STATE OF MAINE
DEPARTMENT OF
ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PAUL MERCER
COMMISSIONER

January 17, 2017

Mr. Stephen Millett
Town of Farmington
153 Farmington Falls Road
Farmington, ME. 04938
e-mail: smillet@farmington-maine.org

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0101249
Maine Waste Discharge License (WDL) Application #W00270-6C-I-R
Final Permit

Dear Mr. Millett:

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 287-7693 or e-mail me at gregg.wood@maine.gov. 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!

Sincerely,

Gregg Wood
Division of Water Quality Management
Bureau of Water Quality

Enc.

cc: Beth DeHaas, DEP/CMRO Lori Mitchell, DEP/CMRO
Sandy Mojica, USEPA Marelyn Vega, USEPA Olga Vergara, USEPA

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

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF FARMINGTON	)	MAINE POLLUTANT DISCHARGE
FARMINGTON, FRANKLIN COUNTY, MAINE	)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS	)	AND
ME0101249	)	WASTE DISCHARGE LICENSE
W002670-6C-I-R **APPROVAL**	)	**RENEWAL**

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

APPLICATION SUMMARY

The Town has submitted a timely and complete application to the Department to renew combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0101249/ Maine Waste Discharge License (WDL) #W002670-6C-G-R, (permit hereinafter) which was issued by the Department on December 20, 2011, for a five-year term. The permit approved the discharge of up to a monthly average flow of 0.90 million gallons per day (MGD) of secondary treated waste water from a municipal waste water treatment facility to the Sandy River, Class B, in Farmington, Maine. See **Attachment A** of the attached Fact Sheet for a site location map.

PERMIT SUMMARY

This permitting action is carrying forward all the terms and conditions of the previous permit except that this permit;

1. Eliminating the waiver for achieving 85% removal of biochemical oxygen demand (BOD) and total suspended solids (TSS) when the monthly average influent to the treatment facility is less than 200 mg/L as there was no legal basis to do so in the previous permitting action.

2. Establishing a seasonal (June 1 – September 30) monthly average water quality based total phosphorus limit of 5.2 lbs/day beginning June 1, 2021, along with a schedule of compliance as the discharge exceeds the U.S. Environmental Protection's ambient water quality goal of 0.100 mg/L and the State of Maine's draft ambient water quality criteria of 0.030 mg/L.

PERMIT SUMMARY (cont'd)

3. Establishing a seasonal (June 1, 2017 – September 30, 2017) ambient total phosphorus monitoring requirement to provide up-to-date background levels of total phosphorus in the receiving water.

4. Reducing the monitoring frequencies for BOD, TSS and *E. coli* bacteria from 2/Week to 1/Week based on a statistical evaluation of test results between May 2013 and September 2015 and in accordance with USEPA and Department guidance regarding monitoring frequencies reductions.

5. Reducing the monitoring frequency for total residual chlorine from 1/Day to 5/Week based on a statistical evaluation of test results between May 2013 and September 2015 and in accordance with USEPA and Department guidance regarding monitoring frequencies reductions.

6. Eliminating the daily maximum water quality based mass and concentration limits for total silver and the monthly average water quality based mass and concentration limits for total lead as a statistical evaluation conducted on the most current 60 months of analytical chemistry data indicates the discharge no longer has a reasonable potential to cause or contribute to a violation of water quality standards.

7. Reducing the monitoring frequency for total mercury from 1/quarter to 1/year pursuant to 38 M.R.S. §420(1-B)(F). This monitoring frequency reduction was originally established in a permit modification dated February 6, 2012.

8. Eliminating the chronic (monthly average) water quality based numeric limit of 4.9% for the water flea as a statistical evaluation conducted on the most current 60 months of whole effluent toxicity test results indicates the discharge no longer has a reasonable potential to cause or contribute to a violation of the critical chronic threshold of 4.9%.

9. Increasing the water quality based mass limitations for total copper based on the results of an updated statistical evaluation of test results on file for the most current 60 month period.

10. Eliminating the monthly average concentration limit for total copper pursuant to Maine law 38 M.R.S. §464, ¶¶ K promulgated subsequent to the previous permit issuance which states "*Unless otherwise required by an applicable effluent limitation guideline adopted by the department, any limitations for metals in a waste discharge license may be expressed only as mass-based limits.*"

11. Requiring the permittee to conduct an Industrial Waste Survey (IWS) pursuant to Special Condition D of this permit.

12. Screening level analytical chemistry, priority pollutant and whole effluent toxicity testing has been moved to year four of the permit rather than year five of the permit.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated December 10, 2016, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.

2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.

3. The provisions of the State's antidegradation policy, 38 M.R.S., Section 464(4)(F), will be met, in that:

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

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

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

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

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

4. The discharge will be subject to effluent limitations that require application of best practicable treatment.

ACTION

THEREFORE, the Department APPROVES the above noted application of the TOWN OF FARMINGTON, to discharge up to a monthly average flow of 0.90 MGD of secondary treated waste waters from a publicly owned treatment works facility to the Sandy River, Class B. The discharges shall be subject to the attached conditions and all applicable standards and regulations:

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

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

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

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS 18th DAY OF January 2017.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhn
for Paul Mercer, Commissioner

Date of initial receipt of application: July 29, 2016

Date of application acceptance: July 29, 2016

Filed
JAN 18 2017
State of Maine
Board of Environmental Protection

Date filed with Board of Environmental Protection _____

This Order prepared by Gregg Wood, BUREAU OF WATER QUALITY

ME0101249 2017 1/13/17

SPECIAL CONDITIONS
A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge secondary treated waste waters from Outfall #001 to the Sandy River. Such discharges shall be limited and monitored by the permittee as specified below. The italicized numeric values in brackets in the table above and the tables that follow are not limitations but are code numbers used by Department personnel to code Discharge Monitoring Reports (DMRs).

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow *[50050]*	0.90 MGD *[03]*	---	Report MGD *[03]*	---	---	---	Continuous *[99/99]*	Recorder *[RC]*
Biochemical Oxygen Demand (BOD_5)								
(June 1 – September 30)	150 lbs/day	225 lbs/day	250 lbs/day	20 mg/L	30 mg/L	33 mg/L	1/Week	Composite
(October 1 – May 31) *[00310]*	225 lbs/day *[26]*	338 lbs/day *[26]*	375 lbs/day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	1/Week *[01/07]*	Composite *[24]*
BOD5 % Removal[1] *[81010]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
Total Suspended Solids (TSS)								
(June 1 – September 30)	150 lbs/day	225 lbs/day	2500 0. lbs/day	20 mg/L	30 mg/L	33 mg/L	1/Week	Composite
(October 1 – May 31) *[00530]*	225 lbs/day *[26]*	338 lbs/day *[26]*	375 lbs/day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	1/Week *[01/07]*	Composite *[24]*
TSS % Removal[1] *[81011]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
Settleable Solids *[00545]*	---	---	---	---	---	0.3 ml/L *[25]*	5/Week *[03/07]*	Grab *[GR]*
E. coli. Bacteria[2] *[31616]* ***(May 15 – September 30)***	---	---	---	64/100 mL[3] *[13]*	---	427/100 mL *[13]*	1/Week *[01/07]*	Grab *[GR]*
Total Residual Chlorine [4] *[50060]*	---	---	---	0.1 mg/L *[19]*	---	0.3 mg/L *[19]*	5/Week *[05/07]*	Grab *[GR]*
pH *[00400]*	---	---	---	---	---	6.0-9.0 SU *[12]*	1/Day *[01/01]*	Grab *[GR]*

Footnotes: See pages 8-11.

SPECIAL CONDITIONS

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

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Effluent Total phosphorus[5] ***(June 1 – September 30) (Years 2017 – 2020)*** *[00665]*	Report lbs/day *[26]*	Report lbs/day *[26]*	Report lbs/day *[26]*	Report mg/L *[19]*	Report mg/L *[19]*	Report mg/L *[19]*	1/Week *[01/07]*	Composite *[24]*
Effluent Total phosphorus[5] ***Beginning June 1, 2021 (June 1 – Sept. 30)*** *[00665]*	5.2 lbs/day *[26]*	Report lbs/day *[26]*	Report lbs/day *[26]*	Report mg/L *[19]*	Report mg/L *[19]*	Report mg/L *[19]*	1/Week *[01/07]*	Composite *[24]*
Ambient Total phosphorus[6] ***(June 1 – Sept 30, 2017)*** *[00665]*	---	---	---	Report mg/L *[19]*	---	Report mg/L *[19]*	1/Week *[01/07]*	Grab *[GR]*
Copper (Total) *[01042]*	0.31 lbs/day *[26]*	---	0.36 lbs/day *[26]*	Report ug/L *[28]*	---	Report ug/L *[28]*	2/Year *[02/YR]*	Composite *[24]*
Mercury (Total) [7] *[71900]*	---	---	---	27 ng/L *[3M]*	---	41 ug/L *[3M]*	1/Year *[01/YR]*	Grab *[GR]*

SPECIAL CONDITIONS

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

SURVEILLANCE LEVEL - Beginning upon permit issuance and lasting through 24 months prior to permit expiration (Years 1, 2 & 3 of the term of the permit) and commencing again 12 months prior to permit expiration (Year 5 of the term of the permit).

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Whole Effluent Toxicity(8)						
Acute – NOEL						
Ceriodaphnia dubia (Water flea) *[TDA3B]*	---	---	---	Report % *[23]*	1/Year *[01/YR]*	Composite *[24]*
Salvelinus fontinalis (Brook trout) *[TDA6F]*	---	---	---	Report % *[23]*	1/2Years *[01/2YR]*	Composite *[24]*
Chronic – NOEL						
Ceriodaphnia dubia (Water flea) *[TBP3B]*	---	---	---	4.9 % *[23]*	1/Year *[01/YR]*	Composite *[24]*
Salvelinus fontinalis (Brook trout) *[TBQ6F]*	---	---	---	Report % *[23]*	1/2Years *[01/2YR]*	Composite *[24]*
Analytical chemistry (9,11) *[51477]*	---	---	---	Report ug/L *[28]*	1/2 Years *[01/2YR]*	Composite/Grab *[24]*

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

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Whole Effluent Toxicity(8)						
Acute – NOEL						
Ceriodaphnia dubia (Water flea) *[TDA3B]*	---	---	---	Report % *[23]*	2/Year *[02/YR]*	Composite *[24]*
Salvelinus fontinalis (Brook trout) *[TDA6F]*	---	---	---	Report % *[23]*	2/Year *[02/YR]*	Composite *[24]*
Chronic – NOEL						
Ceriodaphnia dubia (Water flea) *[TBP3B]*	---	---	---	4.9% *[23]*	2/Year *[02/YR]*	Composite *[24]*
Salvelinus fontinalis (Brook trout) *[TBQ6F]*	---	---	---	Report % *[23]*	2/Year *[02/YR]*	Composite *[24]*
Analytical chemistry (9,11) *[51477]*	---	---	---	Report ug/L *[28]*	1/Quarter *[01/90]*	Composite/Grab *[24]*
Priority Pollutants (10,11) *[50008]*	---	---	---	Report ug/L *[28]*	1/Year *[01/YR]*	Composite/Grab *[24]*

SPECIAL CONDITIONS

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

Footnotes:

Sampling Locations:

Influent sampling for BOD_5 and TSS shall be at the influent structure.

Effluent sampling for all parameters shall be at the end of the chlorine contact chamber on a year-round basis.

Any change in sampling location(s) must be reviewed and approved by the Department in writing.

Sampling and analysis must be conducted in accordance with; a) methods approved in Title 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis shall be analyzed by a laboratory certified by the State of Maine's Department of Human Services for waste water testing. Samples that are analyzed by laboratories operated by waste discharge facilities licensed pursuant to *Waste discharge licenses*, 38 M.R.S. § 413 or laboratory facilities that analyze compliance samples in-house 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 Discharge Monitoring Report.

1. **Percent removal** - The treatment facility must maintain a minimum of 85 percent removal of both BOD_5 and TSS. The percent removal must be based on a monthly average calculation using influent and effluent concentrations. For instances when this occurs, the facility must report "*N9*" on the monthly Discharge Monitoring Report.

2. ***E. coli* bacteria** – Limits and monitoring requirements are seasonal (May 15 – September 30). The Department reserves the right to impose year-round disinfection to protect the health and welfare of the public.

SPECIAL CONDITIONS

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

Footnotes:

3. ***E. coli* bacteria** – The monthly average limitation is a geometric mean limitation and must be calculated and reported as such.

4. **Total Residual Chlorine** – Limitations and monitoring requirements are in effect anytime elemental chlorine or chlorine based compounds are utilized to disinfect the discharge(s). The permittee must utilize an EPA-approved test method capable of bracketing the TRC limitations specified in this permitting action.

5. **Total phosphorus Effluent** – Seasonal monitoring requirement (June 1 – September 30). See **Attachment A** of this permit for the protocol associated with sampling and analyzing total phosphorus.

6. **Total phosphorus Ambient** – Seasonal 1/Week monitoring requirement (June 1, 2017 – September 30, 2017). Ambient total phosphorus monitoring in the Sandy River upstream of the treatment facility must be conducted in accordance with Department guidance attached as **Attachment B** of the Fact Sheet of this permit. The permittee shall collect ambient total phosphorus samples at least five days apart, and when flows at a reference USGS river gage are below daily median flow. See **Attachment B** of the Fact Sheet of this permit for guidance on determining daily median flow from a USGS gage station.

7. **Mercury** – The permittee must conduct all mercury sampling required by this permit or required to determine compliance with interim limitations established pursuant to 06-096 CMR 519 in accordance with the USEPA's "clean sampling techniques" found in USEPA Method 1669, *Sampling Ambient Water For Trace Metals At EPA Water Quality Criteria Levels.* All mercury analysis must be conducted in accordance with USEPA Method 1631E, *Determination of Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Fluorescence Spectrometry.* See **Attachment B** for a Department report form for mercury test results. Compliance with the monthly average limitation established in Special Condition A.1 of this permit will be based on the cumulative arithmetic mean of all mercury tests results that were conducted utilizing sampling Method 1669 and analysis Method 1631E on file with the Department for this facility.

