



STATE OF MAINE  
DEPARTMENT OF  
ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE  
GOVERNOR

PAUL MERCER  
COMMISSIONER

April 20, 2017

Mr. Matthew Palmer  
2136 Parsons Road  
Washburn, ME. 04786  
[washburnwsd@myfairpoint.net](mailto:washburnwsd@myfairpoint.net)

*RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0101028  
Maine Waste Discharge License (WDL) Application #W007610-6C-H-R  
MEPDES Permit Renewal*

Dear Mr. Palmer:

Enclosed please find a copy of your **final** MEPDES permit and Maine WDL **renewal** which was approved by the Department of Environmental Protection. Please read this permit/license renewal and its attached conditions carefully. Compliance with this permit/license will protect water quality.

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 446-1875.

Your Department compliance inspector copied below is also a resource that can assist you with compliance. Please do not hesitate to contact them with any questions.

Thank you for your efforts to protect and improve the waters of the great state of Maine!

If you have any questions regarding the matter, please feel free to call me at 207-446-1875.

Sincerely,

Rodney Robert  
Division of Water Quality Management  
Bureau of Water Quality

cc:

Sean Bernard, MDEP  
Lori Mitchell, MDEP

Marelyn Vega, USEPA  
Olga Vergara, USEPA

Richard Carvalho, USEPA

AUGUSTA  
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AUGUSTA, MAINE 04333-0017  
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PRESQUE ISLE, MAINE 04769  
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STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

WASHBURN WATER & SEWER DISTRICT	)	MAINE POLLUTANT DISCHARGE
WASHBURN, AROOSTOOK COUNTY, MAINE	)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS	)	AND
ME0101028	)	WASTE DISCHARGE LICENSE
W007610-6C-H-R	)	RENEWAL
APPROVAL		

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

**APPLICATION SUMMARY**

On May 31, 2016, the Department accepted as complete for processing an application from the permittee for renewal of combination Waste Discharge License (WDL) # W007610-6C-E-R / Maine Pollutant Discharge Elimination System (MEPDES) permit # ME0101028, which was issued by the Department on December 5, 2011 for a five-year term. The December 5, 2011 permit authorized the monthly average discharge of 0.283 million gallons per day (MGD) of secondary treated sanitary wastewater from a publicly owned treatment works (POTW) to the Aroostook River, Class B, in Washburn, Maine.

**PERMIT SUMMARY**

a. Terms and conditions

**This permitting action is carrying forward all the terms and conditions from the December 5, 2011 permitting action, except that it:**

1. Updates and incorporates an Industrial Waste Survey (IWS) into Special Condition E, Limitations for Industrial Users.
2. Incorporates Special Conditions associated with the permittee's Asset Management Plan (AMP).
3. Amends the Whole Effluent Toxicity (WET) Screening Level testing period from 12 months prior to permit expiration to 24 months prior to permit expiration (year 4 of the permit).

**PERMIT SUMMARY (cont'd)**

4. Eliminates the Biological Oxygen Demand (BOD) and Total Settleable Solids (TSS) percent removal waiver when the influent concentration is less than 200 mg/L.
5. Corrects a typographical error in Special Condition A Effluent Limitations and Requirements for BOD and TSS.
6. Eliminates numeric limits for aluminum and copper based on results of facility testing.

**CONCLUSIONS**

BASED on the findings in the attached and incorporated Fact Sheet dated April 20, 2017, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with State law.
3. The provisions of the State's antidegradation policy, *Classification of Maine waters*, 38 M.R.S. § 464(4)(F), will be met, in that:
  - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
  - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
  - (c) Where the standards of classification of the receiving waterbody are not met, the discharge will not cause or contribute to the failure of the waterbody to meet the standards of classification;
  - (d) Where the actual quality of any classified receiving waterbody exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and
  - (e) Where a discharge will result in lowering the existing water quality of any waterbody, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharges will be subject to effluent limitations that require application of best practicable treatment as defined in *Conditions of licenses*, 38 M.R.S. § 414-A(1)(D).

**ACTION**

THEREFORE, the Department APPROVES the application of the WASHBURN WATER & SEWER DISTRICT to discharge a monthly average of 0.283 million gallons per day (MGD) of secondary treated sanitary wastewater from the permittee's facility to the Aroostook River, Class B, in Washburn, Maine, SUBJECT TO ALL APPLICABLE STANDARDS AND REGULATIONS AND THE FOLLOWING CONDITIONS:

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 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. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (amended October 19, 2015).

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

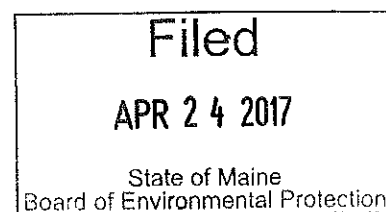
DONE AND DATED AT AUGUSTA, MAINE, THIS 24<sup>th</sup> DAY OF April 2017.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuberski  
for PAUL MERCER, Commissioner

Date of initial receipt of application May 31, 2016  
Date of application acceptance May 31, 2016

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



## SPECIAL CONDITIONS

### A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- The permittee is authorized to discharge secondary treated sanitary wastewater from **Outfall #001A** to the Aroostook River in Washburn, Maine. Such discharges are limited and must be monitored by the permittee as specified below <sup>(1)</sup>:

	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
<b>Flow</b> [50050]	0.283 MGD [03]	---	Report MGD [03]	---	---	---	Continuous [99/99]	Recorder [RC]
<b>BOD<sub>5</sub></b> [00310]	71 lbs./day [26]	106 lbs./day [26]	118 lbs./day [26]	30 mg/L [19]	45 mg/L [19]	50 mg/L [19]	1/Week [01/07]	24-Hour Composite [24]
<b>BOD<sub>5</sub> Percent Removal</b> <sup>(2)</sup> [81010]	---	---	---	85% [23]	---	---	1/Month [01/30]	Calculate [CA]
<b>TSS</b> [00530]	71 lbs./day [26]	106 lbs./day [26]	118 lbs./day [26]	30 mg/L [19]	45 mg/L [19]	50 mg/L [19]	1/Week [01/07]	24-Hour Composite [24]
<b>TSS Percent Removal</b> <sup>(2)</sup> [81011]	---	---	---	85% [23]	---	---	1/Month [01/30]	Calculate [CA]
<b>Settleable Solids</b> [00545]	---	---	---	---	---	0.3 ml/L [25]	1/Week [01/07]	Grab [GR]
<b>E. coli Bacteria</b> <sup>(3)</sup> [31633] (May 15 – Sept. 30)	---	---	---	64/100 ml <sup>(4)</sup> [13]	---	427/100 ml [13]	1/Week [01/07]	Grab [GR]
<b>Total Residual Chlorine</b> <sup>(5)</sup> [50060]	---	---	---	---	---	1.0 mg/L [19]	5/Week <sup>(5)</sup> [05/07]	Grab [GR]
<b>pH</b> [00400]	---	---	---	---	---	6.0 – 9.0 SU [12]	5/Week <sup>(5)</sup> [05/07]	Grab [GR]
<b>Mercury (Total)</b> <sup>(6)</sup> [71900]	---	---	---	0.0052 ug/L [28]	---	0.0078 ug/L [28]	1/Year [01/YR]	Grab [GR]

**SPECIAL CONDITIONS**

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

2. **SCREENING LEVEL TESTING.** During the period beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the permit) and every five years thereafter, for Outfall #001, the permittee must be limited and monitored as follows:

<b>WHOLE EFFLUENT TOXICITY (WET) <sup>(7)</sup></b>	<b>Daily Maximum</b>	<b>Minimum Frequency</b>	<b>Sample Type</b>
<b><u>Acute No Observed Effect Level (A-NOEL)</u></b>			
<b>Water Flea (<i>Ceriodaphnia dubia</i>) [TDA3B]</b>	Report % [23]	1/Year [01/YR]	24-Hour Composite [24]
<b>Brook Trout (<i>Salvelinus fontinalis</i>) [TDA6F]</b>	Report % [23]	1/Year [01/YR]	24-Hour Composite [24]
<b><u>Chronic No Observed Effect Level (C-NOEL)</u></b>			
<b>Water Flea (<i>Ceriodaphnia dubia</i>) [TBP3B]</b>	Report % [23]	1/Year [01/YR]	24-Hour Composite [24]
<b>Brook Trout (<i>Salvelinus fontinalis</i>) [TBQ6F]</b>	Report % [23]	1/Year [01/YR]	24-Hour Composite [24]
<b>Analytical Chemistry <sup>(8) (10)</sup> [51477]</b>	Report µg/L [28]	1/Quarter [01/90]	24-Hour Composite/Grab [24/GR]
<b>Priority Pollutant <sup>(9) (10)</sup> [50008]</b>	Report µg/L [28]	1/Year [01/YR]	24-Hour Composite/Grab [24/GR]

Footnotes: See Pages 7-11 of this permit for applicable footnotes.

