



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
ACTING COMMISSIONER

December 29, 2005

Mr. David Jones
Director of Public Services
City of Lewiston
P.O. Box 479
Auburn, ME 04240

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100994
Maine Waste Discharge License (WDL) Application #W000684-5T-D-R
Final Permit/License

Dear Mr. Jones:

Enclosed please find a copy of your **final** MEPDES permit and Maine WDL 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, please feel free to call me at 287-7693.

Sincerely,

Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality

Enc.

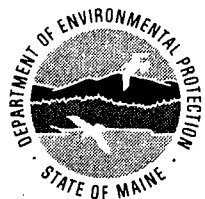
cc: Stuart Rose, DEP/SMRO

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 624-6550 FAX: (207) 624-6024
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
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PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-6477 FAX: (207) 764-1507



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

DEPARTMENT ORDER

IN THE MATTER OF

CITY OF LEWISTON)	MAINE POLLUTANT DISCHARGE
LEWISTON, ANDROSCOGGIN COUNTY, ME.)	ELIMINATION SYSTEM PERMIT
COMBINED SEWER OVERFLOWS)	AND
#W000684-5T-D-R)	WASTE DISCHARGE LICENSE
ME0100994)	RENEWAL
		APPROVAL

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 CITY OF LEWISTON (City hereinafter) with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The City has applied for renewal of Waste Discharge License (WDL) #W000684-5T-C-R, issued by the Department on December 18, 2000 and is due to expire on December 18, 2005. The City is seeking authorization to discharge an unspecified quantity of untreated sanitary waste water combined with storm water runoff from thirty (30) combined sewer overflow structures. Fifteen (15) of the CSOs discharge to the Androscoggin River, Class C, thirteen (13) of the CSOs discharge to Jepson Brook, Class B and two (2) discharge to Goff Brook, Class B. All thirty discharge locations are in Lewiston, Maine.

PERMIT SUMMARY

On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency (USEPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine, excluding areas of special interest to Maine Indian Tribes. On October 30, 2003, after consultation with the U.S. Department of Justice, the USEPA extended Maine's NPDES program delegation to all but two tribally-owned discharges. The extent of Maine's delegated authority is under appeal at the time of this permitting action. The program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) permit program and permit #ME0100994 (same as the NPDES permit number) will be utilized as the primary reference number for the City's MEPDES permit.

This permitting action requires the permittee to monitor the flow and number of overflow events at the combined sewer overflow (CSO) structure, periodically update the City's CSO Master Plan and annually report progress to eliminate the CSO.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated November 23, 2005, 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.

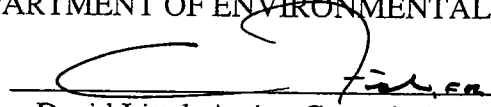
ACTION

THEREFORE, the Department APPROVES the above noted application of the CITY OF LEWISTON to discharge an unspecified quantity of untreated sanitary waste waters combined with storm water runoff from thirty (30) CSOs to the Androscoggin River, Class C and two minor tributaries of the Androscoggin River, Class B, in Lewiston, Maine, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

1. "Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits," revised July 1, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This permit expires five (5) years from the date of signature below.

DONE AND DATED AT AUGUSTA, MAINE, THIS 29th DAY OF December, 2005.

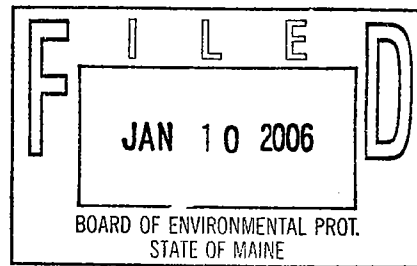
DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 
David Littel, Acting Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application _____ December 7, 2005 _____.

Date of application acceptance _____ December 7, 2005 _____.



Date filed with Board of Environmental Protection _____

This order prepared by Gregg Wood, Bureau of Land and Water Quality.