8. **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 5.4% and 4.9% 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 inverses of the applicable acute and chronic dilution factors of 18.5:1 and 20.4:1, respectively.

SPECIAL CONDITIONS

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

Footnotes:

a. **Surveillance level testing** - Beginning upon permit issuance and lasting through 24 months prior to permit expiration (Years 1, 2 & 3 of the term of the permit) and commencing again 12 months prior to permit expiration (Year 5 of the term of the permit), the permittee shall conduct surveillance level WET testing. Acute tests must be conducted on the water flea (*Ceriodaphnia dubia*) at a frequency of 1/Year and the brook trout (*Salvelinus fontinalis*) at a frequency of once every two years (1/2 Years).

b. **Screening level testing** - Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement, the permittee must conduct screening level WET testing at a minimum frequency of twice per year (2/Year) for both species. There shall be at least six (6) months between testing events. Acute and chronic tests shall be conducted on the water flea (*Ceriodaphnia dubia*) and the brook trout (*Salvelinus fontinalis*).

WET test results must be submitted to the Department not later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, that the permittee may review the laboratory reports for up to 10 business days of their availability before submitting them. The permittee must evaluate test results being submitted and identify to the Department possible exceedances of the critical acute and chronic water quality thresholds of 5.4% and 4.9%, respectively.

Toxicity tests must be conducted by an experienced laboratory approved by the Department. The laboratory must follow procedures as described in the following U.S.E.P.A. methods manuals as modified by Department protocol for salmonids. See **Attachment C** of this permit for the Department protocol.

i. Short Term Methods for Estimating the Chronic Toxicity of Effluent and Receiving Water to Freshwater Organisms, Fourth Edition, October 2002, EPA-821-R-02-013.

ii. Methods for Measuring the Acute Toxicity of Effluent and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition, October 2002, EPA-821-R-02-012.

Results of WET tests must be reported on the "Whole Effluent Toxicity Report Fresh Waters" form included as **Attachment D** of this permit each time a WET test is performed. The permittee is required to analyze the effluent for the analytical chemistry parameters specified on the "WET and Chemical Specific Data Report Form" form included as **Attachment E** of this permit each time a WET test is performed.

SPECIAL CONDITIONS

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

Footnotes:

9. **Analytical chemistry** – Refers to a suite of chemical tests listed in **Attachment E** of this permit.

   a. **Surveillance level testing** – Beginning upon permit issuance and lasting through 24 months prior to permit expiration (Years 1, 2 & 3 of the term of the permit) and commencing again 12 months prior to permit expiration (Year 5 of the term of the permit), the permittee must conduct analytical chemistry testing at a minimum frequency of once every other year (1/2 Years). Tests must be conducted in a different calendar quarter of each year. It is noted the testing frequency for total copper is twice per year (2/Year).

   b. **Screening level testing** – Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement, the permittee must conduct analytical chemistry testing at a minimum frequency of once per calendar quarter (1/Quarter) for four consecutive calendar quarters.

10. **Priority pollutant testing** – Refers to a suite of chemical tests listed in **Attachment E** of this permit.

    a. **Surveillance level testing** – Not required pursuant to 06-096 CMR §2(D)(1).

    b. **Screening level testing** - Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement, the permittee must conduct screening level priority pollutant testing at a minimum frequency of once per year (1/Year). Surveillance level priority pollutant testing is not required pursuant to 06-096 CMR 530 (2)(D).

11. **Priority pollutant and analytical chemistry** - Testing must be conducted on samples collected at the same time as those collected for whole effluent toxicity tests when applicable. Priority pollutant and analytical chemistry testing 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.

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

SPECIAL CONDITIONS

B. NARRATIVE EFFLUENT LIMITATIONS

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

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

3. The discharge must not cause visible discoloration or turbidity in the receiving waters which would impair the uses designated for the classification of the receiving waters.

4. Notwithstanding specific conditions of this permit the effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

C. TREATMENT PLANT OPERATOR

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

D. LIMITATIONS FOR INDUSTRIAL USERS

Pollutants introduced into the wastewater collection and treatment system by a non-domestic source (user) must not pass through or interfere with the operation of the treatment system. The permittee must conduct an Industrial Waste Survey (IWS) any time a new industrial user proposes to discharge within its jurisdiction; an existing user proposes to make a significant change in its discharge; or at an alternative minimum, once every permit cycle 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). See **Attachment H** of the Fact Sheet of this permit for Department guidance on conducting an IWS.

SPECIAL CONDITIONS

E. AUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on July 29, 2016; 2) the terms and conditions of this permit; and 3) only from Outfall #001. Discharges of waste water from any other point source are not authorized under this permit, and must be reported in accordance with Standard Condition, of this permit.

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 waste water collection and treatment system from an indirect discharger in a primary industrial category (see **Attachment H** of the Fact Sheet) discharging process waste water; and;

2. Any substantial change in the volume or character of pollutants being introduced into the waste water collection and treatment system by a source introducing pollutants into the system at the time of permit issuance. For the purposes of this section, notice regarding substantial change shall include information on:

   (a) the quality and quantity of waste water introduced to the waste water collection and treatment system; and

   (b) any anticipated impact caused by the change in the quantity or quality of the waste water to be discharged from the treatment system.

G. WET WEATHER FLOW MANAGEMENT PLAN

The permittee must maintain a current written Wet Weather Flow Management Plan to direct the staff on how to operate the facility effectively during periods of high flow. The Department acknowledges that the existing collection system may deliver flows in excess of the monthly average design capacity of the treatment plant during periods of high infiltration and rainfall. The plan shall include operating procedures for a range of intensities, address solids handling procedures (including septic waste and other high strength wastes if applicable) and provide written operating and maintenance procedures during the events. **The permittee must review their plan at least annually** and record any necessary changes to keep the plan up to date. The licensee must document the plan was reviewed.

SPECIAL CONDITIONS

H. OPERATION & MAINTENANCE (O&M) PLAN

This facility must maintain a current written comprehensive Operation & Maintenance (O&M) Plan. 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. The O&M Plan must be kept on-site at all times and made available to Department and EPA personnel upon request.

By December 31 of each year, and 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 waste water treatment facility to ensure that it is up-to-date.

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

I. DISPOSAL OF TRANSPORTED WASTES IN WASTE WATER TREATMENT FACILITY

During the effective period of this permit, the permittee is authorized to receive and introduce to the treatment process or solids handling stream **a maximum of 4,000 gallons per day [and a monthly total of 20,000 gallons]** of transported wastes, subject to the following terms and conditions:

1. **In the case of this permittee, "transported wastes" shall mean "septage" (septic tank wastes) only.** Septage shall mean 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.

2. The character and handling of all transported wastes received must be consistent with the information and management plans provided in application materials submitted to the Department.

3. At no time shall the addition of transported wastes cause or contribute to effluent quality violations. Transported wastes may not cause an upset of or pass through the treatment process or have any adverse impact on the sludge disposal practices of the wastewater treatment facility. Wastes that contain heavy metals, toxic chemicals, extreme pH, flammable or corrosive materials in concentrations harmful to the treatment operation must be refused. Odors and traffic from the handling of transported wastes may not result in adverse impacts to the surrounding community. If any adverse effects exist, the receipt or introduction of transported wastes into the treatment process or solids handling stream must be suspended until there is no further risk of adverse effects.

SPECIAL CONDITIONS

I. DISPOSAL OF TRANSPORTED WASTES IN WASTE WATER TREATMENT FACILITY (cont'd)

4. The permittee must maintain records for each load of transported wastes in a daily log which must include at a minimum the following:

   (a) The date;
   (b) The volume of transported wastes received;
   (c) The source of the transported wastes;
   (d) The person transporting the transported wastes;
   (e) The results of inspections or testing conducted;
   (f) The volumes of transported wastes added to each treatment stream; and
   (g) The information in (a) through (d) for any transported wastes refused for acceptance.

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

5. The addition of transported wastes into the treatment process or solids handling stream must not cause the treatment facilities design capacity to be exceeded. If, for any reason, the treatment process or solids handling facilities become overloaded, introduction of transported wastes into the treatment process or solids handling stream must be reduced or terminated in order to eliminate the overload condition.

6. Holding tank wastewater from domestic sources to which no chemicals in quantities potentially harmful to the treatment process have been added shall not be recorded as transported wastes but should be reported in the treatment facility's influent flow.

7. During wet weather events, transported wastes may be added to the treatment process or solids handling facilities only in accordance with a current Wet Weather Flow Management Plan approved by the Department that provides for full treatment of transported wastes without adverse impacts.

8. In consultation with the Department, chemical analysis is required prior to receiving transported wastes from new sources that are not of the same nature as wastes previously received. The analysis must be specific to the type of source and designed to identify concentrations of pollutants that may pass through, upset or otherwise interfere with the facility's operation.

9. Access to transported waste receiving facilities may be permitted only during the times specified in the application materials and under the control and supervision of the person responsible for the wastewater treatment facility or his/her designated representative.

10. The authorization in the Special Condition is subject to annual review and, with notice to the permittee and other interested parties of record, may be suspended or reduced by the Department as necessary to ensure full compliance with 06-096 CMR Chapter 555 of the Department's rules and the terms and conditions of this permit.

SPECIAL CONDITIONS

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

By December 31 of each calendar year, the permittee must provide the Department with a certification describing any of the following that have occurred since the effective date of this permit ***[ICIS Code 96299].*** See **Attachment G** of the Fact Sheet for an acceptable certification form to satisfy this Special Condition.

(a) Changes in the number or types of non-domestic wastes contributed directly or indirectly to the wastewater treatment works that may increase the toxicity of the discharge;

(b) Changes in the operation of the treatment works that may increase the toxicity of the discharge;

(c) Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge;

(d) Changes in storm water collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge; and

(e) Increases in the type or volume of transported (hauled) wastes accepted by the facility.

The Department may require that routine toxicity 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.

K. SCHEDULE OF COMPLIANCE – TOTAL PHOSPHORUS

On or before June 1, 2017, [ICIS Code 13099] the permittee must submit a copy of the Total Phosphorus Compliance Preliminary Engineering Report to the Department for review.

On or before December 31, 2018, [ICIS Code CS010] the permittee must submit a progress report to the Department for review that outlines the progress made to date to come into compliance with the final monthly average effluent limitation of 5.2 lbs./day for total phosphorus.

On or before December 31, 2019, [ICIS Code CS010] the permittee must submit a progress report to the Department for review that outlines the progress made to date to come into compliance with the final monthly average effluent limitation of 5.2 lbs./day for total phosphorus.

On or before May 1, 2020, the permittee must commence construction of the approved treatment alternative selected for the removal of total phosphorus discharged from the treatment facility.

On or before December 31, 2020, [ICIS Code CS010] the permittee must submit a progress report to the Department for review that outlines the progress made to date to come into compliance with the final monthly average effluent limitation of 5.2 lbs./day for total phosphorus

On or before June 1, 2021, the permit must be in compliance with the final monthly average effluent limitation of 5.2 lbs./day for total phosphorus.

SPECIAL CONDITIONS

L. 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 Discharge Monitoring Reports (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 15th 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 DEP Toxsheet reporting form included as **Attachment E** of this permit. An electronic copy of the Toxsheet reporting document must be submitted to the Department assigned compliance inspector as an attachment to an email. In addition, a hardcopy form of this sheet must be signed and submitted to the Department assigned 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 15th day of the month following the completed reporting period.

A signed copy of the DMR and all other reports (49 forms, laboratory results, WET test results etc.) required herein must be submitted to the Department assigned compliance inspector (unless otherwise specified) following address:

Department of Environmental Protection
Central Maine Regional Office
Bureau of Water Quality
Division of Water Quality Management
28 Tyson Drive
Augusta, ME. 04333

M. REOPENING OF PERMIT FOR MODIFICATIONS

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

SPECIAL CONDITIONS

N. SEVERABILITY

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

ATTACHMENT A

Protocol for Total Phosphorus Sample Collection and Analysis for Waste Water Effluent

Approved Analytical Methods: EPA 200.7 (Rev. 44), 365.1 (Rev. 2.0), (Lachat), 365.3, 365.4; SM 3120 B, 4500-P B.5, 4500-P E, 4500-P F, 4500-P G, 4500-P H; ASTM D515-88(A), D515-88(B); USGS I-4471-97, I-4600-85, I-4610-91; OMAAOAC 973.55, 973.56 (laboratory must be certified for any method performed)

Sample Collection: The Maine DEP is requesting that total phosphorus analysis be conducted on composite effluent samples, unless a facility's Permit specifically designates grab sampling for this parameter. Facilities can use individual collection bottles or a single jug made out of glass or polyethylene. Bottles and/or jugs should be cleaned prior to each use with dilute HCL. This cleaning should be followed by several rinses with distilled water. Commercially purchased, pre-cleaned sample containers are an acceptable alternative. The sampler hoses should be cleaned, as needed.

Sample Preservation: During compositing the sample must be at 0-6 degrees C (without freezing). If the sample is being sent to a commercial laboratory or analysis cannot be performed the day of collection then the sample must be preserved using H_2SO_4 to obtain a sample pH of <2 su and refrigerated at 0-6 degrees C (without freezing). The holding time for a preserved sample is 28 days.

Note: Ideally, Total P samples are preserved as described above. However, if a facility is using a commercial laboratory then that laboratory may choose to add acid to the sample once it arrives at the laboratory. The Maine DEP will accept results that use either of these preservation methods.

Laboratory QA/QC: Laboratories must follow the appropriate QA/QC procedures that are described in each of the approved methods.

Sampling QA/QC: If a composite sample is being collected using an automated sampler, then once per month run a blank on the composite sampler. Automatically, draw distilled water into the sample jug using the sample collection line. Let this water set in the jug for 24 hours and then analyze for total phosphorus. Preserve this sample as described above.