## SPECIAL CONDITIONS

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

3. **UNDER-DRAIN POINTS 002A:** The permittee is required to conduct sampling on lagoon under-drain #002A as specified below:

Effluent Characteristic	Minimum Monitoring Requirements		
<u>Parameter</u>	<u>Daily Maximum</u> (units specified)	<u>Measurement</u> <u>Frequency</u> <sup>(11)</sup>	<u>Sample Type</u>
<b>Flow Rate</b> [00058]	Report GPM [78]	3/Year [03/YR]	Measure [MS]
<b>Conductivity</b> [00094]	Report (umhos/cm) [11]	3/Year [03/YR]	Grab [GR]
<b>Temperature, °C</b> [00010]	Report (°C) [04]	3/Year [03/YR]	Grab [GR]
<b><i>E. coli</i> Bacteria</b> [31633]	Report # / 100 ml [13]	3/Year [03/YR]	Grab [GR]

4. **GROUND WATER MONITORING WELL MW 1A:** The permittee is required to conduct sampling on the ground water monitoring well MW 104 as specified below:

Effluent Characteristic	Minimum Monitoring Requirements		
<u>Parameter</u>	<u>Daily Maximum</u> (units specified)	<u>Measurement</u> <u>Frequency</u> <sup>(12)</sup>	<u>Sample Type</u>
<b>Conductivity</b> [00094]	Report (umhos/cm) [11]	1/Year [01/YR]	Grab [GR]
<b>Temperature, °C</b> [00010]	Report (°C) [04]	1/Year [01/YR]	Grab [GR]
<b>pH (Std. Unit)</b> [00400]	Report (SU) [12]	1/Year [01/YR]	Grab [GR]
<b>Chlorides</b> [00940]	Report mg/L [19]	1/Year [01/YR]	Grab [GR]
<b>Total Sodium</b> [00929]	Report mg/L [19]	1/Year [01/YR]	Grab [GR]
<b>Total Nitrate Nitrogen (as N)</b> [00620]	10 mg/L [19]	1/Year [01/YR]	Grab [GR]

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

## **SPECIAL CONDITIONS**

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

#### **Footnotes**

1. **Sampling** – The permittee must conduct all effluent sampling and analysis in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis must be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services. Laboratories operated by waste discharge facilities licensed pursuant to *Waste discharge licenses*, 38 M.R.S. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended April 1, 2010). If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the DMR.
2. **BOD<sub>5</sub> and TSS Percent Removal** – The treatment facility must maintain a minimum of 85 percent removal of BOD and a minimum of 85 percent removal for TSS for all flows receiving secondary treatment. Compliance with the limitation is based on a twelve-month rolling average. Calendar monthly average percent removal values must be calculated based on influent and effluent concentrations. The twelve-month rolling average calculation is based on the most recent twelve-month period.



**SPECIAL CONDITIONS**

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

**Footnotes**

3. ***E. coli* bacteria** – *E. coli* bacteria limits and monitoring requirements are seasonal and apply between May 15th and September 30th of each year. In accordance with 38 M.R.S. § 414-A(5), the Department may, at any time and with notice to the permittee, modify this permit to establish bacteria limitations on a year-round basis to protect the health and welfare of the public.
4. **Bacteria Reporting** – The monthly average *E. coli* bacteria limitation is a geometric mean limitation and sample results must be reported as such.
5. **Total residual chlorine (TRC)/ pH** – Limitations and monitoring requirements are applicable whenever elemental chlorine or chlorine based compounds are being used to disinfect the discharge. The permittee must utilize approved test methods that are capable of bracketing the limitations in this permit. Monitoring for TRC and pH is not required on legally recognized state and federal holidays.
6. **Mercury** – The permittee must conduct all mercury monitoring required by this permit required to determine compliance with interim limitations established pursuant to 06-096 CMR 519 in accordance with the U.S. Environmental Protection Agency's (USEPA) "clean sampling techniques" found in USEPA Method 1669, *Sampling Ambient Water For Trace Metals At EPA Water Quality Criteria Levels*. All mercury analysis must be conducted in accordance with USEPA Method 1631, *Determination of Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Fluorescence Spectrometry*. See **Attachment A** of this permit for a Department report form for mercury test results. Compliance with the monthly average limitation established in Special Condition A of this permit will be based on the cumulative arithmetic mean of all mercury tests results that were conducted utilizing sampling Method 1669 and analysis Method 1631E on file with the Department for this facility.

## **SPECIAL CONDITIONS**

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

- 7. 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 thresholds of 0.36% and 0.31% 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. The critical acute and chronic thresholds were derived as the mathematical inverse of the applicable acute and chronic dilution factors of 280:1 and 321:1, respectively.
- a. **Surveillance level testing** – Waived pursuant Department rule 06-096 CMR, Chapter 530, *Surface water Toxics Control Program*, §2(D)(3)(b).
  - b. **Screening level testing** - The permittee must initiate screening level WET testing at a minimum frequency of once per year (1/Year). Acute and chronic testing must be conducted on the water flea and the brook trout.

WET test results must be submitted to the Department not later than the next DMR required by the permit, provided, however, that the permittee may review the toxicity reports for up to 10 business days of their availability before submitting them. The permittee must evaluate test results being submitted and identify to the Department possible exceedances of the critical acute and chronic water quality thresholds of 0.36% and 0.31%, respectively.

## SPECIAL CONDITIONS

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

#### Footnotes:

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

- a. U.S. Environmental Protection Agency. 2002. *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms*, 5<sup>th</sup> ed. EPA 821-R-02-012. U.S. Environmental Protection Agency, Office of Water, Washington, D.C., October 2002 (the acute method manual).
- b. U.S. Environmental Protection Agency. 2002. *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, 4th ed. EPA 821-R-02-013. U.S. Environmental Protection Agency, Office of Water, Washington, D.C., October 2002 (the freshwater chronic method manual).

Results of WET tests must be reported on the “WET Results Report – Fresh Waters” form included as **Attachment B** of this permit each time a WET test is performed.

#### 8. **Analytical Chemistry** – Refers to a suite of chemicals in **Attachment C** of this permit.

- a. **Surveillance level testing** – Waived pursuant Department rule 06-096 CMR, Chapter 530, Surface water Toxics Control Program, §2(D)(3)(b).
- b. **Screening level testing** - Beginning twenty-four (24) months prior to the expiration date of this permit (year 4 of the permit) and every five years thereafter, the permittee must conduct screening level analytical chemistry testing at a minimum frequency of four times per year (4/Year) in successive calendar quarters.

Analytical chemistry and/or priority pollutant testing must be conducted using methods that permit detection of a pollutant at existing levels in the effluent or that achieve minimum reporting levels of detection as specified by the Department on the form entitled, “Maine Department of Environmental Protection WET and Chemical-Specific Data Report Form” included as **Attachment C** of this permit.

## **SPECIAL CONDITIONS**

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

#### **Footnotes:**

**9. Priority Pollutant Testing** – Priority pollutant testing refers to a suite of chemicals in **Attachment C** of this permit.

- a. **Surveillance level testing** - Priority pollutant testing is not required for this facility pursuant to Department rule Chapter 530, § 2(D)(1).
- b. **Screening level testing** - Beginning twenty-four (24) months prior to the expiration date of this permit (year 4 of the permit) and every five years thereafter, the permittee must conduct screening level priority pollutant testing at a minimum frequency of once per year (1/Year) in any calendar quarter provided the sample is representative of the discharge and any seasonal or other variations in effluent quality.

**10. Analytical chemistry and priority pollutant tests** - Results must be submitted to the Department not later than the next DMR required by the permit, provided, however, that the permittee may review the toxicity reports for up to 10 business days of their availability before submitting them. The permittee must evaluate test results being submitted and identify to the Department, possible exceedances of the acute, chronic or human health ambient water quality criteria (AWQC) as established in Department rule 06-096 CMR Chapter 584.

For the purposes of DMR reporting, enter a “1” for yes, testing done this monitoring period or “0” monitoring not required this period.

**11. Lagoon Under-Drain Monitoring** – Monitoring must be conducted during the months of May, July and October of each year.

**12. Ground Water Well Monitoring** – Monitoring must be conducted during the month of May of each year. Ground water monitoring results that exceed 250 mg/L for chlorides, 120 mg/L for sodium, or 10 mg/L for total nitrate nitrogen must be reported to the Department within five (5) working days of obtaining sample results.

## **SPECIAL CONDITIONS**

### **B. NARRATIVE EFFLUENT LIMITATIONS**

1. The permittee must not discharge effluent that contains a visible oil sheen, foam or floating solids at any time which would impair the uses designated for the classification of the receiving waters.
2. The permittee must not discharge effluent that contains materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the uses designated for the classification of the receiving waters.
3. The permittee must not discharge effluent that causes visible discoloration or turbidity in the receiving waters or otherwise impairs the uses designated for the classification of the receiving waters.
4. The permittee must not discharge effluent that lowers the quality of any classified body of water below such classification, or lowers the existing quality of any body of water if the existing quality is higher than the classification.

### **C. TREATMENT PLANT OPERATOR**

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

### **D. AUTHORIZED DISCHARGES**

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on May 31, 2016, 2) the terms and conditions of this permit; and 3) only from Outfall #001A. Discharges of wastewater from any other point source are not authorized under this permit, and must be reported in accordance with Standard Condition D(1)(f), *Twenty-four hour reporting*, of this permit.