SPECIAL CONDITIONS

A. CONDITIONS FOR COMBINED SEWER OVERFLOW (CSO)

1. Pursuant to Chapter 570 of Department Rules (Combined Sewer Overflow Abatement), the permittee is authorized to discharge combined storm water and sanitary waste water from the following CSO subject to the conditions and requirements contained herein:

<u>Outfall #</u>	<u>Location</u>	<u>Receiving Water & Class</u>
001	Bradbury St	Androscoggin River Class C
002	Locust St.	Androscoggin River Class C
003	Cedar St.	Androscoggin River Class C
004	Lincoln North	Androscoggin River Class C
005	Gully Brook	Androscoggin River. Class C
006	Avon St.	Androscoggin River Class C
007	Riverside Cemetary	Androscoggin River Class C
008	Cottage St.	Jepson Bk. Class B
009	River St.	Androscoggin River Class C
010	Oxford St.	Androscoggin River Class C
011	Beech St.	Androscoggin River Class C
012	Oak St.	Androscoggin River Class C
013	Northwood (CMP)	Androscoggin River Class C
015	Morningside St.	Goff Bk. Class B
017	Dingley St.	Jepson Bk. Class B
018	Kavanah St.	Jepson Bk. Class B
019	South Ave.	Goff Bk. Class B
020	Lisbon/Essex	Androscoggin River Class C
021	Lowell/Middle	Androscoggin River Class C
022	Main (Island)	Jepson Bk Class B
023	Libby Ave.	Jepson Bk Class B
024	Pettingill St.	Jepson Bk. Class B
025	Brooks	Jepson Bk. Class B
026	Bristol	Jepson Bk. Class B
027	College St.	Jepson Bk. Class B
028	Lemont Ave.	Jepson Bk. Class B
029	Farwell/Sabattus	Jepson Bk. Class B
030	Farwell/Connector	Jepson Bk. Class B
031	Russell St.	Jepson Bk. Class B
032	Northwood Rd.	Androscoggin River, Class C

SPECIAL CONDITIONS

A. CONDITIONS FOR COMBINED SEWER OVERFLOW (CSO) (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 capacity 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 cause visible discoloration or turbidity in the receiving waters which would impair the usages designated by the classification of the receiving waters.
- 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 Long Term Control Plan (see Sections 2 & 3 of Chapter 570 Department Rules)

The permittee shall continue to work with the Auburn Sewerage District and the Lewiston-Auburn Water Pollution Control Authority (LAWPCA) to implement CSO control projects in accordance with the approved CSO Master Plan and implementation schedule in a document entitled, Clean Water Act Master Plan, dated October 2000, prepared by M&E, Said plan was approved by the Department on February 7, 2001.

SPECIAL CONDITIONS

A. CONDITIONS FOR COMBINED SEWER OVERFLOW (CSO) (cont'd)

By December 31, 2008, (*PCS Code 04599*) the permittee shall complete construction of the Androscoggin Drainage Area Storage Project.

By January 1, 2010 (*PCS Code 00701*), the permittee shall submit to the Department for review and approval, a scope of work setting out the level of effort for the proposed updated CSO Master Plan.

By June 30, 2010, (*PCS Code 06699*) the permittee shall submit to the Department for review and approval an Updated CSO Master Plan and implementation schedule.

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, copy attached)

The permittee shall implement and follow the Nine Minimum Control documentation. 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 flow monitoring according to a Department approved *Compliance Monitoring Program* on Outfall 001, as part of the CSO Master Plan.

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

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.

SPECIAL CONDITIONS

A. CONDITIONS FOR COMBINED SEWER OVERFLOW (CSO) (cont'd)

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

By March 1 of each year, (PCS Code 11099) 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, if possible, to the following address:

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

8. Signs

The permittee shall maintain an identification sign at the 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:

**CITY OF LEWISTON
WET WEATHER
SEWAGE DISCHARGE
NAME AND OUTFALL NUMBER**

9. Definitions

For the purposes of this permit, 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.

SPECIAL CONDITIONS

B. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from outfalls cited in Special Condition A(1) of this permit. 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.

C. REOPENING OF PERMIT FOR MODIFICATIONS

Upon evaluation of test results required by this permit, new site specific information or any other pertinent information gathered 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.