ATTACHMENT B

Maine Department of Environmental Protection

Effluent Mercury Test Report

Name of Facility: _____ Federal Permit # ME _____

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

SAMPLE COLLECTION INFORMATION

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

Sampling Location:

Weather Conditions: _____

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

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

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

ANALYTICAL RESULT FOR EFFLUENT MERCURY

Name of Laboratory: _____

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

Please Enter Effluent Limits for your facility

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

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

CERTIFICATION

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

By: _____ Date: _____

Title: _____

PLEASE MAIL THIS FORM TO YOUR ASSIGNED INSPECTOR

ATTACHMENT C

Salmonid Survival and Growth Test

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

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

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

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

Loading Rate - < 0.5 g/l/day

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

Temperature - 12° ± 1°C

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

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

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

Duration - Acute = 48 hours
- Chronic = 10 days minimum

Test acceptability - Acute = minimum of 90% survival in 2 days
- Chronic = minimum of 80% survival in 10 days; minimum growth of 20 mg/gm/d dry weight in controls, (individual fish weighed, dried at 100°C to constant weight and weighed to 3 significant figures)

ATTACHMENT D

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
WHOLE EFFLUENT TOXICITY REPORT
FRESH WATERS

Facility Name _____ MEPDES Permit # _____

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 _____ (mm/dd/yy) Date Tested _____ (mm/dd/yy)

Chlorinated? _____ Dechlorinated? _____

Results **% effluent**

	water flea	trout
A-NOEL		
C-NOEL		

Effluent Limitations

A-NOEL	
C-NOEL	

Data summary

	water flea			trout		
	% survival		no. young	% survival		final weight (mg)
QC standard	A>90	C>80	>15/female	A>90	C>80	> 2% increase
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 toxicant

	water flea		trout	
	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) _____

Mailing Address _____ Company Rep. Signature _____

City, State, ZIP _____ Company Telephone # _____

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

ATTACHMENT E

Maine Department of Environmental Protection

WET and Chem

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

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

Licensed Flow (MGD)	
Acute dilution factor	
Chronic dilution factor	
Human health dilution factor	
Criteria type: M(arine) or F(resh)	f

Flow for Day (MGD)[1] _____ Flow Avg. for Month (MGD)[2] _____

Date Sample Collected _____ Date Sample Analyzed _____

Laboratory _____ Telephone _____
Address _____
Lab Contact _____ Lab ID # _____

Last Revision - July 1, 2015

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.

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

Maine Department of Environmental Protection
WET and Chem

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

Maine Department of Environmental Protection

WET and Chem

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

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

Notes:

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

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

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

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

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

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

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

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

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

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

Comments:

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).

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

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

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

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

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

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

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

B. OPERATION AND MAINTENACE OF FACILITIES

1. General facility requirements.

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

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

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

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

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

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

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

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

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

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

5. Bypasses.

(a) Definitions.

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

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

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

(c) Notice.

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

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

(d) Prohibition of bypass.

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

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

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

6. Upsets.

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

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

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

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

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

C. MONITORING AND RECORDS

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

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

3. Monitoring and records.

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

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

(c) Records of monitoring information shall include:

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

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

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

D. REPORTING REQUIREMENTS

1. Reporting requirements.

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

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

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

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

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

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

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

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

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

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

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

(f) Twenty-four hour reporting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Publicly owned treatment works.

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

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

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

E. OTHER REQUIREMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Maximum daily discharge limitation means the highest allowable daily discharge.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
MAINE WASTE DISCHARGELICENSE

FACT SHEET

December 10, 2016

PERMIT NUMBER: **ME0101249**
LICENSE NUMBER: **W002670-6C-I-R**

NAME AND ADDRESS OF APPLICANT:

TOWN OF FARMINGTON
153 Farmington Falls Road
Farmington, ME 04938

COUNTY: **Franklin County**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

269 Farmington Falls Road
Farmington, Maine

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

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Stephen Millett (Supt.)**
(207) 778-4712
E-mail: smillet@Farmington-maine.org

1. APPLICATION SUMMARY

a. Application - The Town of Farmington has submitted a timely and complete application to the Department to renew combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0101249/ Maine Waste Discharge License (WDL) #W002670-6C-G-R, (permit hereinafter) which was issued on December 20, 2011, for a five-year term. The permit approved the monthly average discharge flow of 0.90 million gallons per day (MGD) of secondary treated waste water from a municipal waste water treatment facility to the Sandy River, Class B, in Farmington, Maine. See **Attachment A** of this Fact Sheet for a site location map.

1. APPLICATION SUMMARY (cont'd)

a. Source Description – The permittee serves residential and commercial customers in the Town of Farmington, Maine. There are 1,000 sewer connections in Farmington servicing approximately 4,000 residents. However, due to the University of Maine's Farmington campus, the population has the potential to increase to about 7,500 people seasonally. No significant industrial users are currently contributing to the waste stream, but the facility receives wastewater from the Franklin Memorial Hospital and several commercial entities including two print shops.

The collection system is approximately 30 miles long with twelve (12) pump stations. Much of the system was installed in and around 1972. All 12 pump stations either have emergency generator receptacles and manual transfer switches such that back-up power via a portable generator can be supplied to the stations, or are served by pumper trucks in the event of a power failure. There are no known combined sewer overflow points on the system, but there is some inflow/infiltration (I/I) in the collection system.

The permittee is currently limited to introducing into the treatment process or solids handling stream a maximum of 4,000 gallons per day and up to 20,000 gallons per month of septage. The permittee only accepts septage from the Town of Farmington. The wastes are screened, stored onsite in a 7,500 gallon holding tank and manually pumped into the primary clarifiers where co-thickening with primary and secondary sludge occurs. The co-thickened solids are dewatered via a sludge press, and the solids are composted. The permittee has submitted an updated transported wasteapplication form to the Department as part of their 2016 submittal for permit renewal.

The permittee continues to conduct block testing of the St. Lukes pump station in order to determine the intensity of the storm events that would trigger a discharge from the pump station. Subsequent to the issuance of the 2011 permit renewal, the West Farmington pump station has been rebuilt and the overflow has been eliminated.

b. Waste Water Treatment – The treatment process consists of headworks where grit and solids are removed, two primary clarifiers, two oxidation ditches, two secondary clarifiers, a gravity sludge filter and press, chlorination/dechlorination contact chambers and a sand filter system (currently not in use).

The two 30-foot high screw pumps formerly located at the headworks have been replaced with a lift station and three pumps. The effluent discharges to the Sandy River through an 18-inch diameter outfall pipe that was relocated from a bank outfall during the summer of 2006 to a place in the river to enhance the dilution of the effluent with the receiving water. See **Attachment B** of this Fact Sheet for a schematic of the waste water treatment process and a diagram of the outfall pipe.

2. PERMIT SUMMARY

a. Terms and conditions: This permitting action is carrying forward the limitations and monitoring requirements from the 12/20/11 permitting action with the following exceptions. This permitting action is:

1. Eliminating the waiver for achieving 85% removal of biochemical oxygen demand (BOD) and total suspended solids (TSS) when the monthly average influent to the treatment facility is less than 200 mg/L as there was no legal basis to do so in the previous permitting action.

2. Establishing a seasonal (June 1 – September 30) monthly average water quality based total phosphorus limit of 5.2 lbs/day beginning June 1, 2021, along with a schedule of compliance as the discharge exceeds the U.S. Environmental Protection's ambient water quality goal of 0.100 mg/L and the State of Maine's draft ambient water quality criteria of 0.030 mg/L.

3. Establishing a seasonal (June 1, 2017 – September 30, 2017) ambient total phosphorus monitoring requirement to provide up-to-date background levels of total phosphorus in the receiving water.

4. Reducing the monitoring frequencies for BOD, TSS and *E. coli* bacteria from 2/Week to 1/Week based on a statistical evaluation of test results between May 2013 and September 2015 and in accordance with USEPA and Department guidance regarding monitoring frequencies reductions.

5. Reducing the monitoring frequency for total residual chlorine from 1/Day to 5/Week based on a statistical evaluation of test results between May 2013 and September 2015 and in accordance with USEPA and Department guidance regarding monitoring frequencies reductions.

6. Eliminating the daily maximum water quality based mass and concentration limits for total silver and the monthly average water quality based mass and concentration limits for total lead as a statistical evaluation conducted on the most current 60 months of analytical chemistry data indicates the discharge no longer has a reasonable potential to cause or contribute to a violation of water quality standards.

7. Reducing the monitoring frequency for total mercury from 1/quarter to 1/year pursuant to 38 M.R.S. §420(1-B)(F). This monitoring frequency reduction was originally established in a permit modification dated February 6, 2012.

2. PERMIT SUMMARY (cont'd)

8. Eliminating the chronic (monthly average) water quality based numeric limit of 4.9% for the water flea as a statistical evaluation conducted on the most current 60 months of whole effluent toxicity test results indicates the discharge no longer has a reasonable potential to cause or contribute to a violation of the critical chronic threshold of 4.9%.

9. Increasing the water quality based mass limitations for total copper based on the results of an updated statistical evaluation of test results on file for the most current 60 month period.

10. Eliminating the monthly average concentration limit for total copper pursuant to Maine law 38 M.R.S. §464, ¶¶ K promulgated subsequent to the previous permit issuance which states "*Unless otherwise required by an applicable effluent limitation guideline adopted by the department, any limitations for metals in a waste discharge license may be expressed only as mass-based limits.*"

11. Requiring the permittee to conduct an Industrial Waste Survey (IWS) pursuant to Special Condition D of this permit.

12. Screening level analytical chemistry, priority pollutant and whole effluent toxicity testing has been moved to year four of the permit rather than year five of the permit.

b. History: The most recent relevant regulatory actions include the following:

August 28, 1996 – The Department issued WDL #W002670-46-C-R for a five-year term.

September 30, 1998 – The U.S. Environmental Protection Agency (EPA) issued National Pollutant Discharge Elimination System (NPDES) permit #ME0101249 for a five-year term.

May 30, 2000 – The Department issued an administrative modification of WDL W002670-46-C-R by establishing interim average and maximum concentration limits for mercury.

November 27, 2001 – The Department issued combination MEPDES permit #ME0101249/ WDL #W002670-5L-D-R, for a five-year term. Issuance of the MEPDES permit resulted in the NPDES permit last issued by the EPA on 9/30/98 being superseded which nullified the terms and conditions contained therein.

April 15, 2004 - The Department issued an administrative modification of the 11/27/01 permit by suspending the numeric water quality based mass limitation for phosphorus that was to go into effect on June 1, 2005.

2. PERMIT SUMMARY (cont'd)

April 10, 2006 – The Department administratively modified the 11/27/01 permit by establishing applicable monitoring requirements pursuant to a revised Department rule found at *Surface Water Toxics Control Program*, 06-096 CMR 530 (October 12, 2005).

September 7, 2006 – The Department issued combination MEPDES Permit #ME0101249/WDL #W002670-5L-E-R for a five-year term.

September 5, 2008 – The Department revised the 9/07/06 permit due to a typographical error.

December 20, 2011 - The Department issued combination MEPDES permit #ME0101249/ WDL #W002670-6C-G-R, for a five-year term.

February 6, 2012 – The Department issued permit modification #ME0101249/WDL#W002670-6C-H-M to reduce the monitoring frequency for total mercury from 4/Year to 1/Year pursuant to 38 M.R.S.A. §420(1-B)(F).

July 29, 2016 – The permittee submitted a timely and complete application to the Department for the renewal of the MEPDES permit.

3. CONDITIONS OF PERMITS

Maine law, 38 M.R.S. §414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, 38 M.R.S., §420 and *Surface Water Toxics Control Program,* 06-096 CMR 530, require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584, 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 §(4) (G) (1b) classifies the Sandy River as a Class B waterway at and below the point of discharge. *Standards for the Classification of Fresh Surface Waters*, 38 M.R.S., §465-B establishes the classification standards for Class B waters as follows:

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

4. RECEIVING WATER QUALITY STANDARDS (cont'd)

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

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

5. RECEIVING WATER QUALITY CONDITIONS

The *State of Maine 2012 Integrated Water Quality Monitoring and Assessment Report*, prepared by the Department pursuant to §303(d) and §305(b) of the Federal Water Pollution Control Act (also known as the "305b Report"), lists a 3.24-mile Class B segment (main stem) of the Sandy River [Assessment Unit (HUC) #ME0103000305, segment ID #319R_02] in a table entitled, *Category 2: Rivers and Streams Impaired By Pollutants Other Than Those Listed in 5-B Through 5-D (TMDL Required).* The 305b Report lists impairment to benthic macroinvertebrates and the dissolved oxygen standard. It is noted the outfall pipe was relocated in 2012 to enhance mixing and increase dilution with the receiving water.

In July of 2016, the Department conducted limited instream monitoring of dissolved oxygen levels and determined the discharge is indeed causing or contributing to significant swings in the dissolved oxygen levels due to growth of algae in the receiving water below the treatment plant outfall. As a result, the Department is establishing a seasonal (June – September water quality based limitation of 5.4 lbs./day. For the derivation of the limit see section 6(h) of this Fact Sheet.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

a. Flow: The previous permit contained a monthly average flow limitation of 0.90 MGD that is being carried forward in this permitting action and is representative of the monthly average design flow for the waste water treatment facility. This permitting action is carrying forward a daily maximum flow "Report" requirement in order to monitor flows associated with wet weather events.

A summary of the monthly Discharge Monitoring Report (DMR) data for the period January 2013 – November 2015 indicates the facility has discharged effluent flows as follows:

Flow (n=35)

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	0.90	0.26 – 0.69	0.39
Daily Maximum	Report	0.31 – 1.72	0.65

b. Dilution Factors - The Department has made the determination that the dilution factors associated with the discharge shall be calculated in accordance with freshwater protocols established in 06-096 CMR 530. With a permit flow limit of 0.90 MGD, location of the outfall pipe and the 7Q10 and 1Q10 low flow values for the Sandy River, the dilution factors are as follows:

Acute: 1Q10 = 24.4 cfs $\Rightarrow \frac{(24.4 \text{ cfs})(0.6464) + (0.90 \text{ MGD})}{(0.90 \text{ MGD})} = 18.5{:}1$

Chronic: 7Q10 = 27 cfs[(1)] $\Rightarrow \frac{(27 \text{ cfs})(0.6464) + (0.90 \text{ MGD})}{(0.90 \text{ MGD})} = 20.4{:}1$

Harmonic Mean: = 81 cfs[(2)] $\Rightarrow \frac{(80.9 \text{ cfs})(0.6464) + (0.90 \text{ MGD})}{(0.90 \text{ MGD})} = 59.1{:}1$

Footnotes:

(1) With the relocation of the outfall in the summer of 2006, the drainage area calculation to estimate the 7Q10 low flow includes the Temple Stream drainage area.

