning treatment system performance data as well as a revised and corrected methodology for regulating CSOrelated bypasses in Maine. As such, the Department concludes that the new daily maximum effluent limitations of 2,349 lbs./day for BOD₅ and 5,294 lbs/day for TSS for the discharge of primary and secondary blended effluents when the flow rate through secondary treatment has exceeded an instantaneous flow rate of 5.0 MGD (3,472 gpm) complies with the exceptions to antibacksliding at Section 402(o)(2)(B)(i) of the Clean Water Act. This permitting action is establishing monthly average and weekly average blended effluent mass reporting requirements for BOD₅ and TSS to assist in comparing the effluent quality against secondary treatment technology based effluent limits.

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

The Department acknowledges that the elimination of the eight (8) remaining CSO's in the collection system and the CSO-related bypasses of secondary treatment (primary treated only) resulting in the discharge of primary and secondary treated sanitary waste water to the Kennebec River is a costly long term project. With the implementation of the CSO Master Plan and Nine Minimum Controls there should be reductions in the frequency and volume of CSO activities and in the waste water receiving primary treatment only at the treatment plant and over time, improvement in the quality of the waste water discharge to the receiving waters.

As permitted, the Department has determined the existing water uses will be maintained and protected.

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FACT SHEET

8. PUBLIC COMMENTS

Public notice of this application was made in the Morning Sentinel newspaper on or about February 22, 2013. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

9. DEPARTMENT CONTACTS

Additional information concerning this permitting action may be obtained from and written comments should be 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 e-mail: gregg.wood@maine.gov

Telephone: (207) 287-7693

10. RESPONSE TO COMMENTS

During the period of September 8, 2015, through the issuance date of this permit/license, the Department solicited comments on the proposed draft permit/license to be issued for the discharge(s) from the Skowhegan 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.

It is noted the technology based daily maximum mass limits established for the blended effluent have been increased in the final permit due to a more current statistical evaluation of the primary treated waste stream. The Department originally calculated the 99% confidence interval to establish the limitations. It was brought to the Department's attention that because the data points are not normally distributed, calculating a confidence interval was not appropriate and would underestimate the impact to the receiving water. A more representative methodology to evaluate the worst case scenario for potential impact to the receiving water would be to calculate a 99th percentile. This evaluation resulted in higher limitations. As for impact to the receiving water, the result was the same in that the increase in BOD and TSS concentration in the receiving water was not measureable.

ATTACHMENT A

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ATTACHMENT B

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ATTACHMENT C

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WET TEST REPORT



Data for tests conducted for the period

08/Apr/2008 -08/Apr/2013

SKOWHEGAN		NPDES= ME0100625		Effluent Limit: Acute (%) = 0.	133	Chronic (%) = 0.108	
	Species	Test	Percent	Sample date	Critical %	Exception	RP
	TROUT	A_NOEL	100	09/16/2012	0.133		
	TROUT	C_NOEL	50	09/16/2012	0.108		
	WATER FLEA	ANOEL	100	09/16/2012	0.133		
	WATER FLEA	C_NOEL	10	09/16/2012	0.108		

4/8/2013

ATTACHMENT D

4/8/2013

FACILITY PRIORITY POLLUTANT DATA REPORT

Data Date Range: 08/Apr/2008-08/Apr/2013

Showing only those values not reported as a less than result



acility name: SKOWHEGAN		Permit Nu	mber: ME0100625	
Parameter:	ALUMINUM	Test date	Result (ug/l)	Lsthan
		09/16/2012	54.000	N
		10/10/2012	36.000	Ν
		02/14/2013	24.000	N
Parameter:	AMMONIA	Test date	Result (ug/l)	Lsthan
		02/14/2013	1500.000	N
Parameter:	CALCIUM	Test date	Result (ug/i)	Lsthan
		09/16/2012	19000.000	N
Parameter:	CHLOROFORM	Test date	Result (ug/l)	Lsthan
		09/16/2012	12.400	N
Parameter	COPPER	Test date	Result (ug/l)	Lsthan
		09/16/2012	11.000	N
		10/10/2012	8.900	N
		02/14/2013	18.000	N
Parameter:	CYANIDE	Test date	Result (ug/l)	Lsthan
		10/10/2012	14.000	N
		12/06/2012	31.000	N
		02/14/2013	15.000	N
Parameter:	MAGNESIUM	Test date	Result (ug/l)	Lsthan
		09/16/2012	3400.000	N
Parameter:	MERCURY	Test date	Result (ug/l)	Lsthan
		08/18/2008	0.001	N
		10/06/2008	0.002	N
		03/09/2009	0.001	N
		05/04/2009	0.001	N
		11/02/2009	0.002	N
		02/08/2010	0.001	N
		08/31/2010	0.002	N
		10/04/2010	0.001	N
		02/08/2011	0.002	N
		04/04/2011	0.001	Ν
		09/17/2012	0.002	Ν
Parameter:	TOC	Test date	Result (ug/l)	Lsthan
		09/16/2012	11100.000	N
Parameter	ZINC	Test date	Result (ug/l)	Lsthan
		09/16/2012	30.000	N
		10/10/2012	24.000	N
		02/14/2013	42.000	N

