

Mr. Philip Pickering  
Plant Manager  
Ogunquit Sewer District  
School Street, P.O. Box 934  
Ogunquit, ME. 03907

February 25, 2003

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100986  
Maine Waste Discharge License (WDL) Application #W000449-5L-F-R  
**Final Draft Permit/License**

Dear Mr. Pickering:

Enclosed please find a copy of your **final** MEPDES permit and Maine WDL which was approved by the Department of Environmental Protection. This permit/license replaces National Pollutant Discharge Elimination System (NPDES) permit #ME0100986, last issued for by the Environmental Protection Agency (EPA) on September 30, 1996. Please read the permit/license and its attached conditions carefully. You must follow the conditions in the permit/license 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.*"

We would like to make you aware of the fact that your monthly Discharge Monitoring Reports (DMR) may not reflect the revisions in this permitting action for several months however, you are required to report applicable test results for parameters required by this permitting action that do not appear on the DMR.

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

Sincerely,

Gregg Wood  
Division of Water Resource Regulation  
Bureau of Land and Water Quality

Enc.  
cc: Matthew Hight, DEP/SMRO  
Ted Lavery, USEPA

**IN THE MATTER OF**

OGUNQUIT SEWER DISTRICT ) MAINE POLLUTANT DISCHARGE  
PUBLICLY OWNED TREATMENT WORKS ) ELIMINATION SYSTEM PERMIT  
OGUNQUIT, YORK COUNTY, MAINE ) AND  
ME0100986 ) WASTE DISCHARGE LICENSE  
W000449-5L-F-R ) **APPROVAL** ) **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 (the Department) has considered the application of the OGUNQUIT SEWER DISTRICT (OSD), with its supportive data, agency review comments, and other related material on file and finds the following facts:

**APPLICATION SUMMARY**

The applicant has applied to the Department for renewal of Department Waste Discharge License (WDL) #W000449-46-D-R which was issued on March 23, 1998 and is due to expire on March 23, 2003. The 3/23/98 WDL authorized the discharge of up to a monthly average flow of 1.28 million gallons per day (MGD) of secondary treated sanitary waste waters from a publicly owned treatment works facility to the Atlantic Ocean, Class SB, in Ogunquit, Maine.

On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency (EPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine. From this point forward, the program will be referenced as the Maine Pollutant Discharge Elimination System (MEPDES) permit program and permit #ME0100986 (same as NPDES permit number) will be utilized as the primary reference number.

**PERMIT SUMMARY**

This permitting action is similar to the 3/23/98 WDL action in that it is;

1. Carrying forward the monthly average flow limit of 1.28 MGD.
2. Carrying forward the monthly average, weekly average and daily maximum technology based mass and concentration limits for biochemical oxygen demand (BOD<sub>5</sub>) and total suspended solids (TSS).

**PERMIT SUMMARY (cont'd)**

3. Carrying forward the monthly average and daily maximum water quality based limits for fecal coliform bacteria and the requirement for year-round disinfection.
4. Carrying forward screening level whole effluent toxicity (WET) and chemical specific (priority pollutant) testing beginning 12-months prior to the expiration date of the permit.

This permitting action is different than the 3/23/98 WDL action in that it is;

5. Establishing a daily maximum best practicable treatment (BPT) limit of 0.3 ml/L for settleable solids and deleting the monthly average concentration reporting requirement.
6. Increasing the daily maximum BPT concentration limit for total residual chlorine from 0.1 mg/L to 0.3 mg/L and establishing a monthly average BPT concentration limit of 0.1 mg/L.
7. Eliminating annual surveillance level WET and chemical specific (priority pollutant) testing.
8. Revising the daily maximum BPT pH range limit from 6.0 – 8.5 standard units to 6.0 – 9.0 standard units based on a new Department regulation.
9. Establishing a requirement to develop or update the wet weather flow management plan for the facility.
10. Establishing a requirement to maintain an up-to-date Operations and Maintenance Plan for the facility.

## CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated January 13, 2003 and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, 38 MRSA Section 464(4)(F), will be met, in that:
  - a. Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
  - b. Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
  - c. The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
  - d. Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and
  - e. Where a discharge will result in lowering the existing quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharge will be subject to effluent limitations that require application of best practicable treatment.