D. SEVERABILITY

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

ATTACHMENT A

**MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
CSO ACTIVITY AND VOLUMES**

MUNICIPALITY OR DISTRICT				MEPDES / NPDES PERMIT NO.							
REPORTING YEAR				SIGNED BY:							
YEARLY TOTAL PRECIPITATION				DATE:							
INCHES				FLOW DATA (GALLONS PER DAY) OR BLOCK ACTIVITY("1")							
CSO EVENT NO.	START DATE OF STORM	PRECIP. DATA		LOCATION:	LOCATION:	LOCATION:	LOCATION:	LOCATION:	LOCATION:	EVENT OVERFLOW GALLONS	EVENT DURATION HRS
		TOTAL INCHES	MAX. HR. INCHES	NUMBER:	NUMBER:	NUMBER:	NUMBER:	NUMBER:	NUMBER:		
1											
2											
3											
4											
5											
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24											
25											
TOTALS											

Note 1: Flow data should be listed as gallons per day. Storms lasting more than one day should show total flow for each day.
 Note 2: Block activity should be shown as a "1" if the block floated away.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

AND

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: **November 23, 2005**

PERMIT NUMBER: **ME0100994**

LICENSE NUMBER: **W000684-5T-D-R**

NAME AND ADDRESS OF APPLICANT:

**Department of Public Services
City of Lewiston
P.O Box 479
Lewiston, ME 04240**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**Throughout the City of Lewiston
Lewiston, ME. 04240**

RECEIVING WATER/CLASSIFICATION:

**Androscoggin River/Class C
Goff Brook,/Class B
Jepson Brook,/Class B**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER:

**Mr. David Jones
Director of Public Services
(207) 784-5753
Email: djones@ci.lewiston.me.us**

1. APPLICATION SUMMARY

The permittee has applied for a new renewal of Waste Discharge License (WDL) #W000684-5T-C-R, issued by the Department on December 18, 2000 and is due to expire on December 18, 2005. The permittee is seeking authorization to discharge an unspecified quantity of untreated sanitary waste water combined with storm water runoff from a thirty (30) combined sewer overflow structures. Fifteen (15) of the CSOs discharge to the Androscoggin River, Class C, thirteen (13) of the CSOs discharge to Jepson Brook, Class B and two (2) discharge to Goff Brook, Class B. All thirty discharge locations are in Lewiston, Maine.

2. PERMIT SUMMARY

- a. Regulatory: On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency (USEPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine, excluding areas of special interest to Maine Indian Tribes. On October 30, 2003, after consultation with the U.S. Department of Justice, the USEPA extended Maine's NPDES program delegation to all but two tribally-owned discharges. The extent of Maine's delegated authority is under appeal at the time of this permitting action. The program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) permit program and permit #ME0100994 (same as the NPDES permit) will be utilized as the primary reference number for the City's MEPDES permit.
- b. Terms and Conditions: This permitting action requires the permittee to monitor the flow and number of overflow events at the combined sewer overflow (CSO) structure, periodically update the CSO Master Plan and annually report progress to eliminate the CSO. See Attachment A of the permit.
- c. Source Description – The City of Lewiston has an existing sanitary sewer collection system consisting of approximately 111 miles of piping and 13 pump stations. The collection system conveys sanitary waste waters generated by residential and commercial entities within the City's boundaries to the Lewiston-Auburn Water Pollution Control Authority (LAWPCA) waste water treatment facility. Discharges from the LAWPCA facility are regulated by this Department via MEPDES permit #ME0101478. 13 of the pump stations associated with the City's collection system are equipped with on-site back-up power in the event of a power failure. The collection system has thirty (30) CSO outfalls as follows:

<u>Outfall #</u>	<u>Location</u>	<u>Receiving Water & Class</u>
001	Bradbury St	Androscoggin River Class C
002	Locust St.	Androscoggin River Class C
003	Cedar St.	Androscoggin River Class C
004	Lincoln @ North	Androscoggin River Class C
005	Gully Brook	Androscoggin River. Class C
006	Avon St.	Androscoggin River Class C
007	Riverside Cemetary	Androscoggin River Class C
008	Cottage St.	Jepson Bk. Class B
009	River St.	Androscoggin River Class C
010	Oxford St.	Androscoggin River Class C
011	Beech St.	Androscoggin River Class C
012	Oak St.	Androscoggin River Class C
013	Northwood (CMP)	Androscoggin River Class C
015	Morningside St.	Goff Bk. Class B
017	Dingley St.	Jepson Bk. Class B
018	Kavanah St.	Jepson Bk. Class B
019	South Ave.	Goff Bk. Class B
020	Lisbon/Essex	Androscoggin River Class C