**SPECIAL CONDITIONS**

**E. LIMITATIONS FOR INDUSTRIAL USERS**

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

**F. NOTIFICATION REQUIREMENT**

In accordance with Standard Condition D, the permittee must notify the Department of the following:

1. Any introduction of pollutants into the wastewater collection and treatment system from an indirect discharger in a primary industrial category discharging process wastewater; and
2. Any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants into the system at the time of permit issuance.
3. For the purposes of this section, adequate notice must include information on:
  - (a) The quality and quantity of wastewater introduced to the wastewater collection and treatment system; and
  - (b) Any anticipated impact of the change in the quantity or quality of the wastewater to be discharged from the treatment system.

**SPECIAL CONDITIONS**

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

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

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

In addition, in the comments section of the certification form, the permittee must provide the Department with statements describing;

- (d) Changes in stormwater collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge; and
- (e) Increases in the type or volume of transported (hailed) wastes accepted by the facility.

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

## **SPECIAL CONDITIONS**

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

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

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

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

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

The treatment facility staff must have 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.

The plan must conform to Department guidelines for such plans and must include operating procedures for a range of intensities, address solids handling procedures (including septic waste and other high strength wastes if applicable) and provide written operating and maintenance procedures during the events.

**The permittee must review their plan annually and record any necessary changes to keep the plan up to date.** The Department may require review and update of the plan as it is determined to be necessary.



## **SPECIAL CONDITIONS**

### **J. MONITORING AND REPORTING**

#### Electronic Reporting

*NPDES Electronic Reporting*, 40 C.F.R. 127, requires MEPDES permit holders to submit monitoring results obtained during the previous month on an electronic discharge monitoring report to the regulatory agency utilizing the USEPA electronic system.

Electronic DMRs submitted using the USEPA NetDMR system, must be:

1. Submitted by a facility authorized signatory; and
2. Submitted no later than **midnight on the 15<sup>th</sup> day of the month** following the completed reporting period.

Documentation submitted in support of the electronic DMR may be attached to the electronic DMR. Toxics reporting must be done using the Department toxsheet reporting form. An electronic copy of the Toxsheet reporting document must be submitted to your Department compliance inspector as an attachment to an email. In addition, a hardcopy form of this sheet must be signed and submitted to your compliance inspector, or a copy attached to your NetDMR submittal will suffice. Documentation submitted electronically to the Department in support of the electronic DMR must be submitted no later than midnight on the 15<sup>th</sup> day of the month following the completed reporting period.

#### Non-electronic Reporting

If you have received a waiver from the Department concerning the USEPA electronic reporting rule, or are permitted to submit hardcopy DMR's to the Department, then your monitoring results obtained during the previous month must be summarized for each month and reported on separate Discharge Monitoring Report (DMR) forms provided by the Department and **postmarked on or before the thirteenth (13<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.

## **SPECIAL CONDITIONS**

### **J. MONITORING AND REPORTING (cont'd)**

Toxsheet reporting forms must be submitted electronically as an attachment to an email sent to your Department compliance inspector. In addition, a signed hardcopy of your toxsheet must also be submitted.

Secondary treatment bypass reporting must be done using *DEP-49-CSO Form For Use With [Dedicated / Non-Dedicated] CSO Primary Clarifier*. Secondary treatment bypass reporting must be submitted to your Department compliance inspector and the CSO Coordinator as an attachment to an email. In addition, a hardcopy form of this sheet must be signed and submitted to your compliance inspector.

A signed copy of the DMR and all other reports required herein must be submitted to the Department assigned compliance inspector (unless otherwise specified) following address:

Department of Environmental Protection  
Northern Maine Regional Office  
Bureau of Water Quality  
Division of Water Quality Management  
1235 Central Park Drive – Skyway Park  
Presque Isle, Maine 04769

### **K. REOPENING OF PERMIT FOR MODIFICATION**

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

**SPECIAL CONDITION**

**L. ASSET MANAGEMENT PROGRAM (AMP)**

The permittee must maintain an AMP in accordance with Department guidance entitled, *Maine Department of Environmental Protection, Clean Water State Revolving Fund (CWSRF) Guidance for Minimum Requirements for an Asset Management Program and Reserve Account In Order to Qualify for CWSRF Principal Forgiveness*, DEPLW1190-2010. The AMP shall be reviewed and updated as necessary at least annually. The AMP shall be kept on-site at the permittee's office and made available to Department staff for review during normal business hours.

**M. SEVERABILITY**

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

# ATTACHMENT A

Maine Department of Environmental Protection  
**Effluent Mercury Test Report**

Name of Facility: \_\_\_\_\_ Federal Permit # ME \_\_\_\_\_  
Pipe # \_\_\_\_\_

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

**SAMPLE COLLECTION INFORMATION**

Sampling Date: _____ mm dd yy	Sampling time: _____ AM/PM
Sampling Location: _____	
Weather Conditions: _____	
Please describe any unusual conditions with the influent or at the facility during or preceding the time of sample collection: _____	
Optional test - not required but recommended where possible to allow for the most meaningful evaluation of mercury results: _____	
Suspended Solids _____ mg/L	Sample type: _____ Grab (recommended) or _____ Composite

**ANALYTICAL RESULT FOR EFFLUENT MERCURY**

Name of Laboratory: _____	Result: _____ ng/L (PPT)
Date of analysis: _____	
Please Enter Effluent Limits for your facility	
Effluent Limits: Average = _____ ng/L	Maximum = _____ ng/L
Please attach any remarks or comments from the laboratory that may have a bearing on the results or their interpretation. If duplicate samples were taken at the same time please report the average.	

**CERTIFICATION**

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

PLEASE MAIL THIS FORM TO YOUR ASSIGNED INSPECTOR

## ATTACHMENT B

**MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WHOLE EFFLUENT TOXICITY REPORT  
FRESH WATERS**

Facility Name \_\_\_\_\_ MEPPDES Report # \_\_\_\_\_

Facility Representative \_\_\_\_\_ Signature \_\_\_\_\_

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

Facility Telephone # \_\_\_\_\_ Date Collected \_\_\_\_\_ Date Tested \_\_\_\_\_

mm/dd/yy

mm/dd/yy

Chlorine \_\_\_\_\_ Dichlorinated \_\_\_\_\_

Results \_\_\_\_\_ % effluent \_\_\_\_\_

	water flea	trout
A-NOEL		
C-NOEL		

A-NOEL	
C-NOEL	

Data summary \_\_\_\_\_

QC standard	% survival		no. young >15/female	% survival		final weight (mg) > 2% increase
	A>90	C>80		A>90	C>80	
lab control						
receiving water control						
conc. 1 ( %)						
conc. 2 ( %)						
conc. 3 ( %)						
conc. 4 ( %)						
conc. 5 ( %)						
conc. 6 ( %)						
stat test used						

place \* next to values statistically different from controls

for trout show final wt and % incr for both controls

Reference toxicity \_\_\_\_\_

	A-NOEL	C-NOEL	A-NOEL	C-NOEL
toxicant / date				
limits (mg/L)				
results (mg/L)				

Comments \_\_\_\_\_

Laboratory conducting test \_\_\_\_\_

Company Name \_\_\_\_\_ Company Rep. Name (Printed) \_\_\_\_\_

Main Address \_\_\_\_\_ Company Rep. Signature \_\_\_\_\_

City/State/Zip \_\_\_\_\_ Company Telephone # \_\_\_\_\_

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

# ATTACHMENT C



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 # \_\_\_\_\_ Facility Representative Signature \_\_\_\_\_  
 Pipe # \_\_\_\_\_ To the best of my knowledge this information is true, accurate and complete.

Licenses Flow (MGD) \_\_\_\_\_ Flow for Day (MGD)<sup>(1)</sup> \_\_\_\_\_ Flow Avg. for Month (MGD)<sup>(2)</sup> \_\_\_\_\_  
 Acute dilution factor \_\_\_\_\_ Date Sample Collected \_\_\_\_\_ Date Sample Analyzed \_\_\_\_\_  
 Chronic dilution factor \_\_\_\_\_  
 Human health dilution factor \_\_\_\_\_  
 Criteria type: M (marine) or F (fresh) \_\_\_\_\_

Laboratory \_\_\_\_\_ Telephone \_\_\_\_\_  
 Address \_\_\_\_\_  
 Lab Contact \_\_\_\_\_ Lab ID # \_\_\_\_\_

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

## FRESH WATER VERSION

Please see the footnotes on the last page.