**ACTION**

THEREFORE, the Department APPROVES the application of the OGUNQUIT SEWER DISTRICT, to discharge 1.28 million gallons per day of secondary treated sanitary waste waters to the Atlantic Ocean, Class SB, subject to the attached conditions and all applicable standards and regulations:

1. "Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits," revised January 16, 2001, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This permit expires five (5) years from the date of signature below.

DONE AND DATED AT AUGUSTA, MAINE, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2003.

COMMISSIONER OF ENVIRONMENTAL PROTECTION

BY: \_\_\_\_\_  
Dawn Gallagher COMMISSIONER

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application \_\_\_\_\_ February 21, 2003 \_\_\_\_\_.

Date of application acceptance \_\_\_\_\_ February 21, 2003 \_\_\_\_\_.

Date filed with Board of Environmental Protection \_\_\_\_\_

This Order prepared by GREGG WOOD, BUREAU OF LAND & WATER QUALITY  
W044951f 2/24/03

**SPECIAL CONDITIONS**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

- During the period beginning the effective date of the permit and lasting through permit expiration, the permittee is authorized to discharge secondary treated sanitary waste waters from **OUTFALL #002** to the Atlantic Ocean. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			Monitoring Requirements				
	Monthly <input type="checkbox"/> <u>Average</u> <input type="checkbox"/> lb/d ay	Weekly <u>Average</u> lb/day	Daily <u>Maximum</u> lb/day	Monthly <u>Average</u> as specified	Weekly <u>Average</u> as specified	Daily <u>Maximum</u> as specified	Measurement <u>Frequency</u> as specified	Sample <u>Type</u> as specified
Flow <input type="checkbox"/> [50050]	<input type="checkbox"/> ---	<input type="checkbox"/> ---	<input type="checkbox"/> ---	1.28 MGD <input type="checkbox"/> [03]	<input type="checkbox"/> ---	Report MGD [03]	Continuous <input type="checkbox"/> [99/99]	Recorder [RC]
Biochemical Oxygen Demand <sup>(1)</sup> <input type="checkbox"/> [00310]	<input type="checkbox"/> 320 #/day [26]	<input type="checkbox"/> 480 #/day [26]	<input type="checkbox"/> 534 #/day [26]	30 mg/L <input type="checkbox"/> [19]	<input type="checkbox"/> 45 mg/L <input type="checkbox"/> [19]	<input type="checkbox"/> 50 mg/L <input type="checkbox"/> [19]	<input type="checkbox"/> 3/Week <input type="checkbox"/> [03/07]	<input type="checkbox"/> Composite <input type="checkbox"/> [24]
Total Suspended Solids <sup>(1)</sup> <input type="checkbox"/> [00530]	320 #/day <input type="checkbox"/> [26]	480 #/day <input type="checkbox"/> [26]	534 #/day [26]	30 mg/L <input type="checkbox"/> [19]	45 mg/L <input type="checkbox"/> [19]	50 mg/L [19]	3/Week [03/07]	Composite [24]
Settleable Solids <input type="checkbox"/> [00545]	<input type="checkbox"/> ---	<input type="checkbox"/> ---	<input type="checkbox"/> ---	<input type="checkbox"/> ---	<input type="checkbox"/> ---	0.3 ml/L <input type="checkbox"/> [25]	1/Day <input type="checkbox"/> [01/01]	Grab <input type="checkbox"/> [GR]
Fecal Coliform Bacteria <sup>(2)</sup> <input type="checkbox"/> (Year-round) [31616]	<input type="checkbox"/> ---	---	---	15/100 ml <sup>(3)</sup> [13]	---	50/100 ml [13]	2/Week [02/07]	Grab [GR]
Total Residual Chlorine <sup>(2)</sup> <input type="checkbox"/> (Year-round) [50060]	<input type="checkbox"/> ---	---	<input type="checkbox"/> ---	0.1 mg/L <input type="checkbox"/> [19]	<input type="checkbox"/> ---	0.3 mg/L <input type="checkbox"/> [19]	1/Day <input type="checkbox"/> [01/01]	Grab [GR]
pH (Std. Unit) [00400]	<input type="checkbox"/> ---	<input type="checkbox"/> ---	<input type="checkbox"/> ---	<input type="checkbox"/> ---	<input type="checkbox"/> ---	6.0 – 9.0 <input type="checkbox"/> [12]	1/Day <input type="checkbox"/> [01/01]	Grab <input type="checkbox"/> [GR]

The italicized numeric values bracketed in the table above and on the following pages are not limits but are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports (DMR's).