2. PERMIT SUMMARY (cont'd)

021	Lowell/Middle	Androscoggin River	Class C
022	Main (Island)	Jepson Bk	Class B
023	Libby Ave.	Jepson Bk	Class B
024	Pettingill St.	Jepson Bk.	Class B
025	Brooks	Jepson Bk.	Class B
026	Bristol	Jepson Bk.	Class B
027	College St.	Jepson Bk.	Class B
028	Lemont Ave.	Jepson Bk.	Class B
029	Farwell/Sabattus	Jepson Bk.	Class B
030	Farwell/Connector	Jepson Bk.	Class B
031	Russell St.	Jepson Bk.	Class B
032	Northwood Rd.	Androscoggin River,	Class C

During the previous five-year period, the City of Lewiston has spent approximately \$7 million in sewer separation projects resulting in the separation of 5.1 miles of sewer mains. As a result, the City reports that annual volumes of discharges during wet weather events has been reduced from 140 million gallons in calendar year 2000 to 100 million gallons in calendar year 2004. The City anticipates the elimination of five CSOs (CSO Outfall #007 – Riverside, CSO Outfall #009 – River Street, CSO Outfall #011 – Beech Street, CSO Outfall #022 – Main St. Island and CSO Outfall #032 – Northwood Road) within the five-year term of this permitting action.

d. History – The most recent regulatory actions include the following:

November 19, 2005 – The City submitted an application to the Department to renew the WDL last issued by the Department on 12/18/00.

September 20, 2005 – The Department issued a letter to the City indicating the proposed scope of work and schedule for CSO abatement projects as part of an updated CSO Master Plan was generally acceptable. Final approval is being withheld until receipt of a letter amendment to the CSO Master Plan Update.

May 25, 2005 – The City submitted a letter to the Department that contained a scope of work and schedule for CSO abatement projects as part of a CSO Master Plan update.

February 7, 2001 – The Department formally approved the City's CSO Master Plan entitled, Auburn Sewer District and City of Lewiston Clean Water Act Master Plan, dated December 2000.

November 9, 2000 - The Department issued a letter approving five year CSO abatement schedules for Lewiston and ASD, including a submission date for Master Plan update.

September 29, 2000 - The City of Lewiston submitted its proposed detailed five-year schedule of sewer separation projects.

2. PERMIT SUMMARY (cont'd)

July 17, 2000 - The ASD submitted its proposed detailed five year schedule of sewer separation.

April 20, 2000 - With the U.S. Environmental Protection Agency's (EPA) concurrence, the Department issued a letter to the City of Lewiston, the Auburn Sewerage District (ASD) and the Lewiston-Auburn Water Pollution Control Authority (LAWPCA), stating there was agreement between all parties on a fifteen year schedule of sewer separation (actually to be completed by 2014), with an update of the CSO Master Plan in five years.

April 18, 2000 - The ASD submitted a letter that included a summary of improvements in 1999, a proposed CSO Master Plan Funding Schedule from 1997 to 2014, and five year Capital Improvements Plans for ASD and the City of Auburn.

July 17, 2000 - ASD submitted its detailed five year schedule of sewer separation projects.

February 9, 2000 - The City of Lewiston and ASD submitted responses to comments on the CSO Master Plan by the Department and EPA.

October 15, 1997 - The EPA commented on the Lewiston-Auburn CSO Master Plan.

August 8, 1997 - The Department commented on the Lewiston-Auburn CSO Master Plan.

July 25, 1997 - The City of Lewiston submitted its Nine Minimum Control (NMC) documentation to the Department and EPA.

January 24, 1997 - The ASD submitted its NMC documentation to the Department and EPA.

July 1, 1996 - M&E submitted the CSO Master Plan to the Department and EPA.

December 13, 1995 - The Department received a letter from Steve Johnson, City of Lewiston, stating that CSO # 14, Stetson Brook, and CSO # 16, Newbegin Street, has been sealed by brick and mortar.

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.

Department Regulation Chapter 570, *Combined Sewer Overflow Abatement*, requires that a CSO Master Plan be submitted to the Department for review and approval. The City of Lewiston has satisfied this requirement by the submission of a CSO Master Plan to the Department in July of 1996. The regulation also requires an implementation schedule for CSO abatement projects, the implementation of the Nine Minimum Controls, a compliance monitoring program, and submission of annual CSO progress reports.

4. RECEIVING WATER QUALITY STANDARDS

Pursuant to Maine law, 38 M.R.S.A. §467(1)(A)(2), from the confluence with the Ellis River (Rumford) to the confluence with Merrymeeting Bay in Brunswick, the Androscoggin River is classified as a Class C waterbody. The river above and below the IP mill is classified as a Class C waterway. Maine law 38 M.R.S.A. §465(4) contains the classification standards for Class C waters.