Receiving Water or Ambient		Effluent Concentration (ug/L or as noted)		WET Result, % Do not enter % sign		Reporting Limit Check		Possible Exceedence <sup>(7)</sup>				
<b>WHOLE EFFLUENT TOXICITY</b>												
		Effluent Limits, %										
		Acute		Chronic								
Trout - Acute												
Trout - Chronic												
Water Fish - Acute												
Water Fish - Chronic												
<b>WET CHEMISTRY</b>												
pH (S.U.) <sup>(9)</sup>												
Total Organic Carbon (mg/L)												
Total Solids (mg/L)												
Total Suspended Solids (mg/L)												
Alkalinity (mg/L)												
Specific Conductance (umhos)												
Total Hardness (mg/L)												
Total Magnesium (mg/L)												
Total Calcium (mg/L)												
<b>ANALYTICAL CHEMISTRY <sup>(3)</sup></b>												
Also do these tests on the effluent with WET. Testing on the receiving water is optional.		Reporting Limit		Effluent Limits, ug/L				Reporting Limit Check		Possible Exceedence <sup>(7)</sup>		
				Acute <sup>(6)</sup>		Chronic <sup>(6)</sup>				Acute	Chronic	Health
TOTAL RESIDUAL CHLORINE (mg/L) <sup>(9)</sup>		0.05										
AMMONIA		NA										
M	ALUMINUM	NA										
M	ARSENIC	5										
M	CADMIUM	1										
M	CHROMIUM	10										
M	COPPER	3										
M	CYANIDE, TOTAL	5										
M	CYANIDE, AVAILABLE <sup>(3a)</sup>	5										
M	LEAD	3										
M	NICKEL	5										
M	SILVER	1										
M	ZINC	5										

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

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

[illegible]

**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.**

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

**Notes:**

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

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

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



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

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

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

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

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

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

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

Comments:

**MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
AND  
WASTE DISCHARGE LICENSE**

**FACT SHEET**

Date: April 20, 2017

MEPDES PERMIT: **ME0101028**  
WASTE DISCHARGE LICENSE: **W007610-6C-H-R**

NAME AND ADDRESS OF APPLICANT:

**WASHBURN WATER & SEWER DISTRICT  
1287 Main Street  
Washburn, Maine 04786**

COUNTY: **AROOSTOOK**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**2136 Parsons Road  
Washburn, Maine 04786**

RECEIVING WATER / CLASSIFICATION: **Aroostook River/Class B**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER:

**Mr. Matthew Palmer  
(207) 455-1042  
[washburnwsd@myfairpoint.net](mailto:washburnwsd@myfairpoint.net)**

**1. APPLICATION SUMMARY**

- a. Application: On May 31, 2016, the Department of Environmental Protection (Department) accepted as complete for processing an application from the Washburn Water & Sewer District (permittee) for renewal of combination Waste Discharge License (WDL) # W007610-6C-E-R / Maine Pollutant Discharge Elimination System (MEPDES) permit # ME0101028, which was issued by the Department on December 5, 2011 for a five-year term. The December 5, 2011 permit authorized the monthly average discharge of 0.283 million gallons per day (MGD) of secondary treated sanitary wastewater from a publicly owned treatment works (POTW) to the Aroostook River, Class B, in Washburn, Maine.

## 2. PERMIT SUMMARY

### a. Terms and conditions

**This permitting action is carrying forward all the terms and conditions from the December 5, 2011 permitting action, except that it:**

1. Updates and incorporates an Industrial Waste Survey (IWS) into Special Condition E, Limitations for Industrial Users.
2. Incorporates Special Conditions associated with the permittee's Asset Management Plan (AMP).
3. Amends the Whole Effluent Toxicity (WET) Screening Level testing period from 12 months prior to permit expiration to 24 months prior to permit expiration (year 4 of the permit).
4. Eliminates the BOD and TSS percent removal waiver when the influent concentration is less than 200 mg/L.
5. Corrects a typographical error in Special Condition A Effluent Limitations and Requirements for BOD and TSS.
6. Eliminates numeric limits for aluminum and copper based on results of facility testing.

### b. History: This section provides a summary of significant licensing/permitting actions and milestones that have been completed for the permittee's facility.

*March 15, 1995* – The United States Environmental Protection Agency (USEPA) issued National Pollutant Discharge Elimination System (NPDES) permit #ME0101028 to the Town for a five-year term, which superseded the previous NPDES permit issued to the permittee for this facility by the USEPA on March 28, 1986.

*June 27, 2000* – The Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL #W007610-59-B-R by establishing interim monthly average and daily maximum effluent concentration limits of 5.2 parts per trillion (ppt) and 7.8 ppt, respectively, and a minimum monitoring frequency requirement of four (4) tests per year for mercury.

*January 12, 2001* – The Department received authorization from the USEPA to administer the NPDES permit program in Maine. From that point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) program, and MEPDES permit #ME0101028 has been utilized for the permittee's facility.

## 2. PERMIT SUMMARY (cont'd)

*December 21, 2001* – The Department issued WDL #W007610-5L-C-R / MEPDES permit #ME0101028 to the permittee for a five-year term. The 12/21/01 permit superseded WDL #W007610-59-B-R issued on August 24, 1996, and WDL #W007610-58-A-N issued on January 29, 1990 (earliest Order on file with the Department), as well as the 3/15/95 NPDES permit issued by the USEPA.

*December 7, 2006* – The Department issued combination MEPDES permit #ME0101028/WDL #W007610-5L-D-R for a five year term.

*September 1, 2011* – The permittee submitted a timely and complete application to the Department to renew the December 7, 2006, MEPDES permit/WDL.

*December 5, 2011* – The Department issued combination MEPDES permit #ME0101028/WDL) #W007610-6C-E-R for a five year term.

*March 8, 2012* – The Department issued a minor revision to combination MEPDES permit #ME0101028/WDL) #W007610-6C-E-R. The minor revision enrolled the permittee in the Department's Clean Water State Revolving Fund and directed the permittee to create and maintain an Asset Management Plan for the life of the permit.

*May 31, 2016* – The permittee submitted a timely and complete application to the Department to renew the December 5, 2011, MEPDES permit/WDL.

- c. Source Description: The wastewater treatment facility receives residential sanitary and commercial waste waters from customers within the boundaries of the Town of Washburn. Based on information contained in the previous MEPDES permit, the facility was designed for and services a population equivalent of 1,200 people. There are no significant industrial users connected to and no combined sewer overflow (CSO) points associated with the collection system.

Based on information contained in the previous MEPDES permit and on information provided by the permittee in its' application, the collection system is approximately 4.5 miles in length and contains four main pump stations (lift stations): Station No. 1 on McManus Street, Station No. 2 on Bridge Street, and Station No. 3 (the Main Pump Station). Each pump station is equipped with an emergency generator and radio telemetry. The fourth pump station is located on Trafton Street and services a small trailer park, elderly housing complex and three houses. Three thousand (3,000) linear feet of 8-inch diameter sewer main was added to the collection system in calendar years 2004-2005 to replace failing private septic systems. This addition required the installation of a fifth lift station.

## 2. PERMIT SUMMARY (cont'd)

The permittee has not applied to the Department for authorization to receive or introduce septage wastes into the treatment process. A map showing the location of the facility and the receiving water is included as Fact Sheet **Attachment A**.

- d. Wastewater Treatment: The facility provides a secondary level of wastewater treatment via two aerated lagoons (total capacity of approximately 6 million gallons) equipped with diffused aeration. During calendar year 2004-2005 projects, the permittee upgraded Lagoon No.1 to three treatment cells including an anoxic zone. Screened influent is conveyed to the first (anoxic) cell for settling of solids to the lagoon floor. Sludge is mechanically removed from the anoxic zone once per month by a sludge dredge and pumped to two reed beds for treatment and disposal. The facility provides primary wastewater treatment via a bar screen and an aerated grit removal chamber. Treated effluent is seasonally disinfected with chlorine for compliance with the *E. coli* bacteria limits established for Class B waters and is conveyed to the Aroostook River at Washburn via a twelve (12) inch diameter outfall pipe designated Outfall #001A in this permitting action. The pipe is fitted with a series of two (2) inch diameter steel diffuser ports at 8-feet on center to enhance mixing of the effluent with the receiving waters. The Department's Division of Environmental Assessment (DEA) has determined that this outfall structure provides complete and rapid mixing of the effluent with the receiving waters. See **Attachment B** of this Fact Sheet for a schematic of the waste water treatment facility.

## 3. CONDITIONS OF PERMIT

*Conditions of licenses*, 38 M.R.S. § 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require the application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, *Certain deposits and discharges prohibited*, 38 M.R.S. § 420 and Department rule *Surface Water Toxics Control Program*, 06-096 CMR 530 (effective March 21, 2012), require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective July 29, 2012), and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

## 4. RECEIVING WATER QUALITY STANDARDS

*Classification of major river basins*, 38 M.R.S. § 467(15)(C)(1)(c) classifies the Aroostook River "[f]rom the Sheridan Dam to its confluence with Presque Isle Stream, including all impoundments" which includes the river at the point of discharge, as Class B waters. Maine law, 38 M.R.S., Section 465(3) describes standards for classification of Class B waters.



## 5. RECEIVING WATER QUALITY CONDITIONS

*The State of Maine 2012 Integrated Water Quality Monitoring and Assessment Report*, prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the Aroostook River at the point of discharge as the Main stem between Washburn Gauge and confluence with Presque Isle Stream (Assessment Unit ID #ME0101000412\_148R) as, “*Category 2: Rivers and Streams Attaining Some Designated Uses – Insufficient Information for Other Uses.*”

The Report lists all of Maine’s fresh waters as, “Category 4-A: Waters Impaired by Atmospheric Deposition of Mercury.” Impairment in this context refers to a statewide fish consumption advisory due to elevated levels of mercury in some fish tissues. The Report states, “All freshwaters are listed in Category 4A (Total Maximum Daily Load (TMDL) Completed) due to USEPA approval of a Regional Mercury TMDL.” Maine has a fish consumption advisory for fish taken from all freshwaters due to mercury. Many fish from any given waters 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 Health and 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. Pursuant to 38 M.R.S. § 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.” Pursuant to 06-096 CMR 519, the Department has established interim monthly average and daily maximum mercury concentration limits and reporting requirements for this facility.

The Department has no information that the discharge from the permittee, as conditioned, causes or contributes to non-attainment of applicable Class B water quality standards.