**SPECIAL CONDITIONS**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS – OUTFALL #002 (cont'd)**

**SCREENING LEVEL – Beginning twelve months prior to permit expiration.**

Effluent Characteristic	Discharge Limitations				Monitoring Requirements	
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
<u>Whole Effluent Toxicity(4)</u> <u>Acute – NOEL</u> <i>Mysidopsis bahia</i> [TDM3E] (Mysid Shrimp)  <i>Menidia beryllina</i> [TDM6B] (Inland Silverside)  <u>Chronic – NOEL</u> <i>Menidia beryllina</i> [TBP6B] (Inland Silverside)  <i>Arbacia punctulata</i> [TBH3A] (Sea urchin)	---	---	---	Report % [23]	1/Year [01/YR]	Composite [24]
Chemical Specific (5) [50008]	---	---	---	Report ug/L [28]	1/Quarter [01/90]	Composite/Grab [24]

## SPECIAL CONDITIONS

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

#### Footnotes:

**Sampling** – Sampling the treatment plant effluent shall be conducted after the dechlorination chamber on a year-round basis. Any change in sampling location must be approved by the Department in writing. Sampling and analysis must be conducted in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, 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 Human Services.

1. **Percent Removal** - The treatment facility shall maintain a minimum of 85 percent removal of both total suspended solids and biochemical oxygen demand for all flows receiving secondary treatment. The percent removal shall be based on monthly average concentration values. The percent removal shall be waived when the monthly average influent concentration is less than 200 mg/L. The permittee is not required to report percent removal on the monthly Discharge Monitoring Report (DMR) but is required to calculate and report percent removal on the Department's monthly "49 Form".
2. **Fecal coliform bacteria and total residual chlorine (TRC)** - Limits and monitoring requirements are in effect on a year-round basis.
3. **Fecal coliform bacteria** – The monthly average limitation is a geometric mean limitation and results shall be reported as such.
4. **Whole effluent toxicity (WET) testing** - Definitive WET testing is a multi-concentration testing event (a minimum of five dilutions bracketing the critical acute and chronic dilution of 1% and 2% 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.

**During the month of June 2007**, the permittee shall conduct a screening level WET testing. Acute tests shall be conducted on the mysid shrimp (*Mysidopsis bahia*) and the inland silverside (*Menidia beryllina*). Chronic tests shall be conducted on the inland silverside (*Menidia beryllina*) and on the sea urchin (*Arbacia punctulata*). Results shall be reported to the Department within 30 days of the permittee receiving the test results from the laboratory conducting the testing.



## SPECIAL CONDITIONS

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

Footnotes:

**The permittee is also required to analyze the effluent for the parameters specified in the analytic chemistry on the form in Attachment A of this permit each and every time a WET test is performed.**

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.

- a. Short Term Methods for Estimating the Chronic Toxicity of Effluent and Receiving Water to Marine and Estuarine Organisms, Fifth Edition, October 2002, EPA-821-R-02-014.
  - b. Methods for Measuring the Acute Toxicity of Effluent and Receiving Waters to Freshwater and Marine Organisms, Third Edition, October 2002, EPA-821-R-02-012.
5. **Priority pollutant** - (chemical specific testing pursuant to Department rule Chapter 530.5) testing are those parameters listed by the USEPA pursuant to Section 307(a) of the Clean Water Act and published a 40 CFR Part 122, Appendix D, Tables II and III.

**Beginning twelve months prior to the expiration date of the permit**, screening level chemical specific testing shall be conducted at a frequency of four per year (four consecutive calendar quarters). Chemical specific testing shall be conducted on samples collected at the same time as those collected for whole effluent toxicity tests, where applicable. Chemical specific 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. Results shall be submitted to the Department within thirty (30) days of the permittee receiving the data report from the laboratory conducting the testing. **For the purposes of Discharge Monitoring Report (DMR) reporting, enter a "1" for yes, testing done this monitoring period or "NODI-9" monitoring not required this period.**

All mercury sampling shall be conducted in accordance with EPA's "clean sampling techniques" found in EPA Method 1669, Sampling Ambient Water For Trace Metals At EPA Water Quality Criteria Levels. All mercury analysis shall be conducted in accordance with EPA Method 1631, Determination of Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Fluorescence Spectrometry.