5. RECEIVING WATER QUALITY CONDITIONS

A document entitled *The State of Maine 2004 Integrated Water Quality Monitoring and Assessment Report*, prepared pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the segment of the Androscoggin River at Lewiston-Auburn including Jepson Brook, Hart Brook and Gully Brook (assessment unit ME0104000210) in a section of the report entitled *Category 4-B-2: Rivers and Streams Impaired by Bacteria from Combined Sewer Overflows (TMDL Required Only If Control Plans Insufficient)*. The assessment report indicates there are 37 CSO's within this segment of the river, 30 associated with the City of Lewiston's collection system and 7 associated with the Auburn Sewerage's District collection system. The Department has tentatively established calendar year 2017 for the TMDL if non-attainment of bacteria standards persists.

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2004 Integrated Water Quality Monitoring and Assessment Report, lists the segments of the Androscoggin River main stem from the confluence of the Nezinscot River to the confluence with the Little Androscoggin River (assessment unit ME0104000208 – 15.5 miles) and the main stem from the confluence with the Little Androscoggin River to the Brunswick Dam (assessment unit ME0104000210 – 22.2 miles) in a section of the report entitled *Category 4-B-1: 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. The “*Pollution Control Requirements Reasonably Expected to Result in Attainment*,” refers to the conversion to elemental chlorine free (ECF) bleaching technology in the mid-1990’s at each of the three upstream kraft mills (Fraser Paper NH LLC in Berlin/Gorham, N.H., Rumford Paper Company in Rumford, ME. and International Paper in Jay, ME.)

It is noted on May 3, 2005, the Department presented a report to the Natural Resources Committee of the Maine Legislature reporting on the status of each mill’s regarding the “above/below” test. In the report, the Department made the determination dioxin levels in the fish tissue from fish collected above and below the IP and Rumford Paper Company mills, though detectable, were not statistically different. As a result, the Department made the determination that both the IP and Rumford Paper Company mills are in compliance with Maine law 38 M.R.S.A., §420(2)(I)(3).

In addition, the 2004 assessment report lists all freshwaters in Maine as “*Category 5-C: Waters Impaired by Atmospheric Deposition.*” Impairment in this context refers to the designated use of recreational fishing due to elevated levels of mercury in some fish caused by atmospheric deposition. As a result, the State has established a fish consumption advisory for all freshwaters in Maine.

The Department is not aware of any information that indicates the intermittent discharges from the CSOs owned by the City of Lewiston are causing or contributing to the continuance of the fish consumption advisory.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

This permitting action does not establish numeric effluent limitations for the discharges from the City of Lewiston’s CSOs. However, in April, 1994, the EPA adopted a National Combined Sewer Overflow Control Policy that strives to: 1) Accurately characterize collection systems through sampling, monitoring and modeling; 2) Implement best management practices as described in its Nine Minimum Controls Strategy and 3) Develop a long term control plan often referred to as a Master Plan.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The City of Lewiston is currently addressing the National Policy by: 1) characterizing the discharge through the installation of flow monitoring equipment to monitor the overflows; and 2) has completed the development of a CSO Master Plan entitled, Lewiston-Auburn Clean Water Act Master Plan, dated December 2000. The Master Plan was approved by the Department on February 7, 2001. Special Condition A, *Conditions For Combined Sewer Overflow (CSO)*, of this permitting action requires the City of Lewiston to continue to evaluate and take specific actions to eliminate the CSO.

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As permitted, the Department has determined the existing water uses will be maintained and protected. The Department acknowledges that total elimination of the CSO is a costly long term project. With the implementation of the CSO Master Plan and Nine Minimum Controls, the Department anticipates a significant reduction in CSO discharge events and improvements in the water quality in the Androscoggin River, Goff Brook and Jepson Brook affected by the CSO discharges.

8. PUBLIC COMMENTS

Public notice of this application was made in the Lewiston Sun Journal newspaper on or about November 19, 2005. 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 Resource Regulation
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017
Email: gregg.wood@maine.gov
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10. RESPONSE TO COMMENTS

During the period of November 23, 2005 through the date of issuance of this permit, the Department solicited comments on the proposed draft MEPDES permit/WDL for the discharge from the City of Lewiston's combined sewer overflow discharges. 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