Page 1

ATTACHMENT E

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

MEMORANDUM

DATE: October 2008

TO: Interested Parties

FROM: Dennis Merrill, DEP

SUBJECT: DEP's system for evaluating toxicity from multiple discharges

Following the requirements of DEP's rules, Chapter 530, section 4(F), the Department is evaluating discharges of toxic pollutants into a freshwater river system in order to prevent cumulative impacts from multiple discharges. This is being through the use of a computer program known internally as "DeTox". The enclosed package of information is intended to introduce you to this system.

Briefly, the DeTox program evaluates each wastewater facility within a watershed in three different ways in order to characterize its effluent: 1) the facility's past history of discharges, 2) its potential toxicity at the point of discharge on an individual basis, and 3) the facility's contribution to cumulative toxicity within a river segment in conjunction with other facilities. The value that is most protective of water quality becomes the value that is held in the DeTox system as an allocation for the specific facility and pollutant.

The system is not static and uses a five-year "rolling" data window. This means that, over time, old test results drop off and newer ones are added. The intent of this process is to maintain current, uniform facility data to estimate contributions to a river's total allowable pollutant loading prior to each permit renewal.

Many facilities are required to do only a relatively small amount of pollutant testing on their effluent. This means, statistically, the fewer tests done, the greater the possibility of effluent limits being necessary based on the facility's small amount of data. To avoid this situation, most facilities, especially those with low dilution factors, should consider conducting more than the minimum number of tests required by the rules.

Attached you will find three documents with additional information on the DeTox system:

- Methods for evaluating the effects of multiple discharges of toxic pollutants
- Working definitions of terms used in the DeTox system
- Reviewing DeTox Reports
- Prototype facility and pollutant reports

If you have questions as you review these, please do not hesitate to contact me at <u>Dennis,L.Merrill@maine.gov</u> or 287-7788.

Maine Department of Environmental Protection

Methods for evaluating the effects of multiple discharges of toxic pollutants.

Reference: DEP Rules, Chapter 530, section 4(F)

To evaluate discharges of toxic pollutants into a freshwater river system and prevent cumulative impacts from multiple discharges, DEP uses a computer program called "DeTox that functions as a mathematical evaluation tool.

It uses physical information about discharge sources and river conditions on file with the Department, established water quality criteria and reported effluent test information to perform these evaluations. Each toxic pollutant and associated water quality criterion for acute, chronic and/or human health effects is evaluated separately.

Each facility in a river drainage area has an assigned position code. This "address" is used to locate the facility on the river segment and in relation to other facilities and tributary streams. All calculations are performed in pounds per day to allow analysis on a mass balance. Pollutants are considered to be conservative in that once in the receiving water they will not easily degrade and have the potential to accumulate.

The process begins with establishing an assimilative capacity for each pollutant and water quality criterion at the most downstream point in the river segment. This calculation includes set-aside amounts for background and reserve quantities and assumed values for receiving water pH, temperature and hardness. The resulting amount of assimilative capacity is available for allocation among facilities on the river.