## 6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

- a. Flow: The previous permitting action established, and this permitting action is carrying forward, a monthly average discharge flow limitation of 0.283 MGD based on the monthly average dry weather design capacity of the facility, and a daily maximum discharge flow reporting requirement to assist in compliance evaluations.

A review of the monthly average flow data as reported on the Discharge Monitoring Reports (DMRs) submitted to the Department for the period December 2011- September 2016 indicates the permittee has been in compliance with the monthly average flow limit 99% of the time (1 excursion) as values have been reported as follows:

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

### Flow

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	0.283	0.02 – 0.36	0.096
Daily Maximum	Report	0.04 – 1.44	0.257

- b. Dilution Factors: The Department established applicable dilution factors for the discharge in accordance with freshwater protocols established in *Surface Water Toxics Control Program*, 06-096 CMR 530 (last amended March 21, 2012). The previous permitting action established dilution factors based on the 0.283 MGD flow limit to ensure that water quality-based limits are protective of receiving water quality on a year-round basis.

$$\text{Acute: } 1\text{Q}10 = 122 \text{ cfs} \quad \Rightarrow \frac{(61 \text{ cfs})(0.6464) + 0.283 \text{ MGD}}{0.283 \text{ MGD}} = 140:1$$

61 cfs<sup>(1)</sup>

$$\text{Chronic: } 7\text{Q}10 = 140 \text{ cfs} \quad \Rightarrow \frac{(140 \text{ cfs})(0.6464) + 0.283 \text{ MGD}}{0.283 \text{ MGD}} = 321:1$$

$$\text{Harmonic Mean} = 868 \text{ cfs} \quad \Rightarrow \frac{(868 \text{ cfs})(0.6464) + 0.283 \text{ MGD}}{0.283 \text{ MGD}} = 1,984:1$$

The critical low flows cited above for the Aroostook River were recalculated by the Department based on a statistical evaluation of historic river gauge data through 2015 from the United States Geological Survey (USGS) gauge at Washburn.

### Footnotes:

- (1) The Department has determined that mixing of the effluent with the receiving water is complete and rapid. Based on guidance from the DEA in the previous permitting action, the 1Q10 low river flow value utilized in the acute dilution calculation is based on a value that is equivalent to one-half the prorated river gage flow value due to the presence of an island in the river at the point of discharge (see attached map). DEA further recommended that acute evaluations be based on this 1Q10 value rather than the default stream design flow of ¼ of the 1Q10 in accordance with Department rule Chapter 530 Section 4.B.1.

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

- c. Biochemical Oxygen Demand (BOD<sub>5</sub>) and Total Suspended Solids (TSS): The previous permitting action established, and this permitting action carries forward, technology-based monthly and weekly average BOD<sub>5</sub> and TSS concentration limits of 30 mg/L and 45 mg/L, respectively, based on secondary treatment requirements of Department rule, 06-096 CMR, Chapter 525(3)(III). The previous permitting action established, and this permitting action carries forward, technology-based daily maximum BOD<sub>5</sub> and TSS concentration limits of 50 mg/L based on a Department best professional judgment (BPJ) of best practicable treatment (BPT). This permitting action also carries forward the previously established monitoring frequencies of once per week (1/Week) for both BOD and TSS.

Department rule 06-096 CMR Chapter 523(6)(f) states that all pollutants limited in permits must have limitations, standards or prohibitions expressed in terms of mass. The previous permitting action established, and this permitting action is carrying forward, monthly average, weekly average, and daily maximum mass limits based on calculations using the average design flow for the facility of 0.283 MGD and the appropriate concentration limits as follows:

Monthly Average Mass Limit:  $(30 \text{ mg/L})(8.34 \text{ lbs./gallon})(0.283 \text{ MGD}) = 71 \text{ lbs./day}$

Weekly Average Mass Limit:  $(45 \text{ mg/L})(8.34 \text{ lbs./day})(0.283 \text{ MGD}) = 106 \text{ lbs./day}$

Daily Maximum Mass Limit:  $(50 \text{ mg/L})(8.34 \text{ lbs./day})(0.283 \text{ MGD}) = 118 \text{ lbs./day}$

It is noted that in Special Conditions (A) (1) of the 2011 permitting action the monthly average mass limit for BOD<sub>5</sub> and TSS were incorrectly stated at 76 lbs. / day. This permitting action correctly identifies the monthly average mass limit for BOD<sub>5</sub> and TSS as 71 lbs. / day as demonstrated in the above calculation.

The previous permitting action established, and this permitting action carries forward, a requirement to achieve a minimum 30-day average removal of 85 percent for BOD<sub>5</sub> and TSS pursuant to Department rule, 06-096 CMR Chapter 525(3)(III)(a&b)(3) as a 12-month rolling average.

A review of the monthly average flow data as reported on the Discharge Monitoring Reports submitted to the Department for the period December 2011 – September 2016 indicates values have been reported as follows:

### BOD mass (DMRs = 54)

Value	Limit (lbs/day)	Range (lbs/day)	Mean (lbs/day)
Monthly Average	71	3 – 56	13
Weekly Average	106	4 – 101	24
Daily Maximum	118	4 – 101	24

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

### BOD concentration (DMRs = 54)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	30	7 - 32	16
Weekly Average	45	8 - 43	22
Daily Maximum	50	8 - 43	22

### TSS mass (DMRs = 54)

Value	Limit (lbs/day)	Range (lbs/day)	Mean (lbs/day)
Monthly Average	71	1 - 44	10
Weekly Average	106	2 - 172	22
Daily Maximum	118	2 - 172	22

### TSS concentration (DMRs = 54)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	30	2 - 33	10
Weekly Average	45	2 - 44	15
Daily Maximum	50	2 - 44	15

- d. **Settleable Solids:** The previous permitting action established, and this permitting action carries forward, a technology-based daily maximum concentration limit of 0.3 ml/L for settleable solids, which is considered a best practicable treatment limitation (BPT) for secondary treated wastewater. This permitting action also carries forward the previously established once per week (1/Week) minimum monitoring frequency requirement.

A review of the monthly Discharge Monitoring Report (DMR) data for the period December 2011 – September 2016 indicates settleable solids have been reported as follows:

### Settleable solids concentration (DMRs 54)

Value	Limit (ml/L)	Range (ml/L)	Average (ml/L)
Daily Maximum	0.3	<0.1 - 0.1	<0.1

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

- e. *Escherichia coli* bacteria: The previous permitting action established, and this permitting action carries forward, seasonal monthly average and daily maximum *Escherichia coli* bacteria limitations of 64 colonies/100 ml (geometric mean) and 427 colonies/100 ml (instantaneous), respectively, that are in effect between May 15 and September 30, inclusive, of each year.

During calendar year 2005, Maine's Legislature approved a new daily maximum water quality standard of 236 colonies/100 ml for Class B and Class C waters. The Department has determined that end-of-pipe limitations for the instantaneous concentration standard of 427 colonies/100 mL will be achieved through available dilution of the effluent with the receiving waters and need not be revised in MEPDES permits for facilities with adequate dilution (at least 1.1:1 for facilities in Class B waters).

A review of the bacterial testing data as reported on the monthly DMRs for the period of December 2011- September 2016 (n=21) indicates the permittee to have been in compliance with the permit limits 100% of the time. A statistical summary of the reported *E. coli* bacteria test results is as follows:

### *E. coli* Bacteria

Value	Limit (col/100 ml)	Range (col/100 ml)	Mean (col/100 ml)
Monthly Average	64	1 – 12	3
Daily Maximum	427	1 – 145	19

This permitting action is carrying forward the seasonal, 1/Week monitoring and reporting frequency.

- f. Total Residual Chlorine (TRC): The previous permitting action established a daily maximum BPT-based concentration limit of 1.0 mg/L as well as a minimum monitoring frequency requirement of once per day. The Department specifies TRC limitations in order 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 either water quality-based or BPT-based limits. End-of-pipe acute and chronic water quality-based concentration thresholds may be calculated as follows:

	Criterion	Dilution Factors	Calculated Threshold
Acute	0.019 mg/L	140:1	2.7 mg/L
Chronic	0.011 mg/L	321:1	3.5 mg/L

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

The Department has established a daily maximum BPT limitation of 1.0 mg/L for facilities that disinfect their effluent with elemental chlorine or chlorine-based compounds. For facilities that must dechlorinate the effluent in order to consistently achieve compliance with water quality based thresholds, the Department has established daily maximum and monthly average BPT limits of 0.3 mg/L and 0.1 mg/L, respectively. The permittee conducts seasonal treatments of effluent with chlorine to aid in compliance with E. coli limitations. This permitting action carries forward the daily maximum BPT-based concentration limit of 1.0 mg/L as it is more stringent than the water quality-based thresholds of 2.7 mg/L (acute) and 3.5 mg/L (chronic) as calculated above. Although bacteria limitations are seasonal and apply between May 15 and September 30 of each year, the facility must monitor and report TRC during any period that chlorine-based compounds are in use at the facility because chlorine compounds are toxic at all times of the year.

A summary of TRC data as reported on the monthly DMRs for the period of December 2011 – September 2016 (n=21) is as follows:

### Total residual chlorine

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	1.0	0.37 – 1.0	0.66

This permitting action carries forward the minimum monitoring requirement of five times per week (5/Week).