(2) The harmonic mean dilution factor is approximated by multiplying the 7Q10 flow value by three (3). This multiplying factor is based on guidelines for estimation of human health dilution presented in the USEPA publication, *Technical Support Document for Water Quality-Based Toxics Control* (Office of Water; EPA/505/2-90-001, page 88), and represents an estimation of harmonic mean flow.

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

c. Biochemical Oxygen Demand (BOD5) and Total Suspended Solids (TSS) – The previous permit contained seasonal monthly average, weekly average and daily maximum BOD5 and TSS concentration and mass limits. The limits were established as follows:

BOD5 & TSS Concentration Limits

	Month Avg.	Weekly Avg.	Daily Max.
June 1 – Sept. 30	20 mg/L	30 mg/L	33 mg/L
Oct. 1 – May 31	30 mg/L	45 mg/L	50 mg/L

BOD5 & TSS Mass Limits

	Month Avg.	Weekly Avg.	Daily Max.
June 1 – Sept. 30	150 lbs/day	225 lbs/day	250 lbs/day
Oct. 1 – May 31	225 lbs/day	338 lbs/day	375 lbs/day

The **non-summer (October – May)** monthly average and weekly average concentration limits of 30 mg/L and 45 mg/L, respectively, were based on secondary treatment requirements in 06-096 CMR 525(3)(III). The daily maximum concentration limit of 50 mg/L was based on Department best practicable treatment (BPT) requirements common to all permits for publicly owned treatment works permitted by the Department. The non-summer monthly average, weekly average and daily maximum technology based mass limits in the 2001, 2006 and 2011 permitting actions are being carried forward in this permitting action and are based on a flow limitation of 0.90 MGD and the applicable concentration limits:

Monthly average: (0.90 MGD)(8.34)(30 mg/L) = 225 lbs/day
Weekly average: (0.90 MGD)(8.34)(45 mg/L) = 338 lbs/day
Daily maximum: (0.90 MGD)(8.34)(50 mg/L) = 375 lbs/day

For the **summer months (June 1 – September 30)**, the 2001 permit Fact Sheet contained the following text (in italics):

The facility underwent an up-grade as a result of a June 5, 1990 EPA administrative order. The June 2, 1994 license amendment (W002670-46-B-A) granted an increase in discharge from 0.6 MGD to 0.9 MGD, but only allowed an increase in the BOD and TSS mass loading limits during the period from October 1st to May 9th of each year.

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

These same BOD and TSS limits were carried forward in the August 28, 1996 (W002670-46-C-R) Department relicensing and again in this permitting action. Note: In this permitting action, the start date of the first effluent monitoring period was changed from May 10th to June 1st to coincide with the beginning of the monthly reporting period while still staying within the critical flow period.

Mass based limit calculations for BOD and TSS
(apply June 1st through September 30th):
Concentration Limit (mg/L) X Flow (MGD) X 8.34 (lbs/gallon) =Mass Limit (lbs/day)

Monthly Average =	*(20 mg/L) (0.9 MGD) (8.34 lbs/gallon)*	=	*150 lbs/day*
Weekly Average =	*(30 mg/L) (0.9 MGD) (8.34 lbs/gallon)*	=	*225 lbs/day*
Daily Maximum =	*(33 mg/L) (0.9 MGD) (8.34 lbs/gallon)*	=	*250 lbs/day*

As noted above, the June 2, 1994 license amendment did not allow an increase in BOD and TSS loading from the 0.6 MGD discharge level. The BOD and TSS concentration limits of 20/30/33 mg/L were back calculated from previous loading requirements of 150/225/250 lbs/day for a 0.6 MGD discharge. The increased mass limits were not granted for the summer period (June 1 – September 30) due to the uncertainty as to impact of the increased pollutant loading to the river and maintaining Class B dissolved oxygen standards.

The review of the Discharge Monitoring Reports (DMRs) submitted to the Department for the **non-summer months** (October – May) for the period January 2013 – November 2015 indicates values have been reported as follows:

BOD_5 mass (n=23)

Value	Limit (lbs./day)	Range (lbs./day)	Mean (lbs./day)
Monthly Average	225	13 – 84	38
Weekly Average	338	17 – 172	63
Daily Maximum	375	21 – 200	74

BOD_5 concentration (n=23)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	30	6 – 25	11
Weekly Average	45	8 – 43	17
Daily Maximum	50	9 – 36	20

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

TSS mass (n=23)

Value	Limit (lbs./day)	Range (lbs./day)	Mean (lbs./day)
Monthly Average	225	4 – 82	28
Weekly Average	338	7 – 162	52
Daily Maximum	375	11 – 227	66

TSS concentration (n=23)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	30	2 - 24	8
Weekly Average	45	3 - 47	14
Daily Maximum	50	5 - 55	17

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

Although EPA's 1996 Guidance recommends evaluation of the most current two years of effluent data for a parameter, the Department is considering 23 months of seasonal data for **the non-summer months** of October - May. A review of the mass monitoring data for BOD & TSS indicates the ratios (expressed in percent) of the long term effluent average to the monthly average limits can be calculated as 17% for BOD and 12% TSS. According to Table I of the EPA Guidance and Department Guidance, a 2/Week monitoring requirement can be reduced to 1/Week. Therefore, this permitting action is reducing the monitoring frequencies for BOD and TSS for the **non-summer months** from 2/Week to 1/Week.

Should the facility experience operational problems resulting in significant non-compliance, or subsequent enforcement, then the Department reserves the right to reopen the permit and revoke the testing reductions that have been granted.

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

The review of the Discharge Monitoring Reports (DMRs) submitted to the Department for the **summer months** (June – September) for the period January 2013 – November 2015 indicates values have been reported as follows:

BOD_5 mass (n=12)

Value	Limit (lbs./day)	Range (lbs./day)	Mean (lbs./day)
Monthly Average	150	8 – 33	20
Weekly Average	225	12 – 40	28
Daily Maximum	250	13 – 77	36

BOD_5 concentration (n=12)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	20	3 – 10	6
Weekly Average	30	4 – 19	8
Daily Maximum	33	5 – 22	10

TSS mass (n=12)

Value	Limit (lbs./day)	Range (lbs./day)	Mean (lbs./day)
Monthly Average	150	4 – 45	14
Weekly Average	225	6 – 75	25
Daily Maximum	250	6 – 85	30

TSS concentration (n=12)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	20	2 - 11	4
Weekly Average	30	2 - 17	8
Daily Maximum	33	2 - 26	9

A review of the mass data for the **summer months** (June – September) for BOD & TSS indicates the ratios (expressed in percent) of the long term effluent average to the monthly average limits can be calculated as 13% for BOD and 9% TSS. According to Table I of the EPA Guidance and Department Guidance, a 2/Week monitoring requirement can be reduced to 1/Week. Therefore, this permitting action is reducing the monitoring frequencies for BOD and TSS for the **summer months** from 2/Week to 1/Week.

This permitting action is carrying forward a monthly average percent removal requirement of 85 percent for BOD_5 and TSS as required pursuant to 06-096 CMR 525(3)(III)(a&b)(3) for all flows receiving secondary treatment. This permit is not carrying forward the relief from the 85% removal limit when the monthly average influent concentration is less than 200 mg/L as there is no legal basis to provide for the exception.

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

A review of the monthly DMRs data for the period January 2013 – November 2015 indicates values have been reported as follows:

BOD % Removal (DMRs=29)

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	85	90 - 99	96

TSS % Removal (DMRs=32)

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	85	89 - 99	97

d. Settleable Solids – The previous permit contained a daily maximum concentration limit of 0.3 mL/L that is considered by the Department as a best professional judgment of BPT for secondary treated waste waters. A review of the DMR data for the period January 2013 through October 2015 indicates the permittee has reported <0.1 mL/L every month for said period.

A review of the monitoring data for settleable solids indicates the ratio (expressed in percent) of the long term effluent average to the daily maximum limit can be calculated as <33%. According to Table I of the EPA Guidance and Department Guidance, a 5/Week monitoring requirement can be reduced to 3/Week. However, the Department guidance limits reductions to a one time reduction. A permit issued in 2006 reduced the monitoring frequency for settleable solids from 1/Day to 5/Week, therefore, no reduction is being granted in this permitting action.

e. *E. coli* bacteria – *Standards for the Classification of Fresh Surface Waters*, 38 M.R.S, §465(3), establishes monthly average and daily maximum ambient water quality based *E. coli* thresholds of 64 colonies/100 mL and 236 colonies/100 mL, respectively, for Class B waters. However, the Department has developed an alternative approach to calculating daily maximum limits that considers the dilution of the receiving water for freshwater dischargers. Based on this approach, the Department has determined that any facility in Class B waters with a chronic dilution of at least 1.1:1 would carry forward their existing end-of-pipe daily maximum *E. coli* limitation of 427 colonies/100 mL. Since the permittee's chronic dilution factor is 20.4:1, the previous permit contained seasonal (May 15 – September 30) monthly average and daily maximum *E. coli* limits of 64 colonies/100 mL and 427 colonies/100 mL, respectively along with a 2/Week monitoring requirement.

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

A review of the monthly Discharge Monitoring Report (DMR) data for the period May 2013 – September 2015 indicates *E. coli* bacteria have been reported as follows:

***E coli.* bacteria (n=15)**

Value	Limit (col/100 ml)	Range (col/100 ml)	Mean (col/100 ml)
Monthly Average	64	1 - 62	22
Daily Maximum	427	2 - 246	90

A review of the monitoring data for *E. coli* bacteria indicates the ratio (expressed in percent) of the long term effluent average to the monthly average limit can be calculated as <34%. According to Table I of the EPA Guidance and Department Guidance, a 2/Week monitoring requirement can be reduced to 1/Week. Therefore, this permitting action is reducing the monitoring frequency for *E. coli* bacteria from 2/Week to 1/Week.

f. Total Residual Chlorine - Limits on total residual chlorine (TRC) are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. End-of-pipe water quality-based concentration thresholds may be calculated as follows:

Parameter	Acute Criteria	Chronic Criteria	Acute Dilution	Chronic Dilution	Acute Limit	Chronic Limit
Chlorine	19 ug/L	11 ug/L	18.5:1	20.4:1	0.35 mg/L	0.22 mg/L

Example calculation; Acute: 0.019 mg/L (18.5) = 0.35 mg/L

To meet the chronic and acute water quality-based thresholds, the permittee must dechlorinate the effluent prior to discharge. In April of 1999, the Department established new daily maximum and monthly average BPT limitations of 0.3 mg/L and 0.1 mg/L, respectively, for facilities that need to dechlorinate their effluent unless calculated water quality based thresholds are lower than the BPT limits. In the case of the permittee, the calculated acute and chronic water quality based thresholds are higher than the BPT limits of 0.3 mg/L and 0.1 mg/L. Thus, the previous permit contained daily maximum and monthly average BPT limits of 0.3 mg/L and 0.1 mg/L, respectively, along with a 1/Day monitoring requirement.

A review of the DMR data for the period May 2013 – September 2015 indicates the monthly average and daily maximum values have been reported as follows:

Total Residual Chlorine (n= 15)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	0.1	0.01 – 0.04	0.02
Daily Maximum	0.3	0.04 – 0.25	0.08

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

A review of the monitoring data for TRC indicates the ratio (expressed in percent) of the long term effluent average to the monthly average limit can be calculated as 20%. According to Table I of the EPA Guidance and Department Guidance, a 1/Day monitoring requirement can be reduced to 5/Week. Therefore, this permitting action is reducing the monitoring frequency for TRC from 1/Day to 5/Week.

g. pH – This permitting action is carrying forward the BPT-based pH daily maximum limits of 6.0 –9.0 standard units pursuant to 06-096 CMR 525(3)(III)(c).

A review of the DMR data for the period January 2013 – November 2015 indicates the pH range values have been reported as follows:

pH (n=34)

Value	Limit (SU)	Minimum (SU)	Maximum (SU)
Range	6.0 – 9.0	6.0	8.8

h. Total phosphorus – The previous permit contained a seasonal (June – September) 1/Week monitoring requirement for total phosphorus. The permittee was required to report monthly average, weekly average and daily maximum mass and concentration values.

A review of the DMR data for the period June 2013 – September 2015 indicates the mass and concentration values have been reported as follows:

Total Phosphorus Mass (DMRs = 12)

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	Report	8.8 – 16.8	12.7
Weekly Average	Report	9.2 – 25.6	15.3
Daily Maximum	Report	9.2 – 25.6	15.3

Total Phosphorus, Concentration (DMRs = 12)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	Report	2.8 – 5.2	3.9
Weekly Average	Report	3.3 – 7.6	4.5
Daily Maximum	Report	3.3 – 7.6	4.5

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

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

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

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

For the background concentration in the Sandy River just upstream of the Farmington discharge, the Department utilized a background concentration of 0.006 mg/L. This value was determined to be representative of background conditions in ambient water quality sampling in the summer of 2000. In the absence of any new data since issuance of the report, this Fact Sheet is carrying forward 0.006 mg/L as a background value in reasonable potential calculations.

As for effluent concentration sampling this Fact Sheet is utilizing a mean effluent concentration of 3.9 mg/L based on data collected in the period June 2013 – September 2015.