Each facility is evaluated to characterize its past discharge quantities. The historical discharge, in pounds per day, is figured using the average reported concentration and the facility's permitted flow. As has been past practice, a reasonable potential (RP) factor is used as a tool to estimate the largest discharge that may occur with a certain degree of statistical certainty. The RP factor is multiplied by the historical average to determine an allocation based on past discharges. The RP factor is also multiplied by the single highest test to obtain a maximum day estimate. Finally, the direct average without RP adjustment is used to determine the facility's percent contribution to the river segment in comparison to the sum of all discharges of the pollutant. This percent multiplied by the total assimilative capacity becomes the facility's discharge allocation used in evaluations of the segment loadings.

Additionally, individual facility discharges are evaluated as single sources, as they have been in the past to determine if local conditions are more limiting than a segment evaluation.

With all of this information, facilities are evaluated in three ways. The methods are:

- 1. The facility's past history. This is the average quantity discharged during the past five years multiplied by the applicable RP factor. This method is often the basis for an allocation when the discharge quantity is relatively small in comparison to the water quality based allocation.
- 2. An individual evaluation. This assumes no other discharge sources are present and the allowable quantity is the total available assimilative capacity. This method may be used when a local condition such as river flow at the point of discharge is the limiting factor.
- 3. A segment wide evaluation. This involves allocating the available assimilative capacity within a river segment based on a facility's percent of total past discharges. This method would be used when multiple discharges of the same pollutant to the same segment and the available assimilative capacity is relatively limited.

The value that is most protective of water quality becomes the facility's allocation that is held in the system for the specific facility and pollutant. It is important to note that the method used for allocation is facility and pollutant specific and different facilities on the same segment for the same pollutant can have different methods used depending on their individual situations.

Discharge amounts are always allocated to all facilities having a history of discharging a particular pollutant. This does not mean that effluent limits will be established in a permit. Limits are only needed when past discharge amounts suggest a reasonable potential to exceed a water quality based allocation, either on an individual or segment basis. Similar to past practices for single discharge evaluations, the single highest test value is multiplied by a RP factor and if product is greater than the water quality allowance, an effluent limit is established. It is important to remember an allocation is "banking" some assimilative capacity for a facility even if effluent limits are not needed.

Evaluations are also done for each tributary segment with the sum of discharge quantities in tributaries becoming a "point source" to the next most significant segment. In cases where a facility does not use all of its assimilative capacity, usually due to a more limiting individual water quality criterion, the unused quantity is rolled downstream and made available to other facilities.

The system is not static and uses a five-year rolling data window. Over time, old tests drop off and newer ones are added on. These changes cause the allocations and the need for effluent limits to shift over time to remain current with present conditions. The intent is to update a facility's data and relative contribution to a river's total assimilative capacity prior to each permit renewal. Many facilities are required to do only minimal testing to characterize their effluents. This creates a greater degree of statistical uncertainty about the true long-term quantities. Accordingly, with fewer tests the RP factor will be larger and result in a greater possibility of effluent limits being necessary. To avoid this situation, most facilities, especially those with relatively low dilution factors, are encouraged to conduct more that a minimum number of tests. It is generally to a facility's long-term benefit to have more tests on file since their RP factor will be reduced.

Maine Department of Environmental Protection

Working Definitions of Terms Used in the DeTox System.

Allocation. The amount of pollutant loading set aside for a facility. Separate amounts are set for each *water quality criterion*. Each pollutant having a history of being discharged will receive an allocation, but not all allocations become *effluent limits*. Allocation may be made in three ways: *historical allocation, individual allocation* or *segment allocation*.

Assimilative capacity. The amount of a pollutant that river segment can safely accept from point source discharges. It is determined for the most downstream point in a river segment using the *water quality criterion* and river flow. Separate capacities are set for acute, chronic and human health criteria as applicable for each pollutant. Calculation of this capacity includes factors for *reserve* and *background* amounts.

Background. A concentration of a pollutant that is assumed to be present in a receiving water but not attributable to discharges. By rule, this is set as a rebuttable presumption at 10% of the applicable *water quality criterion*.

Effluent limit. A numeric limit in a discharge permit specifically restricting the amount of a pollutant that may be discharged. An effluent limit is set only when the highest discharge, including an adjustment for *reasonable potential*, is greater than a facility's water quality based *allocation* for a pollutant.

Historical allocation (or *RP history*). One of three ways of developing an *allocation*. The facility's average history of discharges, in pounds at design flow, is multiplied by the appropriate *reasonable potential* factor. An allocation using this method does not become an *effluent limit*.

