



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

DARRYL N. BROWN
COMMISSIONER

February 16, 2011

Mr. Jon Carman
JMC Wastewater Services
46 Fisher Road
Unity, ME. 04988

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0101532
Maine Waste Discharge License (WDL) Application #W000569-6D-G-R
Final Permit/License

Dear Mr. Carman:

Enclosed please find a copy of your **final** Maine MEPDES/WDL which was approved by the Department of Environmental Protection. Please read the permit and its attached conditions carefully. You must follow the conditions in the order to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State Law and is subject to enforcement action.

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

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

Sincerely,

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

Enc. Denise Behr, DEP/CMRO
Sandy Mojica, USEPA

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

DEPARTMENT ORDER

IN THE MATTER OF

CITY OF BELFAST)	MAINE POLLUTANT DISCHARGE
BELFAST, WALDO COUNTY, MAINE)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS)	AND
ME0101532)	WASTE DISCHARGE LICENSE
W000569-6D-G-R)	RENEWAL
APPROVAL		

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

APPLICATION SUMMARY

The City has submitted a timely and complete application to the Department for renewal of Department Waste Discharge License (WDL) W000569-5L-F-R / Maine Pollutant Discharge Elimination System (MEPDES) permit ME0101532, which was issued by the Department on May 23, 2006 and is due to expire on May 23, 2011. The 5/23/06 MEPDES permit authorized the City to discharge an unspecified quantity of secondary treated sanitary wastewater and untreated excess combined sanitary wastewater and storm water from a publicly owned treatment works (POTW) and two combined sewer overflow (CSO) points to the Atlantic Ocean at Belfast Harbor, Class SB, in Belfast, Maine.

MODIFICATIONS REQUESTED

The City is requesting the Department carry forward the terms and conditions of the previous permitting action except that it is requesting the Department;

1. Establish a monthly average flow limitation of 1.49 MGD due to a recent upgrade at the treatment facility to accommodate more storm water flow at the facility and reduce combined sewer overflow (CSO) events in the collection system.
2. Establish monthly average, weekly average and daily maximum technology based mass limitations for biochemical oxygen demand (BOD) and total suspended solids (TSS) based on the new monthly average flow limitation of 1.49 MGD.

PERMIT SUMMARY

This permitting action is carrying forward all the terms and conditions of the 5/23/06 permitting action except that this permitting action:

1. Establishes a monthly average flow limit of 1.49 MGD.
2. Increases the monthly average, weekly average and daily maximum technology based mass limitations for BOD and TSS based on the new monthly average flow limitation of 1.49 MGD.
3. Reduces the acute, chronic and harmonic mean dilution factors associated with the discharge based on the increase in the monthly average flow limitation.
4. Reduces the water quality based concentration limits for total residual chlorine based on the revised dilution factors.
5. Eliminates the daily maximum water quality based limitations for total copper based on a new statistical evaluation pursuant to Department rule 06-096 CMR, Chapter 530, *Surface Water Toxics Control Program* that indicates the discharge no longer has a reasonable potential to exceed ambient water quality criteria (AWQC) for copper.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated January 4, 2011, 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.A., Section 464(4)(F), will be met, in that:
 - a. Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - b. Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
 - c. The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - d. Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and
 - e. The discharge will be subject to effluent limitations that require application of best practicable treatment.
4. The discharge (including CSOs) will be subject to effluent limitations that require application of best practicable treatment.

ACTION

THEREFORE, the Department APPROVES the above noted application of the CITY OF BELFAST to discharge a monthly average of 1.49 million gallons per day (MGD) of secondary treated municipal wastewaters and an unspecified quantity of untreated excess combined sanitary and storm water wastewater from two combined sewer overflow (CSO) points to the Atlantic Ocean at Belfast Harbor, Class SB, in Belfast, Maine, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations, including:

1. *“Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits,”* revised July 1, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This permit becomes effective upon the date of signature below and expires at midnight five (5) years thereafter. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of the this permit, the terms and conditions of the this permit and all subsequent modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S.A. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (effective April 1, 2003)]

PLEASE NOTE ATTACHED FACT SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: December 6, 2010.

Date of application acceptance: December 13, 2010.