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[1] *Waste Discharge License Conditions,* 06-096 CMR 523(5)(d)(1)(i) (effective date January 12, 2001)
[2] 06-096 CMR 523(5)(d)(1)(vi)(A)

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

Using the following calculation and criteria, the Farmington facility exceeds the EPA's Gold Book value of 0.100 mg/L and the Department's 06-096 CMR Chapter 583 draft criteria of 0.030 mg/L for Class B waters. The calculations are as follows:

$$Cr = \frac{QeCe + QsCs}{Qr}$$

Qe = effluent flow i.e. facility design flow	=	0.9 MGD
Ce = effluent pollutant concentration	=	3.9 mg/L
Qs = 7Q10 flow of receiving water	=	17.4 MGD (27 cfs)
Cs = upstream concentration	=	0.006 mg/L
Qr = receiving water flow	=	18.3 MGD
Cr = receiving water concentration	=	?

$$Cr = \frac{(0.9\ MGD \times 3.9\ mg/L) + (17.4\ MGD \times 0.006\ mg/L)}{18.3\ MGD} = 0.197\ mg/L$$

Cr = 0.197 mg/L > 0.100 mg/L⇒ **Exceedance**
Cr = 0.197 mg/L > 0.030 mg/L⇒ **Exceedance**

The Department has determined that with actual discharge levels of 15.3 lbs/day (June 2013 – September 2015) the discharge is causing or contributing document water quality impacts (proliferation of attached algae) downstream of the Farmington discharge. If the Department utilized the Gold Book of 0.100 mg/L as the instream criteria then an end of pipe limit could be calculated as follows:

EOP concentration = [Dilution factor x 0.94 x AWQC] + [0.06 x AWQC]

EOP = [20.4 x 0.94 x 0.100 mg/L] + [0.06 x 0.100 mg/L] = 1.93 mg/L

Mass = (1.93 mg/L)(8.34 lbs/gal)(0.90 MGD) = 14.5 lbs/day

As cited above, the actual discharge of 15.3 lbs/day is causing or contributing to the impairment of the receiving water. A discharge of 14.5 lbs/day will likely have the same result. Therefore, the Department is making a best professional judgement to utilize the Department's draft criteria of 0.030 mg/L to calculate the total phosphorus limit in this permit. In addition, the Department is making a best professional judgement to utilize a stream flow of 14Q10 as opposed to the 7Q10 as the 14Q10 is relatively close to the median August flow for the Sandy River. The Department believes the August media flow is a more reasonable receiving water flow to utilize when evaluating total phosphorus impacts given the length of time (10 -14 days) for phosphorus to contribute to nuisance algal growth in rivers and streams. Therefore, end-of-pipe limitations for total phosphorus are being established in this permit as follows:

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

Department draft criteria = 0.030 mg/L
14Q10 Receiving water flow = 32 cfs (20.7 MGD)

Modified Chronic dilution factor = $\frac{20.7 \text{ MGD} + 0.9 \text{ MGD}}{0.9 \text{ MGD}} = 24{:}1$

EOP concentration = [Dilution factor x 0.994 x AWQ goal] + [0.006 x AWQ goal]

EOP = [24.1 x 0.94 x 0.030 mg/L] + [0.06 x 0.030 mg/L] = 0.69 mg/L

Mass: (0.69 mg/L)(8.34)(0.90 MGD) = **5.2 lbs/day**

The permittee has demonstrated it cannot comply with the water quality based limit of 5.2 lbs/day upon permit issuance and therefore needs a schedule of compliance to do so. Maine law 38 M.R.S. §414(2) *Schedules of Compliance*, clearly authorizes the Department to establish schedules of compliance for water quality based limitations within the terms and conditions of a license. Said law states "*Within the terms and conditions of a license, the department may establish a schedule of compliance for a final effluent limitation based on a water quality standard adopted after July 1, 1977. When a final effluent limitation is based on new or more stringent technology-based treatment requirements, the department may establish a schedule of compliance consistent with the time limitations permitted for compliance under the Federal Water Pollution Control Act, Public Law 92-500, as amended. A schedule of compliance may include interim and final dates for attainment of specific standards necessary to carry out the purposes of this subchapter and must be as short as possible, based on consideration of the technological, economic and environmental impact of the steps necessary to attain those standards.*"

In addition, Department rule Chapter 523, Waste Discharge License Conditions, § Section 7, *Schedules of Compliance*, states in part, "*if a permit establishes a schedule of compliance which exceeds 1 year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement.*

(i) The time between interim dates shall not exceed 1 year, except that in the case of a schedule for compliance with standards for sewage sludge use and disposal, the time between interim dates shall not exceed six months.

(ii) If the time necessary for completion of any interim requirement (such as the construction of a control facility) is more than 1 year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date."

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

On November 21, 2016, the Town submitted a proposed schedule of compliance with interim dates. The Department has reviewed the proposed schedule and has made a best professional judgment that the schedule is in conformance with Maine law as it is as short as possible, based on consideration of the technological, economic and environmental impact of the steps necessary to attain the water quality based limit. Special Condition A, *Effluent Limitations and Monitoring Requirements* and Special Condition I, *Schedule of Compliance – Total Phosphorus*, establishes the schedule of compliance along with interim dates.

In addition to the effluent limit, this permit is establishing a seasonal (June 1, 2017 – September 30, 2017) 1/Week ambient total phosphorus monitoring requirement upstream of the treatment facility in accordance with Department guidance attached as **Attachment C** of this Fact Sheet. The permittee shall collect ambient total phosphorus samples at least five days apart, and when flows at a reference USGS river gage are below daily median flow. See **Attachment C** of this Fact Sheet for guidance on determining daily median flow from a USGS gage station.

i. Mercury: On May 23, 2000, pursuant to *Certain deposits and discharges prohibited*, 38 M.R.S.A. § 420, *Waste discharge licenses*, 38 M.R.S. § 413 and *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001), the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL #W002670 by establishing interim monthly average and daily maximum effluent concentration limits of 27.4 parts per trillion (ppt) and 41.0 ppt, respectively, and a minimum monitoring frequency requirement of four (4) tests per year for mercury. It is noted the limitations were not incorporated into Special Condition A, *Effluent Limitations And Monitoring Requirements*, of the previous permit as limitations and monitoring frequencies were regulated separately through 38 M.R.S.§ 413 and 06-096 CMR 519. However, the interim limitations were in effect and enforceable and any modifications to the limits and or monitoring requirements were to be formalized outside of the permit. The limits are being incorporated into this permitting action.

38 M.R.S. § 420(1-B)(B)(1) provides that a facility is not in violation of the AWQC for mercury if the facility is in compliance with an interim discharge limit established by the Department. A review of the Department's data base for the period February 2011 through April 2015 indicates the permittee has been in compliance with the interim limits for mercury as results have been reported as follows:

Mercury (n=9)

Value	Limit (ng/L)	Range (ng/L)	Mean (ng/L)
Average	27.4	2.5 – 12.0	6.2
Daily Maximum	41.0		

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

Pursuant to 38 M.R.S. §420(1-B)(F), the Department issued a minor revision on February 6, 2012, to the December 20, 2011, permit thereby revising the minimum monitoring frequency requirement from four times per year to once per year given the permittee has maintained at least 5 years of mercury testing data. In fact, the permittee has been monitoring mercury since June 2000 or 16 years. Pursuant to 38 M.R.S. §420(1-B)(F), this permitting action is carrying forward the 1/Year monitoring frequency established in the February 6, 2012, permit modification.

j. Whole Effluent Toxicity (WET) & Chemical-Specific Testing: 38 M.R.S., §414-A and 420 prohibit the discharge of effluents containing substances in amounts that would cause the surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the USEPA. 06-096 CMR 530 and 06-096 CMR 584 set forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters. WET, priority pollutant and analytical chemistry testing as required by 06-096 CMR 530 are included in this permit in order to fully characterize the effluent. This permit also provides for reconsideration of effluent limits and monitoring schedules after evaluation of toxicity testing results. The monitoring schedule includes consideration of results currently on file, the nature of the wastewater, existing treatment and receiving water characteristics.

WET monitoring is required to assess and protect against impacts upon water quality and designated uses caused by the aggregate effect of the discharge on specific aquatic organisms. Acute and chronic WET tests are performed on invertebrate and vertebrate species. Priority pollutant and analytical chemistry testing are required to assess the levels of individual toxic pollutants in the discharge, comparing each pollutant to acute, chronic, and human health AWQC as established in 06-096 CMR 584.

06-096 CMR 530 establishes four categories of testing requirements based predominately on the chronic dilution factor. The categories are as follows:

1) Level I – chronic dilution factor of <20:1.
2) Level II – chronic dilution factor of ≥20:1 but <100:1.
3) Level III – chronic dilution factor ≥100:1 but <500:1 or >500:1 and Q ≥1.0 MGD
4) Level IV – chronic dilution factor >500:1 and Q ≤1.0 MGD

06-096 CMR 530 (1)(D) specifies the criteria to be used in determining the minimum monitoring frequency requirements for WET, priority pollutant and analytical chemistry testing. Based on the criteria, the permittee falls into the Level II frequency category as the permittee has a chronic dilution factor ≥20:1 but <100:1. 06-096 CMR 530 (1)(D)(1) specifies that routine screening and surveillance level testing requirements are as follows:

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

Routine screening level testing – Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement

Level	WET Testing	Priority pollutant testing	Analytical chemistry
II	2 per year	1 per year	4 per year

Routine surveillance level testing – Beginning upon permit issuance and lasting through 24 months prior to permit expiration (Years 1, 2 & 3 of the term of the permit) and commencing again 12 months prior to permit expiration (Year 5 of the term of the permit).

Level	WET Testing	Priority pollutant testing	Analytical chemistry
II	1 per year	None required	2 per year

See **Attachment D** of this Fact Sheet for a summary of the WET test results and **Attachment E** of this Fact Sheet for a summary of the chemical-specific test dates.

WET Test Evaluation

06-096 CMR 530 §(3)(E) states "*For effluent monitoring data and the variability of the pollutant in the effluent, the Department shall apply the statistical approach in Section 3.3.2 and Table 3-2 of USEPA's "Technical Support Document for Water Quality-Based Toxics Control" (USEPA Publication 505/2-90-001, March, 1991, EPA, Office of Water, Washington, D.C.) to data to determine whether water-quality based effluent limits must be included in a waste discharge license. Where it is determined through this approach that a discharge contains pollutants or WET at levels that have a reasonable potential to cause or contribute to an exceedance of water quality criteria, appropriate water quality-based limits must be established in any licensing action.*"

06-096 CMR 530 (2)(D)(3)(c) states "*...dischargers in Level II may reduce surveillance testing for individual WET species or chemicals to once every other year (1/2 Years) provided testing in the preceding 60 months does not indicate any reasonable potential for exceedances.*"

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

On July 7, 2016, the Department conducted a statistical evaluation on the most recent 60 months of WET test results on file at the Department. The statistical evaluation indicates the discharge has one test result of 4.9% on 7/22/14 for the water flea that has a reasonable potential to exceed the critical chronic threshold of 4.9% (mathematical inverse of the chronic dilution factor of 20.4:1. As for the brook trout there are no test results that exceed or have a reasonable potential to exceed the critical acute or chronic WET water quality thresholds of 5.4% and 4.9% respectively (mathematical inverses of the acute and chronic dilution factors of 18.5:1 and 20.4:1 respectively). Therefore, this permitting action is carrying forward the numerical chronic WET effluent limit of 4.9% for the water flea included in the previous permitting action.

As for testing frequencies, 06-096 CMR 530 §(2)(D)(3)(c) states, in part, that Level II facilities "*...may reduce WET and chemical testing to once every other year provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedances.*" Based on the results of the 7/7/16 statistical evaluation, the permittee does qualify for the chronic WET testing reduction for the water flea and the brook trout. In summary, this permitting action is establishing surveillance level testing as follows:

Surveillance level testing – Beginning upon permit issuance and lasting through 24 months prior to permit expiration (Years 1, 2 & 3 of the term of the permit) and commencing again 12 months prior to permit expiration (Year 5 of the term of the permit).

Species	WET Testing
Water flea, chronic	1/Year
Water flea, acute	1/ Year
Brook trout, chronic	1/2 Years
Brook trout, acute	1/2 Years

There shall be at least six months between testing events.

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

Screening level testing – Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement.

Species	WET Testing
Water flea, chronic	2/Year
Water flea, acute	2/Year
Brook trout, chronic	2/Year
Brook trout, acute	2/Year

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

It is noted however that if future WET testing results indicate the discharge exceeds critical water quality thresholds, this permit will be reopened pursuant to Special Condition J, *Reopening of Permit For Modifications*, to establish applicable limitations and monitoring frequencies.

06-096 CMR 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.*"

Chemical evaluation

06-096 CMR 530 §4(C), states "*The background concentration of specific chemicals must be included in all calculations using the following procedures. The Department may publish and periodically update a list of default background concentrations for specific pollutants on a regional, watershed or statewide basis. In doing so, the Department shall use data collected from reference sites that are measured at points not significantly affected by point and non-point discharges and best calculated to accurately represent ambient water quality conditions.*" *The Department shall use the same general methods as those in section 4(D) to determine background concentrations. For pollutants not listed by the Department, an assumed concentration of 10% of the applicable water quality criteria must be used in calculations.* The Department does not have sufficient information on the background levels of metals in the water column of the Sandy River. Therefore, a default background concentration of 10% of applicable water quality criteria is being used in the calculations of this permitting action.

06-096 CMR 530 §4(E), states, "*In allocating assimilative capacity for toxic pollutants, the Department shall hold a portion of the total capacity in an unallocated reserve to allow for new or changed discharges and non-point source contributions. The unallocated reserve must be reviewed and restored as necessary at intervals of not more than five years. The water quality reserve must be not less than 15% of the total assimilative quantity.*" 38 M.R.S.A §464 sub-§4 (J) states, "*For the purpose of calculating waste discharge license limits for toxic substances, the department may use any unallocated assimilative capacity that the department has set aside for future growth if the use of that unallocated assimilative capacity would avoid an exceedance of applicable ambient water quality criteria or a determination by the department of a reasonable potential to exceed applicable ambient water quality criteria.*"

06-096 CMR 530 §(3)(E) states, "*... that a discharge contains pollutants or WET at levels that have a reasonable potential to cause or contribute to an exceedance of water quality criteria, appropriate water quality-based limits must be established in any licensing action.*"

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

06-096 CMR 530 §4(F) states, in part, "*Where there is more than one discharge into the same fresh or estuarine receiving water or watershed, the Department shall consider the cumulative effects of those discharges when determining the need for and establishment of the level of effluent limits. The Department shall calculate the total allowable discharge quantity for specific pollutants, less the water quality reserve and background concentration, necessary to achieve or maintain water quality criteria at all points of discharge, and in the entire watershed. The total allowable discharge quantity for pollutants must be allocated consistent with the following principles.*

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

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

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

See **Attachment F** of this Fact Sheet for Department guidance that establishes protocols for establishing waste load allocations. The guidance states that the most protective of water quality becomes the facility's allocation. According to the 6/28/16 statistical evaluation (Report ID #834), the pollutants of concern is total copper and is to be limited based on the segment allocation method.