## **SPECIAL CONDITIONS**

### **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 usages designated by the classification of the receiving waters.
2. The effluent shall not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated by the classification of the receiving waters.
3. The discharges shall not cause visible discoloration or turbidity in the receiving waters which would impair the usages designated by the classification of the receiving waters.
4. Notwithstanding specific conditions of this permit the effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

### **C. DISINFECTION**

If chlorination is used as a means of disinfection, an approved chlorine contact tank providing the proper detention time consistent with good engineering practice must be utilized, followed by a dechlorination system if the Total Residual Chlorine (TRC) cannot be met by dissipation in the detention tank. The total residual chlorine in the effluent shall at no time cause any demonstrable harm to aquatic life in the receiving waters. The dose of chlorine applied shall be sufficient to leave a TRC concentration that will effectively reduce bacteria to levels below those specified in Special Condition A, "*Effluent Limitations and Monitoring Requirements*", above.

### **D. TREATMENT PLANT OPERATOR**

The treatment facility must be operated by a person holding a **Grade III**, certificate pursuant to Title 32 M.R.S.A., Section 4171 et seq. All proposed contracts for facility operation by any person must be approved by the Department before the permittee may engage the services of the contract operator.

## **SPECIAL CONDITIONS**

### **E. 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 (13<sup>th</sup>) 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 (15<sup>th</sup>) day of the month following the completed reporting period. A signed copy of the DMR and all other reports required herein shall be submitted to the following address:

Department of Environmental Protection  
Southern Maine Regional Office  
Bureau of Land and Water Quality  
Division of Compliance, Engineering & Technical Assistance  
312 Canco Road  
Portland Maine, Maine 04103

### **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. 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.

## SPECIAL CONDITIONS

### H. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from Outfall 002. Discharges of waste water from any other point source are not authorized under this permit, but shall be reported in accordance with Standard Condition B(5) (*Bypass*) of this permit.

### I. DISPOSAL OF SEPTAGE WASTE IN WASTE WATER TREATMENT FACILITY

During the effective period of this permit, the permittee is authorized to receive up to **3,000 gallons per day and 20,000 gallons per month** of septage into its waste water treatment facility subject to the following terms and conditions:

1. This approval is limited to methods and plans described in the application and supporting documents. Any variations are subject to review and approval prior to implementation.
2. At no time shall the addition of septage cause or contribute to effluent quality violations. If such conditions do exist, the introduction of septage into the treatment process or solids handling stream shall be suspended until effluent quality can be maintained.
3. The permittee shall maintain records which shall include, as a minimum, the following by date: volume of septage received, source of the septage (name of municipality), the hauler transporting the septage, the dates and volume of septage added to the waste water treatment influent and test results.
4. The addition of septage into the treatment process or solids handling stream shall not cause the treatment facilities design capacity to be exceeded. If, for any reason, the treatment process or solids handling facilities become overloaded, introduction of septage into the treatment process or solids handling stream shall be reduced or terminated in order to eliminate the overload condition.
5. Septage known to be harmful to the treatment processes shall not be accepted. Wastes which contain heavy metals, toxic chemicals, extreme pH, flammable or corrosive materials in concentrations harmful to the treatment operation shall be refused.
6. Holding tank waste water shall not be recorded as septage but should be reported in the treatment facility's influent flow.

## **SPECIAL CONDITIONS**

### **J. WET WEATHER FLOW MANAGEMENT PLAN**

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

**On or before June 1, 2003**, (*PCS Code 06799*) the permittee shall submit to the Department for review and approval, a new or revised Wet Weather 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 Management Plan has been approved, the permittee shall review their plan annually and record any necessary changes to keep the plan up to date.

### **K. OPERATION & MAINTENANCE (O&M) PLAN**

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

**By December 31 of each year, or within 90 days of any process changes or minor equipment upgrades**, the permittee shall evaluate and modify the O&M Plan including site plan(s) and schematic(s) for the 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.

**SPECIAL CONDITIONS**

**SPECIAL CONDITIONS**

**L. CHAPTER 530.5(B)(7)(c)(iii) CERTIFICATION**

**By December 31 of each calendar year** (*PCS Code 030MS*), the permittee shall provide the Department with a certification describing any of the following that have occurred since the effective date of this permit:

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.
5. The Department reserves the right to reinstate annual (surveillance level) testing or other toxicity testing if new information becomes available that indicates the discharge may cause or have a reasonable potential to cause exceedences of ambient water quality criteria/thresholds.

**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.