- g. pH: The previous permitting action established and this permit carries forward a technology based pH range limitation of 6.0 – 9.0 standard units pursuant to 06-096 CMR 525(3)(III)(c) along with a monitoring frequency of five times per week (5/Week). A review of the pH values from December 2011 - September 2016 (n=54) indicates that the results ranged from 6.25 to 8.2 standard units.

### pH ( N = 54)

Value	Limit (su)	Minimum (su)	Maximum (su)
Range	6.0 – 9.0	6.25	8.2

- h. Mercury: Pursuant to 38 M.R.S. § 420 and 38 M.R.S. § 413 and 06-096 CMR 519, the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL # W007610-59-B-R by establishing interim monthly average and daily maximum effluent concentration limits of 5.2 parts per trillion (ppt) and 7.8 ppt, respectively, and a minimum monitoring frequency requirement of 4 tests per year for mercury.

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

38 M.R.S. § 420(1-B)(B)(1) provides that a facility is not in violation of the Ambient Water Quality Criteria (AWQC) for mercury if the facility is in compliance with an interim discharge limit established by the Department. A review of the Department's database for the period December 2011 through September 2016 is as follows:

### Mercury (n = 5)

Value	Limit (ppt)	Range (ppt)	Mean (ppt)
Monthly Average	5.2	2.39 – 6.0	3.4
Daily Maximum	7.8		

On February 6, 2012, the Department issued a minor revision to amend the minimum monitoring frequency requirement from four times per year to once per year pursuant to 38 M.R.S. § 420(1-B)(F). This minimum monitoring frequency is carried forward in this permitting action. See **Attachment D** of this Fact Sheet for a summary of mercury test results.

- i. WET, Priority Pollutant, and Analytical Chemistry Testing: 38 M.R.S. § 414-A and 38 M.R.S. § 420 prohibit the discharge of effluents containing substances in amounts that would cause the surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the USEPA. 06-096 CMR 530 sets forth effluent monitoring requirements and procedures to establish safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected and narrative and numeric water quality criteria are met. 06-096 CMR 530(2)(A) states, “...all licensed dischargers of industrial process wastewater or domestic wastes discharging to surface waters of the State must meet the testing requirements of this section. Dischargers of other types of wastewater are subject to this subsection when and if the Department determines that toxicity of effluents may have reasonable potential to cause or contribute to exceedances of narrative or numerical water quality criteria.”

Dischargers are categorized based on the dilution of the receiving water and the potential risk of toxic contamination. The four categories for dischargers are as follows:

Level I	Chronic dilution factor of <20:1
Level II	Chronic dilution factor of ≥20:1 but <100:1.
Level III	Chronic dilution factor ≥100:1 but <500:1 or >500:1 and Q ≥1.0 MGD
Level IV	Chronic dilution >500:1 and Q ≤1.0 MGD

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

Based on the criteria, the permittee's facility is considered a Level III discharger as the chronic dilution of the receiving water is 321:1 and the permitted flow is equal to or less than 1.0 MGD.

Using the categorization criteria as stated above, and pursuant to 06-096 CMR 530 (1)(D)(1), routine screening and surveillance level testing requirements are as follows:

**Screening level testing** – Beginning twenty-four (24) months prior to permit expiration and lasting through twelve (12) months prior to permit expiration (fourth year of the permit) and every five years thereafter.

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

**Surveillance level testing** – Waived pursuant to Department rule 06-096 CMR, Chapter 530(D)(3)(b).

Level	WET Testing	Priority pollutant testing	Analytical chemistry
III	None required	None required	None required

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

Department rule Chapter 530(D)(3)(b) states in part, *Dischargers in Levels III and IV may be waived from conducting surveillance testing for individual WET species or chemicals provided that testing in the preceding 60 months does not indicate any reasonable potential for 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.*”



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

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 10/24/16, the Department conducted a statistical evaluation on the most recent 60 months of WET data that indicates that the discharge does not exceed or have a reasonable potential (RP) to exceed the acute or chronic critical ambient water quality criteria (AWQC) thresholds (0.36% and 0.31% – mathematical inverse of the modified acute dilution factor 140:1 and the chronic dilution factor 321:1).

Given the absence of exceedances or reasonable potential to exceed critical WET thresholds, the permittee meets the surveillance level monitoring frequency waiver criteria found at Department rule Chapter 530(D)(3)(b). Therefore, this permit is carrying forward the previously established requirement for the permittee to only conduct screening level testing for both the water flea and the brook trout. Testing must be conducted in the 24 to 12-month period (year 4 of the permit) prior to the expiration date of this permit and every five years thereafter.

In accordance with Department rule Chapter 530(2)(D)(4) and Special Condition G, *06-096 CMR 530(2)(D)(4) Statement For Reduced/Waived Toxics Testing* of this permit, the permittee must annually submit to the Department a written statement evaluating its current status for each of the conditions listed.

- i. Lagoon Under-Drain and Ground Water Well Monitoring: The previous permitting action established lagoon under-drain (Outfall 002A) and ground water monitoring well (MW1A) monitoring and reporting requirements. The basis for these monitoring requirements as stated in the previous permit was that "Site permit L-015831-29-A-N issued by the Department on June 28, 1989 required certain ground water monitoring in order to monitor the effects of lagoon leakage on the ground water quality. The parameters and monitoring frequencies are being carried forward in this permitting action.

A review of the lagoon under-drain data on record with the Department for the period December 2011- September 2016 (applicable monitoring months only) demonstrates no upward or downward trends indicating the lagoons remain secure. Monitoring results as summarized in Table 1 below.

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

### Outfall #002A

Parameter	Range	Arithmetic Mean	Sample Size (n)
Flow, gallons/minute	1 - 50	18.7	13
Conductivity, umhos/cm	104- 375	275	13
Temperature, °C	10.5 – 18.2	14	13
Fecal Coliform Bacteria, #colonies/100ml	0 - 10	0.9	13

A review of the ground water monitoring well data on record with the Department for the period December 2011- September 2016 (applicable monitoring months only) demonstrates no upward or downward trends indicating ground water quality is not impacted by any lagoon leakage. Monitoring results as summarized in Table 2 below.

### MW1A

Parameter	Range	Arithmetic Mean	Sample Size (n)
Conductivity, umhos/cm	193 - 280	246	5
Temperature, °C	7.9 – 10.7	9.4	5
pH, standard units	4.7 – 6.7	6.6	5
Nitrate (as N), mg/L	0.50 – 1.0	0.9	5
Total Sodium (as Na), mg/L	3.05 – 4.02	3.4	5
Chloride (as Cl), mg/L	3.8 – 5.5	4.6	5

### Footnotes:

- (1) The USEPA has established a primary maximum contaminant level (MCL) for nitrate which is the highest level of a contaminant allowed in drinking water and is an enforceable standard. The USEPA has established secondary drinking water standards (SDWS) for certain pollutants, which are non-enforceable guidelines regulating contaminants that may cause cosmetic effects (such as skin or tooth discoloration) or aesthetic effects (such as taste, odor, or color) in drinking water. The SDWS for chloride is 250 mg/L.

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

- k. Total Phosphorus: *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.<sup>1</sup> 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: USEPA's Water Quality Standards Handbook, October 1983, risk assessment data, exposure data, information about the pollutant from the U.S. Food and Drug Administration, and current USEPA criteria documents.<sup>2</sup>

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 value 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 value 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 value 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. This permit may be reopened during the term of the permit to modify any reasonable potential calculations, phosphorus limits, or monitoring requirements based on new site-specific data.

Two effluent samples from the permittee were obtained in the summer of 2014. The average effluent concentration of those samples was 3.2 mg/L (3,200 micrograms per liter (µg/L)) and, for this exercise, is considered representative of the discharge from the facility. Three upstream samples were taken between 7/23/2014 and 8/27/2014. The minimum value detected was 5.2µg/l and the highest was 7.7µg/L. For the calculation below, we will be using 0.008 mg/L.

Using the following calculation, the District does not have a reasonable potential to exceed the USEPA's Total P Ambient Water Quality Gold Book goal of 0.100 mg/L (100 µg/L), or the Department's draft ambient water quality criterion of 0.030 mg/L for phosphorus in rivers and streams not feeding lakes.

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

<sup>2</sup> 06-096 CMR 523(5)(d)(1)(vi)(A)

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

### Reasonable Potential Analysis

$$Cr = \frac{Q_e C_e + Q_s C_s}{Q_r}$$

Q <sub>e</sub> = effluent flow	=	0.283 MGD
C <sub>e</sub> = average effluent concentration	=	3.2 mg/L
Q <sub>s</sub> = 7Q10 flow of receiving water	=	91 MGD
C <sub>s</sub> = upstream concentration	=	0.008 mg/L
Q <sub>r</sub> = receiving water flow (91 MGD + 0.283 MGD)	=	91.283 MGD
Cr = receiving water concentration		

$$Cr = \frac{(0.283 \text{ MGD} \times 3.2 \text{ mg/L}) + (91 \text{ MGD} \times 0.008 \text{ mg/L})}{91.283 \text{ MGD}} = 0.018 \text{ mg/L}$$

Cr = 0.018 mg/L < 0.100 (EPA Gold Book) mg/L ⇒ **No Reasonable Potential**

Cr = 0.018 mg/L < 0.030 (Maine Draft Criterion) mg/L ⇒ **No Reasonable Potential**

No effluent limitation for phosphorus will be established in this permitting action.