On August 25, 2015, the Department conducted statistical evaluations based on 15% of the ambient water quality criteria reserve being withheld (Report ID 782) and on June 28, 2016, 0% of the reserve of the criteria being withheld (Report ID 834) to determine if the unallocated assimilative capacity would avoid an exceedance or avoid a reasonable potential to exceed applicable ambient water quality criteria for toxic pollutants. Report ID 834 indicates the Kennebec Sanitary Treatment District facility would no longer have a reasonable potential to exceed the chronic ambient water quality criteria for copper. Therefore, the Department is utilizing the full 15% of the unallocated assimilative capacity in the statistical evaluation when establishing limits for toxic pollutants in waste discharge permits for facilities in the Kennebec River watershed.

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

06-096 CMR 530 (3)(D)(1) states "For specific chemicals, effluent limits must be expressed in total quantity that may be discharged. Unless required by an applicable effluent limitation guideline adopted by the Department, all permit limitations for metals shall be expressed only as mass-based limits. If required, in establishing concentration, the Department may increase allowable values to reflect actual flows that are lower than permitted flows and/or provide opportunities for flow reductions and pollution prevention provided water quality criteria are not exceeded. With regard to concentration limits, the Department may review past and projected flows and set limits to reflect proper operation of the treatment facilities that will keep the discharge of pollutants to the minimum level practicable."

Segment allocation methodology

Historical Average:

For the segment allocation methodology, the historical average quantity (mass) for each pollutant of concern for each permittee is calculated utilizing the arithmetic mean of the concentrated values reported for each pollutant, a conversion factor of 8.34 lbs/gallon and the monthly average permit limit for flow. The historical mass discharged for each pollutant for each permittee is mathematically summed to determine the total mass discharged for each pollutant in the watershed. Based on the individual permittee's historical average, each permittee is assigned a percentage of the whole which is then utilized to determine the percent of the segment allocation for each pollutant for each permittee. For the permittee's facility, the historical average for copper has been calculated as follows:

Total Copper

Mass limits

Mean concentration (n=12) = 20 ug/L or 0.020 mg/L
Permit flow limit = 0.9 MGD
Historical average mass = (0.020 mg/L)(8.34)(0.9 MGD) = 0.15 lbs/day

The 6/28/16 statistical evaluation indicates the historical average mass of copper discharged by the permittee is 100% of the copper discharged by the permittees on the Sandy River.

Therefore, the permittee's chronic segment allocation for copper is calculated as 100% of the copper discharged on the Sandy River.

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

The chronic assimilative capacity (AC) at Farmington was calculated based on 90% of the applicable AWQC (taking into consideration the 10% reduction to account for background) and critical low flow (7Q10 = 27 cfs). The calculation for copper is as follows:

Chronic:

7Q10 @ Farmington = 27 cfs or 17.4 MGD
Copper AWQC = 2.36 ug/L
2.36 ug/L (0.90) = 2.12 ug/L or 0.00212 mg/L

Chronic AC = (17.4 MGD)(8.34 lbs/gal)(0.00212 mg/L) = **0.31 lbs/day**

Acute:

1Q10 @ Farmington = 24.4 cfs or 15.8 MGD
Copper AWQC = 3.07 ug/L
3.07 ug/L (0.90) = 2.76 ug/L or 0.00276 mg/L

Acute AC = (15.8 MGD)(8.34 lbs/gal)(0.00276 mg/L) = **0.36 lbs/day**

06-096 CMR 530 does not establish specific monitoring frequencies for parameters that exceed or have a reasonable to exceed AWQC. This permitting action is carrying forward the minimum monitoring frequency of 2/Year which is equivalent to a routine surveillance level monitoring frequency. As for the remaining chemical specific parameters tested to date, none of the test results in the 60-month evaluation period exceed or have a reasonable potential to exceed applicable acute, chronic or human health AWQC. Therefore, this permitting action is carrying forward the reduced surveillance level reporting and monitoring frequencies for analytical chemistry (1/2 Years). As with reduced WET testing, the permittee must file an annual certification with the Department pursuant to 06-096 CMR 530 §2(D)(4) and Special Condition J of this permit.

Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement, the permittee shall conduct default screening level analytical chemistry testing at a frequency of 1/Quarter and priority pollutant testing at a minimum frequency of 1/Year.

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

k. Transported Wastes – The previous permitting action authorized the permittee to accept and treat up to 4,000 gpd and up to 20,000 gallons per month of transported wastes. *Standards For The Addition of Transported Wastes to Wastewater Treatment Facilities*, 06-096 CMR 555 (effective March 9, 2009), limits the quantity of transported wastes received at a facility to 1% of the design capacity of the treatment facility if the facility utilizes a side stream or storage method of introduction into the influent flow, or 0.5% of the design capacity of the facility if the facility does not utilize the side stream or storage method of introduction into the influent flow. A facility may receive more than 1% of the design capacity on a case-by-case basis. With a design capacity of 0.90 MGD, 4,000 gpd only represents 0.4% of said capacity. The permittee has submitted an up-to-date Transported Waste Management Plan as an exhibit to their 2016 application for permit renewal. The Department has determined that under normal operating conditions, the addition of 4,000 gallons per day and up to 20,000 gallons per month of transported waste to the facility will not cause or contribute to upset conditions of the treatment process.

7. ANTI-BACKSLIDING

Federal regulation 40 CFR, §122(l) contains the criteria for what is often referred to as the anti-backsliding provisions of the Federal Water Pollution Control Act (Clean Water Act). In general, the regulation states that except for provisions specified in the regulation, effluent limitations, standards or conditions must be at least as stringent as the final effluent limitations, standards or conditions in the previous permit. Applicable exceptions include (1) material and substantial alterations or additions to the permitted facility occurred after permit issuance which justify the application of a less stringent effluent limitation and (2) information is available which was not available at the time of the permit issuance (other than revised regulations, guidance or test methods) and which would justify the application of less stringent effluent limitations at the time of permit issuance.

This permitting action is establishing less stringent mass limitations for total copper based on new information (updated statistical evaluation) that was not available at the time of the previous permitting action. The Department has made the determination that authorizing these less stringent limitations are appropriate and these levels will not cause or contribute to failure of the receiving water to meet its classification standards.

8. ANTI-DEGREDATION - IMPACT ON RECEIVING WATER QUALITY

Maine's anti-degradation policy is included in 38 M.R.S.A., Section 464(4)(F) and addressed in the *Conclusions* section of this permit. Pursuant to the policy, where a new or increased discharge is proposed, the Department shall determine whether the discharge will result in a significant lowering of existing water quality. Increased discharge means a discharge that would add one or more new pollutants to an existing effluent, increase existing levels of pollutants in an effluent, or cause an effluent to exceed one or more of its current licensed discharge flow or effluent limits, after the application of applicable best practicable treatment technology.

This permitting action revises previously established effluent limitations and monitoring requirements for total copper. The rationale for these actions is contained in Section 6(j) of this Fact Sheet. Based on the information provided in the referenced section, the Department has made the determination that the discharge approved by this permit will not result in a significant lowering of water quality. As permitted, the Department has determined the existing and designated water uses will be maintained and protected and the discharge will not cause or contribute to the failure of Wilson Stream to meet standards for Class B classification.

9. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

Based on information to date and as permitted, the Department has determined the existing water uses will be maintained and protected and the discharge will not cause, contribute or have a reasonable potential to cause to the failure of the waterbody to meet standards for Class B classification. However, if the TMDL identifies the discharge from the permittee as causing or contributing to any impairment, this permit will be reopened pursuant to Special Condition J, *Reopening of Permit For Modification*, to incorporate more stringent limitations and or monitoring to mitigate the impairment.

10. PUBLIC COMMENTS

Public notice of this application was made in the *Franklin Journal* newspaper on or about July 29, 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 shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses,* 06-096 CMR 522 (effective January 12, 2001).

11. DEPARTMENT CONTACTS

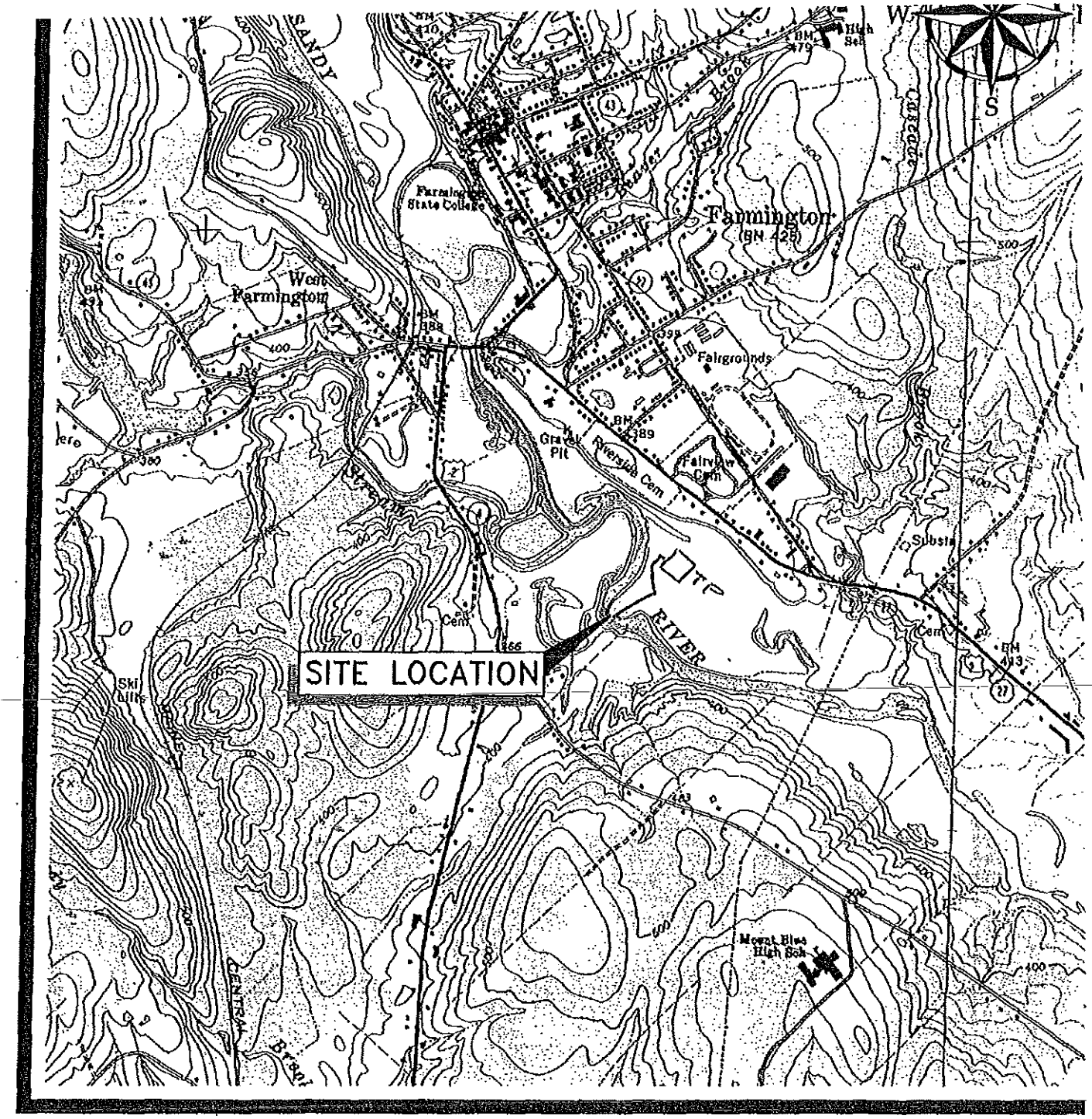
Additional information concerning this permitting action may be obtained from and written comments should be sent to:

Gregg Wood
Division of Water Quality Management
Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Tel: (207) 287-7658 Fax: (207) 287-3435
e-mail: gregg.wood@maine.gov

12. RESPONSE TO COMMENTS

During the period of December 10, 2016, through the issuance date of the permit/license, the Department solicited comments on the proposed draft permit/license to be issued for the discharge(s) from the permittee's facility. The Department did not receive comments from the permittee, state or federal agencies or interested parties that resulted in any substantive change(s) in the terms and conditions of the permit. Therefore, the Department has not prepared a Response to Comments.