Historical discharge percentage. For each pollutant, the average discharge concentration for each facility in a segment is multiplied by the permitted flow (without including a *reasonable potential* factor). The amounts for all facilities are added together and a percent of the total is figured for each facility. When a facility has no detectable concentrations, that pollutant is assumed to be not present and it receives no percentage.

Individual allocation. One of three ways of developing an *allocation.* The facility's single highest discharge on record multiplied by the appropriate *reasonable potential* factor is compared to a water quality based quantity with an assumption that the facility is the only point source to that receiving water. If the RP-adjusted amount is larger, the water quality amount may become an *effluent limit.*

Less than. A qualification on a laboratory report indicating the concentration of a pollutant was below a certain concentration. Such a result is evaluated as being one half of the Department's reporting limit in most calculations.

Reasonable potential (RP). A statistical method to determine the highest amount of a pollutant likely to be present at any time based on the available test results. The method produces a value or RP factor that is multiplied by test results. The method relies on an EPA guidance document, and considers the coefficient of variation and the number of tests. Generally, the fewer number of tests, the higher the RP factor.

Reserve. An assumed concentration of a pollutant that set aside to account for non-point source of a pollutant and to allow new discharges of a pollutant. By rule this is set at 15% of the applicable *water quality criterion*.

Segment allocation. One of three ways of developing an allocation. The amount is set by multiplying a facility's historical discharge percentage for a specific pollutant by the assimilative capacity for that pollutant and criterion. A facility will have different allocation percentages for each pollutant. This amount may become an *effluent limit*.

Tributary. A stream flowing into a larger one. A total pollutant load is set by adding the all facilities *allocations* on the tributary and treating this totaled amount as a "point source" to the next larger segment.

Water quality criteria. Standards for acceptable in-stream or ambient levels of pollutants. These are established in the Department's Chapter 584 and are expressed as concentrations in ug/L. There may be separate standards for acute and chronic protection aquatic life and/or human health. Each criterion becomes a separate standard. Different stream flows are used in the calculation of each.







IV. Determine Facility History Percentage

By pollutant, identify facilities with Historical Average

Sum all Historical Averages within segment

By facility, calculate percent of total: Facility pounds / Total pounds = Facility History %

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VI. Individual Allocation Select individual facility and dilution factor (DF) Select pollutant and water quality criterion By pollutant and criterion, calculate individual allocations: [DF x 0.75 x criterion] + [0.25 x criterion] = Individual Concentration Determine individual allocation: Individual Concentration x license flow x 8.34 = Individual Allocation Save for comparative evaluation

VII: Make Initial Allocation By facility, pollutant and criterion, get: Individual Allocation, Segment Allocation, RP Historical Allocation Compare allocation and select the smallest Save as Facility Allocation

VIII. Evaluate Need for Effluent Limits



IX. Reallocation of Assimilative Capacity

Starting at top of segment, get Segment Allocation, Facility Allocation and Effluent Limit

If Segment Allocation equals Effluent Limit, move to next facility downstream

If not, subtract Facility Allocation from Segment Allocation

Save difference

Select next facility downstream

Figure remaining Segment Assimilative Capacity at and below facility, less tributaries

Add saved difference to get an adjusted Segment Assimilative Capacity

Reallocate Segment Assimilative Capacity among downstream facilities per step V

Repeat process for each facility downstream in turn

ATTACHMENT F



STATE OF MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHAPTER 530.2(D)(4) CERTIFICATION

PAUL R. LEPAGE **GOVERNOR** 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	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
WET Testing				۵
Priority Pollutant Testing	D		0	
Analytical Chemistry	D			0
Other toxic parameters ¹		D	D	

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.

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

BANGOR 106 HOGAN ROAD, SUITE 6 BANGOR, MAINE 04401

PORTLAND 312 CANCO ROAD PORTLAND, MAINE 04103 (207) 941-4570 FAX: (207) 941-4584 (207) 822-6300 FAX: (207) 822-6303 (207) 764-0477 FAX: (207)760-3143

PRESQUE ISLE 1235 CENTRAL DRIVE, SKYWAY PARK PRESQUE ISLE, MAINE 04769-2094

PATRICIA W. AHO Commissioner



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

Appealing a Commissioner's Licensing Decision March 2012 Page 2 of 3

- 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.