## 7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

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

## 8. PUBLIC COMMENTS

Public notice of this application was made in the *Star Herald* newspaper on or about May 31, 2016. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits must have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR 522 (effective January 12, 2001).

## **9. DEPARTMENT CONTACTS**

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

Rod Robert  
Division of Water Quality Management  
Bureau of Water Quality  
Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333-0017 Telephone: (207) 446-1875  
e-mail: [Rodney.Robert@maine.gov](mailto:Rodney.Robert@maine.gov)

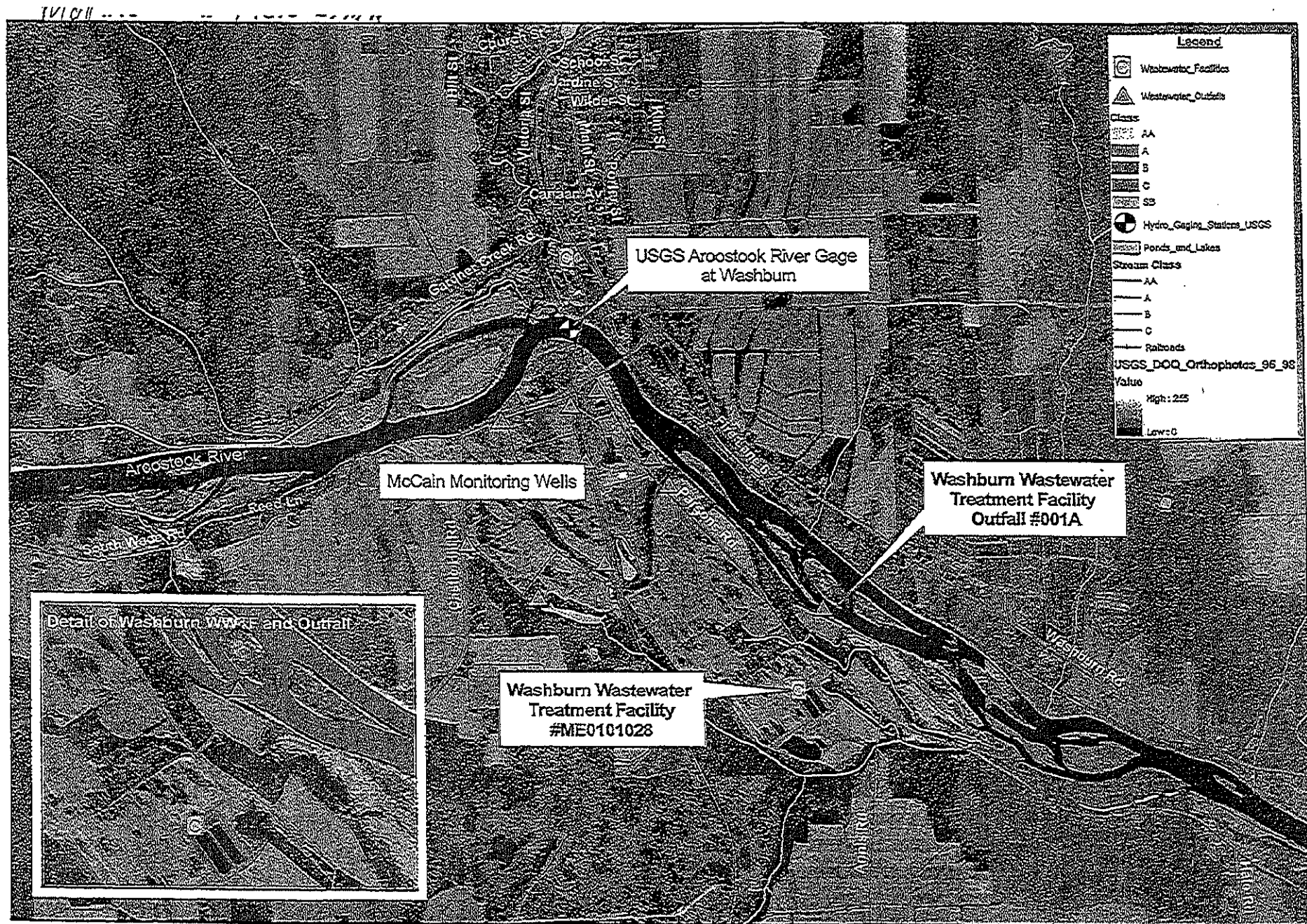
## **10. RESPONSE TO COMMENTS**

During the period February 2, 2017 through the issuance of this permit, the Department solicited comments from state and federal agencies as well as parties that expressed interest in the proposed draft permit for the permittee's facility. The Department did not receive any comments from the public or other interested parties that resulted in substantive changes to the Proposed Draft of this permit. Therefore, the Department has not prepared a formal Response to Comments.

PCL XL error

Warning: IllegalMediaSource

# ATTACHMENT A



0 0.5 1 2 Miles

# Washburn Wastewater Treatment Facility on Aroostook River, Maine



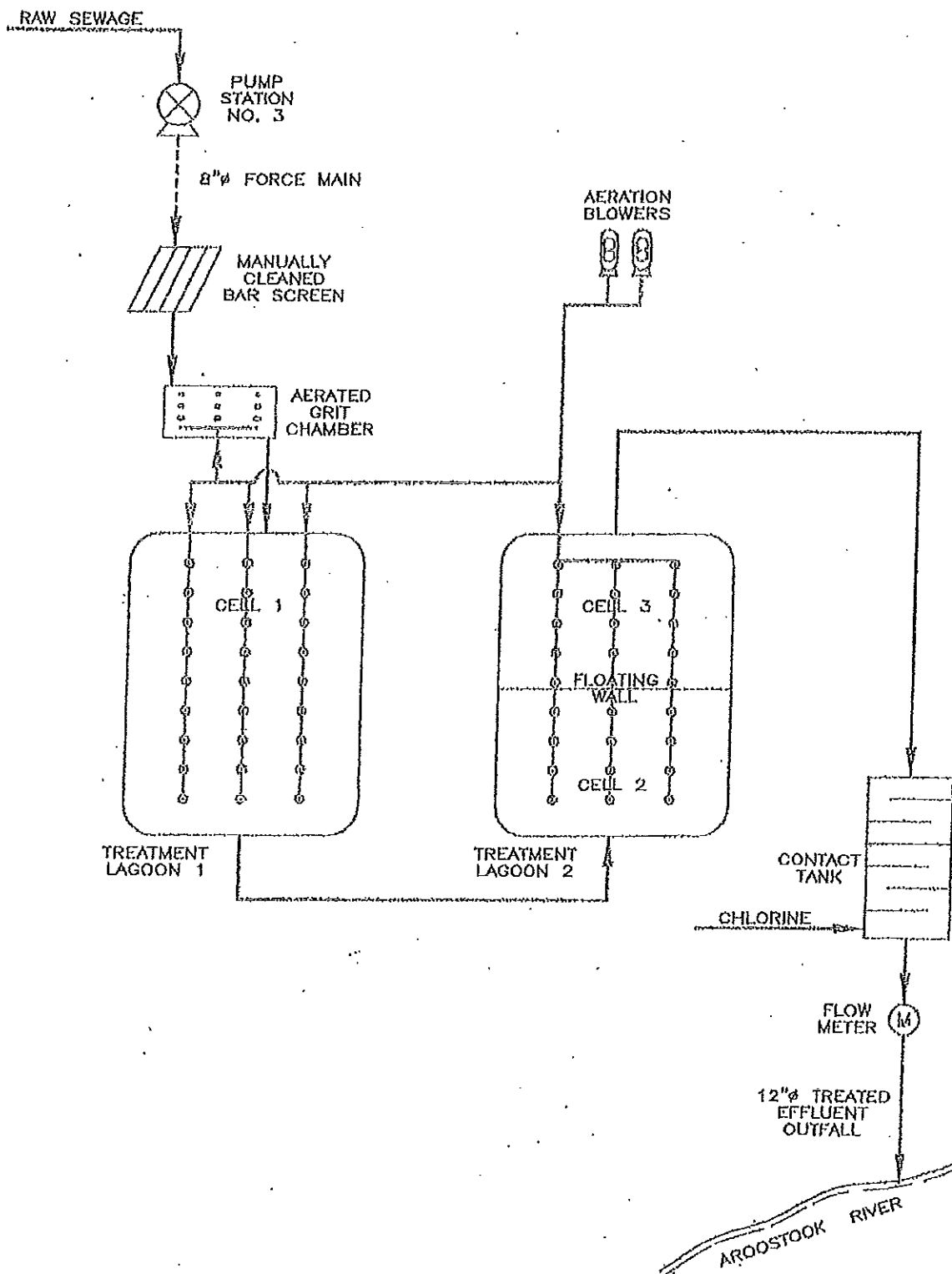
Map created by Maine DEP  
November 2, 20





## ATTACHMENT B

# FIGURE 1 WASHBURN'S WASTEWATER TREATMENT PROCESS UPGRADE



OLVER ASSOCIATES INC.  
ENVIRONMENTAL ENGINEERS  
280 MAIN STREET WINTERPORT, MAINE

## ATTACHMENT C

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHAPTER 530.2(D)(4) CERTIFICATION