ATTACHMENT A



SOURCE: USGS TOPOGRAPHIC MAP

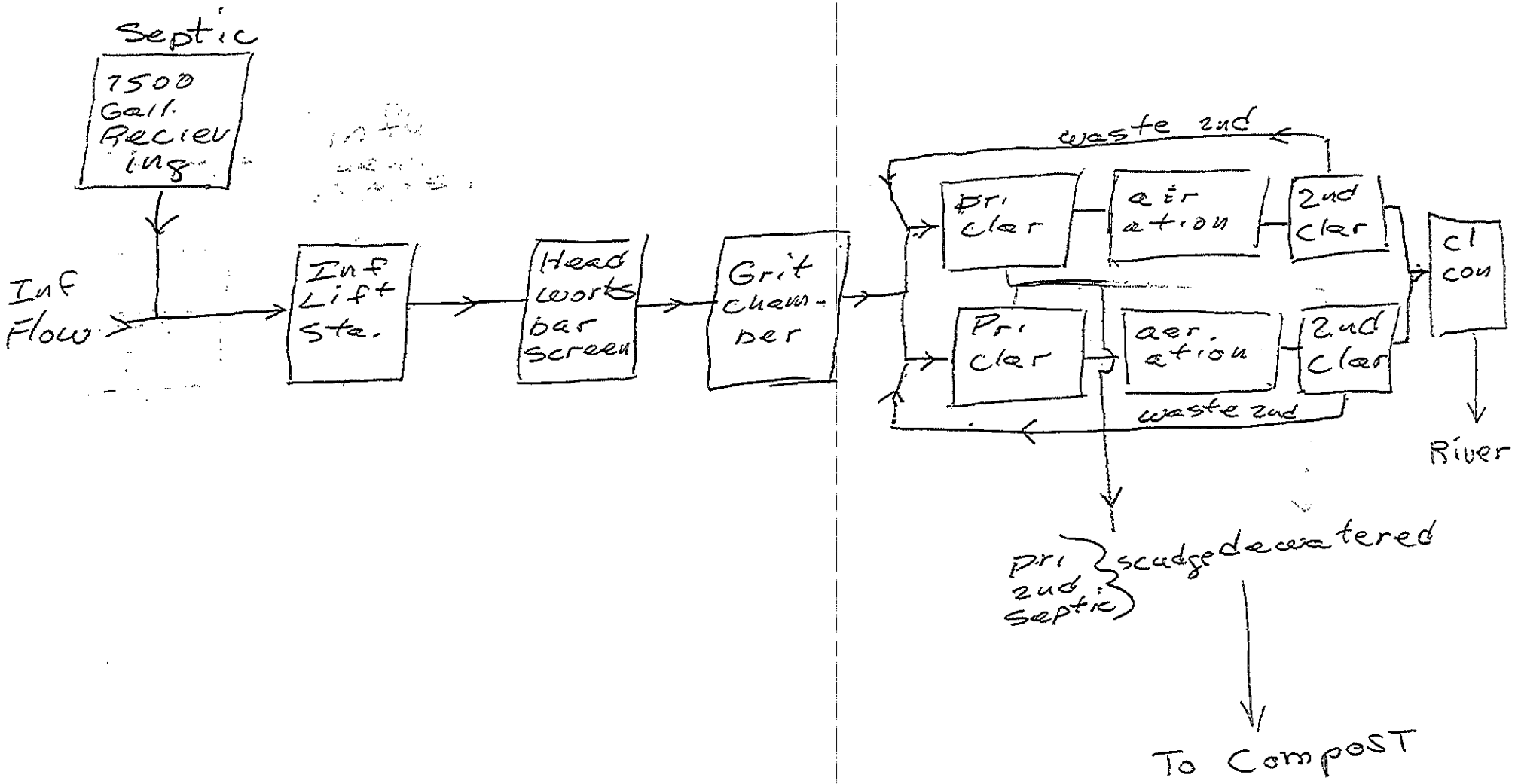
SITE LOCATION MAP

½ 0 ½ 1
scale mile

2000 0 2000 4000
scale feet

ATTACHMENT B

FCWWTP


Septic
7500 Gall. Recieving
Inf Flow
Inf Lift Sta.
Head works bar screen
Grit chamber
waste 2nd
Pri clar
aeration
2nd clar
Pri clar
aeration
2nd Clar
waste 2nd
Cl con
River
pri 2nd septic
sludge dewatered
To Compost

ATTACHMENT C

Ambient Upstream Sampling for Phosphorus and Nitrogen

Sample Parameters:

One sample bottle, containing preservative provided by the DEP contract lab, will be used to obtain enough ambient water so that the lab will analyze for the following parameters:

- Total Phosphorus (TP)
- Total Kjeldahl Nitrogen as N (TKN)
- Nitrate-Nitrite as N (NO3+NO2-N)

Number and Timing of Samples:

- Three sample dates, several days and preferably at least a week apart.
- Sample during the period from June 15 to September 15 when flow at a reference USGS river gage is below daily median flow. (See USGS Reference Gage procedure below for determining daily median from USGS gage stations.)
- Cross-reference daily median river flow with weekly weather forecast and if continued dry weather is forecast, schedule sampling to occur at the lowest flow practicable - use best professional judgment.
- Do not take sample after a rain event that contributes stormwater runoff to the system typically denoted by turbidity in the water. This will introduce non-point source influence.

Sample Location:

Upstream of the discharge at a location that is:

- In the main flow of the receiving water to ensure sample is representative of the entire receiving water.
- Sample collected in order of preference: by wading, by boat, from bridges in mid-flow, or from stream bank (only if flowing and representative).
- Generally, immediately upstream of the facility outfall is preferable, but there is no limit to the distance upstream from the facility as long as there are no factors that greatly influence the parameter concentration, such as other point discharges, dams, confluence with perennial streams, or significant nutrient sources (e.g., urban stormwater, agricultural runoff) between the upstream sample site and the facility discharge.
- If the plant outfall is in a river segment subject to tidal flow, sample must be taken near the end of an outgoing tide.
- Safely accessible.

Sample Collection:

All samples are to be grab samples. One discreet sample should be collected in a clean sampling bucket at mid-depth to surface (if possible) while avoiding surface films. The bucket should be rinsed (with the water to be sampled) three times prior to sampling. Enough water should be collected within the bucket to fill the sampling bottle without re-filling the bucket. The sample bottle will be provided by the lab with preservative in the bottle. This one sample will be analyzed for all parameters (total phosphorus, nitrate-nitrite and total Kjeldahl nitrogen). Any additional procedures will be provided by the contract laboratory performing the analysis.

Preventing Sample Contamination:

It is important to take all the necessary precautions so that water samples are not contaminated by outside sources. Both the sampler and river bottom could be potential sources of contamination. Keep your fingers out of the bucket and the inside of the sample bottle. If sampling in shallow water by wading be careful not to stir up bottom sediment with your feet or the bucket. A sample collected with the bucket should be taken upstream and off to the side of you (not directly in front of you).

Recording of Data:

The lab will provide chain-of-custody sheets. Record the facility name, address, contact person and MEPDES permit #; date and time sample collected; name of receiving water and sample location (via GPS coordinates if available, if GPS is not available best estimate of distance above outfall). If you include your email the lab will provide you with sample results. The chain-of-custody sheets should be filled out according to instructions received from the laboratory.

Preservation and Transporting of Samples:

Sample bottles will be shipped with a preservative (sulfuric acid, H_2SO_4). Follow laboratory procedures for stabilizing the sample until delivery. Transport or ship to the laboratory preferably within the same day as sampling.

Laboratory:

The DEP has contracted with Katahdin Analytical Services in Scarborough for analysis of all ambient samples for phosphorus and nitrogen. There will be no cost to you for either sample analysis or shipping. The lab will provide sample bottles (with preservative), chain-of-custody forms, freeze packs, pre-paid shipping labels and shipping containers for you.

To receive your sample materials please contact Katahdin. They will send you supplies for three sample events. When you call to request your sample materials, please reference: *DEP - Rivers & Streams Nutrient Analyses (7652gdl)* and provide your physical address (not a PO Box).

Once you receive your sampling materials, place the freeze packs in the freezer so they will be ready when you need to ship your sample.

Contact staff at Katahdin are:

Shelly Brown or Jen Obrin - (207) 874-2400.

USGS Reference Gage:

- A listing or table of current gage data for stations in Maine can be found at the following sites:
  List by watershed - http://waterdata.usgs.gov/me/nwis/current/?type=flow

  Statewide map - http://waterdata.usgs.gov/me/nwis/rt

- Find a gage that is on the receiving water in close proximity to your outfall. If your receiving water is not listed, choose a gage in your basin on a waterway with similar flow characteristics. Note that six of the gages only have gage height data. You must choose one with discharge data.

- Click on the Station Number and then bookmark this site for future reference.

- Scroll down to the discharge hydrograph (some sites also have gage height hydrographs) to track daily flow vs. daily median flow (yellow triangles) (see example below).

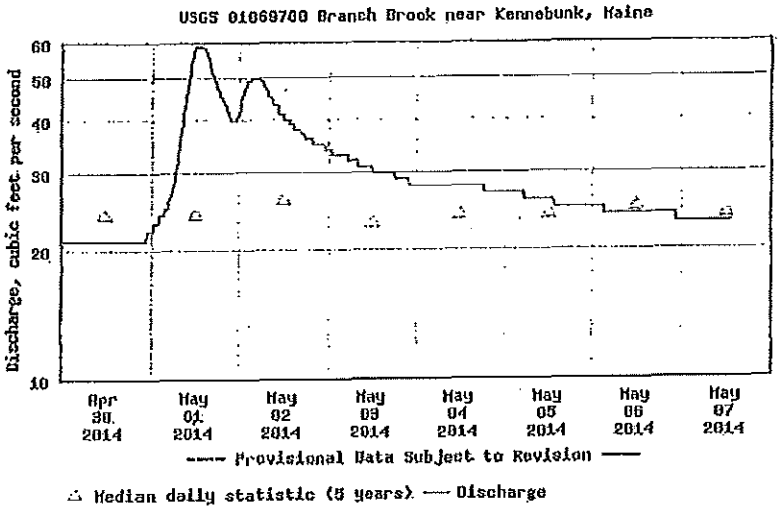
- If on the day you want to sample, the blue line (receiving water flow) is below the yellow triangle (historical median flow for that day) then the flow is low enough to take an ambient sample. (On the sample chart below, April 30, May 6 and May 7 would have been appropriate days to sample). Lower flow days are preferred.

- Contact Peter Newkirk (592-1804) or Rob Mohlar (592-1439) at DEP with any questions on selecting a sampling location or interpreting gage data.

Begin data
2014-04-30

End data
2014-05-07

Discharge, cubic feet per second
Most recent instantaneous value: 23 05-07-2014 12:45 EDT



ATTACHMENT D

WET TEST REPORT

Data for tests conducted for the period

08/Jul/2011 - 08/Jul/2016

FARMINGTON NPDES= ME010124 Effluent Limit: Acute (%) = 5.398 Chronic (%) = 4.904

Species	Test	Percent	Sample date	Critical %	Exception	RP
TROUT	A_NOEL	100	08/07/2011	5.398		
TROUT	A_NOEL	100	06/25/2013	5.398		
TROUT	A_NOEL	100	11/17/2015	5.398		
TROUT	C_NOEL	100	08/07/2011	4.904		
TROUT	C_NOEL	100	06/25/2013	4.904		
TROUT	C_NOEL	100	11/17/2015	4.904		
WATER FLEA	A_NOEL	100	02/26/2012	5.398		
WATER FLEA	A_NOEL	100	09/23/2012	5.398		
WATER FLEA	A_NOEL	100	06/25/2013	5.398		
WATER FLEA	A_NOEL	100	05/07/2014	5.398		
WATER FLEA	A_NOEL	100	07/22/2014	5.398		
WATER FLEA	A_NOEL	100	10/07/2014	5.398		
WATER FLEA	A_NOEL	100	04/28/2015	5.398		
WATER FLEA	A_NOEL	100	07/07/2015	5.398		
WATER FLEA	A_NOEL	100	10/13/2015	5.398		
WATER FLEA	C_NOEL	30	02/26/2012	4.904		
WATER FLEA	C_NOEL	30	09/23/2012	4.904		
WATER FLEA	C_NOEL	100	06/25/2013	4.904		
WATER FLEA	C_NOEL	100	05/07/2014	4.904		
WATER FLEA	C_NOEL	4.90	07/22/2014	4.904	Y	
WATER FLEA	C_NOEL	50	10/07/2014	4.904		
WATER FLEA	C_NOEL	50	04/28/2015	4.904		
WATER FLEA	C_NOEL	100	07/07/2015	4.904		
WATER FLEA	C_NOEL	25	10/13/2015	4.904		

ATTACHMENT E

PRIORITY POLLUTANT DATA SUMMARY

Date Range: 08/Jul/2011 - 08/Jul/2016

Facility Name: **FARMINGTON** NPDES: **ME0101249**

Test Date	Monthly (Flow MGD)	Daily (Flow MGD)	Total Test Number	Test # By Group M	V	BN	P	O	A	Clean	Hg
08/07/2011	0.28	0.24	18	7	0	0	0	11	0	F	0
02/26/2012	0.28	0.27	21	10	0	0	0	11	0	F	0
09/23/2012	0.34	0.35	21	10	0	0	0	11	0	F	0
06/23/2013	0.37	0.34	21	10	0	0	0	11	0	F	0
05/07/2014	0.46	0.41	21	10	0	0	0	11	0	F	0
07/22/2014	0.47	0.41	21	10	0	0	0	11	0	F	0
10/07/2014	0.42	0.40	21	10	0	0	0	11	0	F	0
04/28/2015	0.60	0.54	21	10	0	0	0	11	0	F	0
07/07/2015	0.39	0.40	21	10	0	0	0	11	0	F	0
10/13/2015	0.39	0.39	21	10	0	0	0	11	0	F	0
11/17/2015	0.40	0.38	21	10	0	0	0	11	0	F	0
05/21/2016	0.03	0.03	4	3	0	0	0	1	0	F	0
05/25/2016	0.44	0.36	7	7	0	0	0	0	0	F	0

Key:

A = Acid O = Others P = Pesticides

BN = Base Neutral M = Metals V = Volatiles

CHEMICAL TEST REPORT

Data entered into Toxscan for the period

08/Jul/2011 - 08/Jul/2016

Facility Name: **FARMINGTON** Permit Number: ME0010124

COPPER

Test Date	Result (ug/l)	Lsthan	Status
08/07/2011	16.100	N	
02/26/2012	41.300	N	
09/23/2012	22.800	N	
06/23/2013	11.000	N	
05/07/2014	40.300	N	
07/22/2014	30.000	N	
10/07/2014	22.400	N	
04/28/2015	12.500	N	
07/07/2015	8.380	N	
10/13/2015	12.100	N	
11/17/2015	14.400	N	
05/25/2016	46.200	N	

ATTACHMENT F

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

MEMORANDUM

DATE: October 2008

TO: Interested Parties

FROM: Dennis Merrill, DEP

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

****

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

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

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

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

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

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

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

Maine Department of Environmental Protection

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Maine Department of Environmental Protection

Working Definitions of Terms Used in the DeTox System.