MEPDES# \_\_\_\_\_ Facility Name \_\_\_\_\_

Since the effective date of your permit, have there been;		NO	YES Describe in comments section
1	Increases in the number, types, and flows of industrial, commercial, or domestic discharges to the facility that in the judgment of the Department may cause the receiving water to become toxic?	<input type="checkbox"/>	<input type="checkbox"/>
2	Changes in the condition or operations of the facility that may increase the toxicity of the discharge?	<input type="checkbox"/>	<input type="checkbox"/>
3	Changes in storm water collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge?	<input type="checkbox"/>	<input type="checkbox"/>
4	Increases in the type or volume of hauled wastes accepted by the facility?	<input type="checkbox"/>	<input type="checkbox"/>

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 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter
WET Testing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Priority Pollutant Testing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Analytical Chemistry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other toxic parameters <sup>1</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*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.*

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

## ATTACHMENT D

12/2/2016

## MERCURY REPORT - Clean Test Only

Data Date Range: 02/Dec/1998-02/Dec/2016



Facility: WASHBURN WATER &amp; SEWER DISTRICT

Permit Number: ME0101028

Max (ng/l): 15.0000

Average (ng/l): 4.5498

Sample Date	Result (ng/l)	Lsthan	Clean
12/20/1999	3.20	N	T
01/13/2000	3.50	N	T
01/27/2000	4.30	N	T
03/01/2000	5.30	N	T
04/06/2000	5.70	N	T
08/08/2000	2.70	N	T
10/30/2000	2.50	N	T
12/19/2000	4.00	N	T
04/10/2001	9.20	N	T
07/30/2001	2.70	N	T
10/30/2001	1.10	N	T
01/09/2002	3.50	N	T
04/11/2002	12.00	N	T
06/26/2002	2.80	N	T
10/22/2002	1.00	Y	T
12/31/2002	2.60	N	T
03/17/2003	7.10	N	T
08/21/2003	1.00	Y	T
10/31/2003	3.30	N	T
12/31/2003	3.20	N	T
03/09/2004	3.70	N	T
06/28/2004	3.20	N	T
08/30/2004	3.60	N	T
01/24/2005	15.00	N	T
04/27/2005	6.20	N	T
05/18/2005	3.90	N	T
07/13/2005	12.00	N	T
08/12/2005	6.60	N	T
08/29/2005	3.93	N	T
09/28/2005	5.32	N	T
11/29/2005	5.43	N	T
03/06/2006	10.40	N	T
05/08/2006	6.18	N	T
07/16/2006	11.00	N	T
10/26/2006	7.71	N	T
12/31/2006	2.75	N	T
04/17/2007	5.40	N	T
06/12/2007	1.84	N	T
09/18/2007	4.06	N	T
10/31/2007	7.60	N	T
08/22/2008	4.80	N	T
10/03/2008	3.60	N	T
12/31/2008	1.90	N	T
03/09/2009	3.80	N	T
06/29/2009	5.60	N	T
10/29/2009	2.80	N	T
12/31/2009	3.80	N	T
05/03/2010	2.31	N	T
07/22/2010	2.77	N	T

09/27/2010	2.04	N	T
12/28/2010	2.82	N	T
03/02/2011	2.20	N	T
05/23/2011	2.90	N	T
07/20/2011	6.50	N	T
10/12/2011	3.20	N	T
01/25/2012	2.39	N	T
09/12/2013	2.44	N	T
11/19/2014	2.88	N	T
06/22/2015	6.00	N	T
09/28/2016	1.72	N	T

## ATTACHMENT E



12/2/2016

WET TEST REPORT

Data for tests conducted for the period

02/Dec/2011 - 02/Dec/2016



WASHBURN

NPDES= ME010102

Effluent Limit: Acute (%) = 0.357

Chronic (%) = 0.312

Species	Test	Percent	Sample date	Critical %	Exception	RP
TROUT	A_NOEL	50	08/09/2016	0.357		
TROUT	C_NOEL	50	08/09/2016	0.312		
WATER FLEA	A_NOEL	100	08/09/2016	0.357		
WATER FLEA	C_NOEL	25	08/09/2016	0.312		

10/13/2016

## FACILITY PRIORITY POLLUTANT DATA REPORT

Data Date Range: 13/Oct/2011 - 13/Oct/2016

Showing all data



Facility name: WASHBURN

Permit Number: ME0101028

Parameter: ALUMINUM

Test date	Result (ug/l)	Lsthan
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06/21/2012	73.000	N
05/29/2014	60.000	Y
07/17/2014	60.000	Y
05/26/2015	60.000	Y
02/16/2016	60.000	Y

Parameter: AMMONIA

Test date	Result (ug/l)	Lsthan
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02/16/2016	22000.000	N
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Parameter: ARSENIC

Test date	Result (ug/l)	Lsthan
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02/16/2016	1.000	Y
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Parameter: CADMIUM

Test date	Result (ug/l)	Lsthan
-----------	---------------	--------

02/16/2016	0.200	Y
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Parameter: CHROMIUM

Test date	Result (ug/l)	Lsthan
-----------	---------------	--------

02/16/2016	1.000	Y
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Parameter: COPPER

Test date	Result (ug/l)	Lsthan
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06/21/2012	89.000	N
08/03/2012	13.500	N
08/09/2012	127.000	N
09/27/2012	38.200	N
10/02/2012	30.300	N
10/12/2012	9.160	N
11/30/2012	29.400	N
12/20/2012	11.700	N
01/17/2013	15.200	N
02/14/2013	15.900	N
03/07/2013	14.800	N
04/18/2013	32.600	N
05/22/2013	17.800	N
07/31/2013	9.100	N
08/15/2013	6.720	N
10/24/2013	5.350	N
12/02/2013	7.200	N
01/09/2014	9.820	N
02/20/2014	6.580	N
03/20/2014	12.800	N
04/28/2014	4.210	N
05/29/2014	4.150	N
07/17/2014	4.710	N
10/16/2014	5.010	N
11/20/2014	6.450	N
12/19/2014	5.000	N
01/29/2015	5.060	N
02/19/2015	8.790	N
04/17/2015	8.020	N
05/26/2015	4.140	N

10/13/2016

## FACILITY PRIORITY POLLUTANT DATA REPORT

Data Date Range: 13/Oct/2011 - 13/Oct/2016

Showing all data



Facility name: WASHBURN

Permit Number: ME0101028

	06/19/2015	7.540	N
	07/30/2015	4.680	N
	09/03/2015	2.630	N
	09/13/2015	2.870	N
	11/30/2015	12.500	N
	12/17/2015	8.400	N
	01/07/2016	9.730	N
	02/16/2016	9.300	N
Parameter: CYANIDE TOTAL	Test date	Result (ug/l)	Lsthan
	02/16/2016	5.000	Y
Parameter: LEAD	Test date	Result (ug/l)	Lsthan
	02/16/2016	0.288	N
Parameter: MERCURY	Test date	Result (ug/l)	Lsthan
	01/25/2012	0.002	N
	09/12/2013	0.002	N
	11/19/2014	0.003	N
	06/22/2015	0.006	N
Parameter: NICKEL	Test date	Result (ug/l)	Lsthan
	02/16/2016	1.320	N
Parameter: SILVER	Test date	Result (ug/l)	Lsthan
	02/16/2016	0.200	Y
Parameter: ZINC	Test date	Result (ug/l)	Lsthan
	02/16/2016	16.500	N

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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# MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

## STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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### 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).

## MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

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**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 of 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 MAINTENANCE 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

# MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

## STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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- (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.



MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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**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.

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**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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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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).

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- (b) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
  - (i) Five hundred micrograms per liter (500 ug/l);
  - (ii) One milligram per liter (1 mg/l) for antimony;
  - (iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
  - (iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

**5. Publicly owned treatment works.**

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

**E. OTHER REQUIREMENTS**

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

- (a) For municipal sources. During power failure, all wastewaters which are normally treated shall receive a minimum of primary treatment and disinfection. Unless otherwise approved, alternate power supplies shall be provided for pumping stations and treatment facilities. Alternate power supplies shall be on-site generating units or an outside power source which is separate and independent from sources used for normal operation of the wastewater facilities.
- (b) For industrial and commercial sources. The permittee shall either maintain an alternative power source sufficient to operate the wastewater pumping and treatment facilities or halt, reduce or otherwise control production and or all discharges upon reduction or loss of power to the wastewater pumping or treatment facilities.

## MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

### STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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**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 contaminants 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.

# MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

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**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.

## MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

### STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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**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.



# DEP INFORMATION SHEET

## Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

### **SUMMARY**

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's ("DEP") Commissioner: (1) in an administrative process before the Board of Environmental Protection ("Board"); or (2) in a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

### **I. ADMINISTRATIVE APPEALS TO THE BOARD**

#### **LEGAL REFERENCES**

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

#### **HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD**

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board will be rejected.

#### **HOW TO SUBMIT AN APPEAL TO THE BOARD**

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

#### **WHAT YOUR APPEAL PAPERWORK MUST CONTAIN**

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



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

#### **OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD**

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

#### **WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD**

The Board will formally acknowledge receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

## **II. JUDICIAL APPEALS**

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P. 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

### **ADDITIONAL INFORMATION**

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

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**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.**

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