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

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

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

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

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

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

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

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

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

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

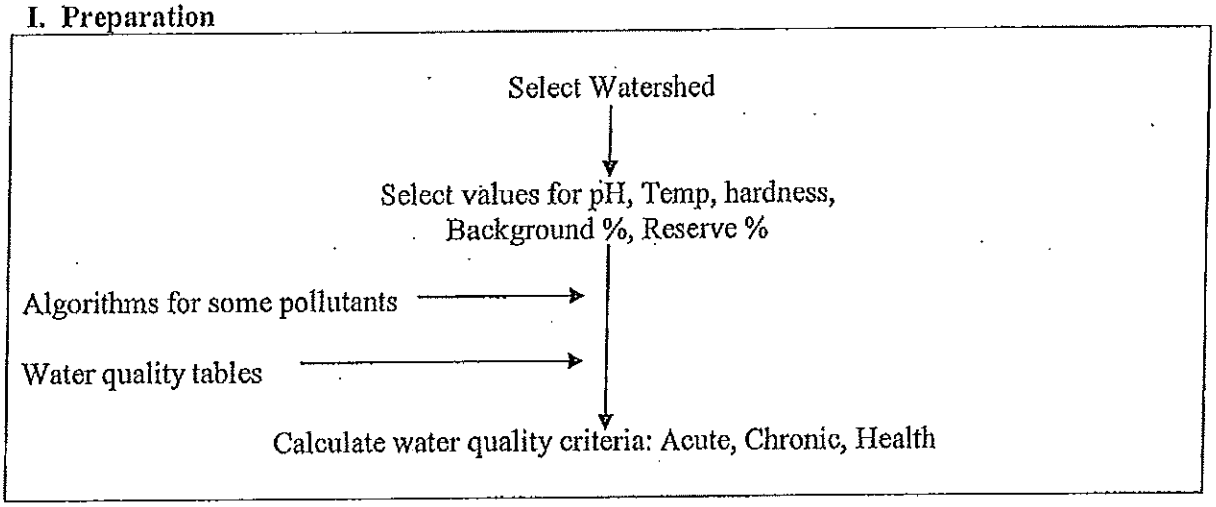
Segment allocation. One of three ways of developing an *allocation.* The amount is set by multiplying a facility's *historical discharge percentage* for a specific pollutant by the *assimilative capacity* for that pollutant and criterion. A facility will have different allocation percentages for each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

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

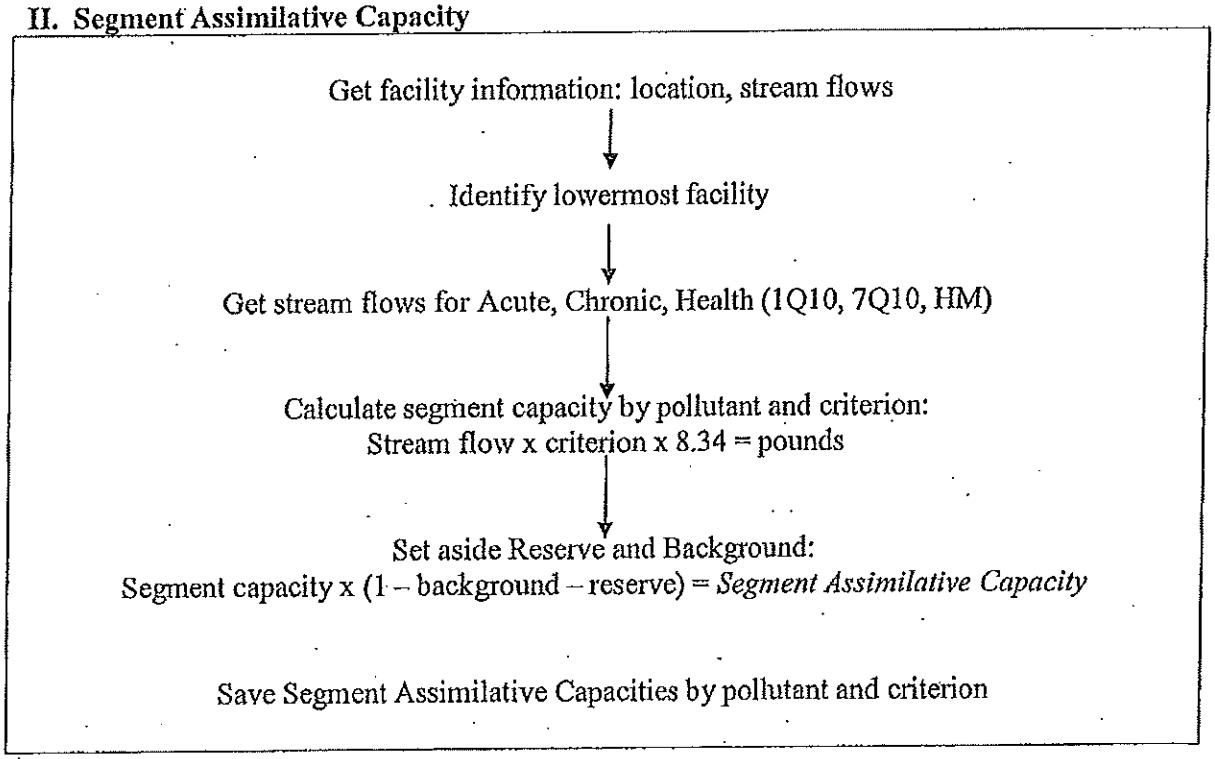
Water quality criteria. Standards for acceptable in-stream or ambient levels of pollutants. These are established in the Department's Chapter 584 and are expressed as concentrations in ug/L. There may be separate standards for acute and chronic protection aquatic life and/or human health. Each criterion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

Maine Department of Environmental Protection
General Processing Steps in "DeTox"

I. Preparation



II. Segment Assimilative Capacity



Maine Department of Environmental Protection
General Processing Steps in "DeTox"

III. Evaluate History by Pollutant

Select each facility effluent data for each facility

Data input and edits →

Identify "less than" results and assign at ½ of reporting limit

Bypass pollutants if all results are "less than"

Average concentrations and calculate pounds:
Ave concentration x license flow x 8.34 = *Historical Average*

Determine reasonable potential (RP) using algorithm

Calculate RP adjusted pounds:
Historical Average x RP factor = *RP Historical Allocation*

Save for comparative evaluation

Calculate adjusted maximum pounds:
Highest concentration x RP factor x license flow x 8.34 = *RP Maximum Value*

IV. Determine Facility History Percentage

By pollutant, identify facilities with *Historical Average*

Sum all Historical Averages within segment

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

Maine Department of Environmental Protection
General Processing Steps in "DeTox"

V. Segment Allocation

By pollutant and criterion, select *Segment Assimilative Capacity*

↓

Select individual *Facility History %*

↓

Determine facility allocation:
Assimilative Capacity x Facility History % = *Segment Allocation*

↓

Save for comparative evaluation

VI. Individual Allocation

Select individual facility and dilution factor (DF)

↓

Select pollutant and water quality criterion

↓

By pollutant and criterion, calculate individual allocations:
[DF x 0.75 x criterion] + [0.25 x criterion] = Individual Concentration

↓

Determine individual allocation:
Individual Concentration x license flow x 8.34 = *Individual Allocation*

↓

Save for comparative evaluation

VII. Make Initial Allocation

By facility, pollutant and criterion, get:
Individual Allocation, Segment Allocation, RP Historical Allocation

↓

Compare allocation and select the smallest

↓

Save as *Facility Allocation*

VIII. Evaluate Need for Effluent Limits

By facility, pollutant and criterion select
Segment Allocation, Individual Allocation and *RP Maximum value*

↓

If *RP Maximum value* is greater than either *Segment Allocation* or *Individual Allocation*, use lesser value as *Effluent Limit*

↓

Save *Effluent Limit* for comparison

IX. Reallocation of Assimilative Capacity

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

↓

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

↓

If not, subtract *Facility Allocation* from *Segment Allocation*

↓

Save difference

↓

Select next facility downstream

↓

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

↓

Add saved difference to get an adjusted *Segment Assimilative Capacity*

↓

Reallocate *Segment Assimilative Capacity* among downstream facilities per step V

↓

Repeat process for each facility downstream in turn

ATTACHMENT G

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHAPTER 530.2(D)(4) CERTIFICATION

MEPDES#_____Facility Name_____

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

COMMENTS:

Name (printed): _____

Signature:_____Date: _____

This document must be signed by the permittee or their legal representative.

This form may be used to meet the requirements of Chapter 530.2(D)(4). This Chapter requires all dischargers having waived or reduced toxic testing to file a statement with the Department describing changes to the waste being contributed to their system as outlined above. As an alternative, the discharger may submit a signed letter containing the same information.

Scheduled Toxicity Testing for the next calendar year

Test Conducted	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
WET Testing	☐	☐	☐	☐
Priority Pollutant Testing	☐	☐	☐	☐
Analytical Chemistry	☐	☐	☐	☐
Other toxic parameters [1]	☐	☐	☐	☐

Please place an "X" in each of the boxes that apply to when you will be conducting any one of the three test types during the next calendar year.

[1] This only applies to parameters where testing is required at a rate less frequently than quarterly.

ATTACHMENT H

Limitations for Industrial Users – How to conduct an Industrial Waste Survey

The National Pretreatment Program is scaled to cities and towns that are generally more developed than those in Maine. Small towns around here tend to wonder what the fuss is about – we know (or at least are pretty sure we know) everything that's going on in our collection systems. A lot can happen, and a lot can change in areas like Portland, Bangor, Lewiston/Auburn, let alone bigger places like Boston or NY. Regardless of community size, or whether or not you have any new facilities (or existing facilities that have changed what they're doing), the Industrial Waste Survey (IWS) is a federal requirement that has been adopted into Maine's MEPDES wastewater licensing program.

Step 1: For a small community, the quickest, easiest thing to do is take a day when not much is going on at the plant, get in the vehicle, & drive the entire extent of your collection system. Take the attached logsheet with you & make a list of every industrial or significant commercial facility that discharges to your system. The IWS list is basically a summary of the dischargers in your system that may have wastewater with different characteristics than the wastewater discharge from the sinks, toilets, bathtub, dishwasher and washing machine at your typical home or commercial building.

(Note: Do not include homes, rentals, restaurants, delis & fast food joints. You may need a FOG/grease trap program for those kinds of places, but that's a different consideration than an IWS and most small-scale commercial activity. Even some larger-scale places, like schools, cafeterias, managed care homes, etc., generally have wastewater that is similar in characteristics to residential wastewater, just more of it.)

Step 2 – Take your logsheet and compare each facility to this set of conditions:

► Does the facility discharge a monthly average of >25,000 gallons a day of **process** wastewater?

► Does the facility's **process** wastewater discharge make up 5% or more of your daily influent flow?

► Does the facility's **process** wastewater discharge make up 5% or more of your daily influent BOD?

► Does the facility's **process** wastewater discharge make up 5% or more of your daily influent TSS?

► Does the facility's **process** wastewater have a reasonable potential to adversely affect your POTW operations, cause a problem with your discharge, or cause a problem with your sludge disposal?

If "yes" to any of the above, then the facility is a potential **Significant Industrial User** of your system. Put a check in that column on the spreadsheet.

Step 3 - Indicate on the spreadsheet if any of the facilities fall under one of the National Categorical Standards, 40 CFR 405 through 471 (Use the attached list of Categorical Industrial Users to determine if any of the facilities on your list are included).

*If yes to this consideration, then the facility may be a **Categorical Industrial User** of your system. Put a check in that column also.*

See next page

Step 4 - If any of the facilities on your list meet one or more of those conditions, then you're going to want to go back and take a closer look at them; find out more detail on their process(es), wastewater characteristics, discharge pattern. You will likely find that most facilities are not a problem. Only a few will need closer scrutiny.

(Note – having industries within your collection system does not automatically require increased regulatory activity on your part; the only uniform requirement is that you know what you have.) The first time through the IWS process takes some time but after that it is relative easy to update it on an as-needed basis.

Though this requirement has only recently explicitly appeared in MEPDES permits, it has actually been a federal requirement all along. Again, the first time through will be a bit of a project, but from then on, it shouldn't be difficult.

If you have questions regarding whether a particular discharger is a **Significant Industrial User** or **Categorical Industrial User contact your assigned MeDEP wastewater treatment system inspector or the MEDEP Pretreatment coordinator.**

James R. Crowley
Compliance Supervisor, State Pretreatment Coordinator
Department of Environmental Protection
Division of Water Quality Management
207-287-8898
james.r.crowley@maine.gov

Industrial User Survey

Date:_____

Surveyor:_____

	Facility name/Address/ Contact	Type of business	Wastewater flow (GPD)	Wastewater characteristics, conc., constituents, etc	Comments	Onsite Pretreatment?	Significant Industrial User?	Categorical Industrial User?

Categorical Industrial Users (from 40 CFR Sections 403-471)

	5	Dairy Products		26	Glass Manu.		46	Paint formulating
	6	Grain Mill		27	Asbestos manu.		47	Ink formulating
	7	Canned/preserv fruits& vegs		28	Rubber manu.		49	Airport deicing
	8	Canned/preserved seafood		29	Timber products processing		50	Construction & Development
	9	Sugar processing		30	Pulp/paper/paperboard		51	Conc. aquatic animal prod.
	10	Textile mill		32	Meat & Poultry products		54	Gum & Wood chemicals
	11	Cement manufacturing		33	Metal Finishing		55	Pesticide Chemicals
	12	Conc. animal feeding ops.		34	Coal mining		57	Explosives
	13	Electroplating		35	Oil& Gas extraction		58	Carbon Black Manu.
	14	Organic chemicals, plastics & syn. fiber		36	Mineral mining/processing		59	Photographic
	15	Inorganic chemicals		37	Centralized waste treatment		60	Hospital
	17	Soap & Detergent Manu.		38	Metal products		61	Battery manufacturing
	18	Fertilizer manu.		39	Pharmaceutical Manu		63	Plastics molding/forming
	19	Petroleum refining		40	Ore mining/processing		64	Metal molding/casting
	20	Iron & Steel manu.		42	Transportation equip. cleaning		64	Coil coating
	21	Non-Ferrous metals		43	Paving & roofing materials		66	Porcelain
	22	Phosphate		44	Waste combustors		67	Aluminum forming
	23	Steam Electric power		45	Landfill		68	Copper forming
	24	Ferroalloy manu.					69	Electrical & electronic components
	25	Leather tanning/finishing					71	Nonferrous metals forming/Metals powders

DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012 **Contact: (207) 287-2811**

SUMMARY

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

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

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

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

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

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

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

HOW TO SUBMIT AN APPEAL TO THE BOARD

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

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

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

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

Other Considerations in Appealing a Decision to the Board

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

What to Expect Once You File a Timely Appeal with the Board

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

II. JUDICIAL APPEALS

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

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

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

ADDITIONAL INFORMATION

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

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.