This order prepared by Gregg Wood, BUREAU OF LAND AND WATER QUALITY

ME0101532 2011

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- Beginning the effective date of the permit, the permittee is authorized to discharge secondary treated waste waters from **Outfall #001**, to the tidal waters of Belfast Harbor. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow, MGD [500501]	1.49 MGD [03]	---	Report MGD [03]	---	---	---	Continuous [99/99]	Recorder [RC]
BOD ₅ [00310]	373 #/Day [26]	559 #/Day [26]	621 #/Day [26]	30 mg/L [19]	45 mg/L [19]	50 mg/L [19]	2/Week [02/07]	Composite [24]
BOD ₅ % Removal ⁽¹⁾ [81010]	---	---	---	85 % [23]	---	---	1/Month [01/30]	Calculate [CA]
TSS [00530]	373 #/Day [26]	559 #/Day [26]	621 #/Day [26]	30 mg/L [19]	45 mg/L [19]	50 mg/L [19]	2/Week [02/07]	Composite [24]
TSS % Removal ⁽¹⁾ [81011]	---	---	---	85 % [23]	---	---	1/Month [01/30]	Calculate [CA]
Settleable Solids [00545]	---	---	---	---	---	0.3 ml/L [25]	2/Week [02/07]	Grab [GR]
Fecal Coliform ⁽²⁾ [319616] (May 15 – September 30)	---	---	---	15/100 ml ⁽³⁾ [13]	---	50/100 ml [13]	2/Week [02/07]	Grab [GR]
Total Residual Chlorine ⁽⁴⁾ [50060]	---	---	---	0.1 mg/L [19]	---	0.2 mg/L [19]	1/Day [01/01]	Grab [GR]
pH (Standard Units) [00400]	---	---	---	---	---	6.0-9.0 [12]	1/Day [01/01]	Grab [GR]

The italicized numeric values in brackets in the tables above and the tables that follow are not limitations but codes used by Department personnel to code monthly Discharge Monitoring Reports (DMR's).

See pages 8-11 of this permit for applicable footnotes.

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Beginning upon issuance of the permit and last through 12 months prior to the expiration date of this permit.

SURVEILLANCE LEVEL TESTING

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Whole Effluent Toxicity ⁽⁵⁾ <u>Acute – NOEL</u> <i>Mysidopsis bahia</i> [TDM3E] (Mysid Shrimp)	---	---	---	Report % [23]	1/2 Years [01/2Y]	Composite [24]
<u>Chronic – NOEL</u> <i>Arbacia punctulata</i> [TBH3A] (Sea urchin)	---	---	---	Report % [23]	1/2 Years [01/2Y]	Composite [24]
Analytical chemistry ⁽⁶⁾ [51477]	---	---	---	Report ug/L [28]	1/2/Year [01/2Y]	Composite/Grab [24]

See pages 8-11 of this permit for applicable footnotes.

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Beginning 12 months prior to the expiration date of this permit and lasting through permit expiration and every five years thereafter.

SCREENING LEVEL TESTING

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Whole Effluent Toxicity ⁽⁵⁾ <u>Acute – NOEL</u> <i>Mysidopsis bahia</i> [TDM3E] (Mysid Shrimp)	---	---	---	Report % [23]	2/Year [02/YR]	Composite [24]
<u>Chronic – NOEL</u> <i>Arbacia punctulata</i> [TBH3A] (Sea urchin)	---	---	---	Report % [23]	2/Year [02/YR]	Composite [24]
Priority pollutant ⁽⁷⁾ [50008]	---	---	---	Report ug/L [28]	1/Year [01/YR]	Composite/Grab [24]
Analytical chemistry ^(6,7) [51477]	---	---	---	Report ug/L [28]	1/Quarter [01/90]	Composite/Grab [24]

See pages 8-11 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

Footnotes:

Sampling Location: All effluent monitoring shall be conducted at a location following the last treatment unit in the treatment process as to be representative of end-of-pipe effluent characteristics. Any change in sampling location must be approved by the Department in writing.

Sampling - Sampling and analysis must be conducted in accordance with; a) methods approved in 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis shall be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services. Samples that are sent to another POTW licensed pursuant to *Waste discharge licenses*, 38 M.R.S.A. § 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 February 13, 2000).

All analytical test results shall be reported to the Department including results which are detected below the respective reporting limits (RLs) specified by the Department or as specified by other approved test methods. See **Attachment A** of this permit for a list of the Department's RLs. If a non-detect analytical test result is below the respective RL, the concentration result shall be reported as <Y where Y is the detection limit achieved by the laboratory for each respective parameter. Reporting a value of <Y that is greater than an established RL is not acceptable and will be rejected by the Department. For mass, if the analytical result is reported as <Y or if a detectable result is less than a RL, report a <X lbs/day, where X is the parameter specific limitation established in the permit.

1. **Percent Removal** – The treatment facility shall maintain a minimum of 85 percent removal of both biochemical oxygen demand and total suspended solids for all flows receiving secondary treatment. The percent removal shall be calculated based on influent and effluent concentration values. The percent removal shall be waived when the monthly average influent concentration is less than 200 mg/L. For instances when this occurs, the facility shall report "NODI-9" for this parameter on the monthly Discharge Monitoring Report (DMR).

SPECIAL CONDITIONS

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

Footnotes:

2. **Fecal coliform bacteria** - Limits are seasonal and apply between May 15th and September 30th inclusively of each year. The Department reserves the right to require year-round disinfection to protect the health, safety and welfare of the public.
3. **Fecal coliform bacteria** – The monthly average limitation is a geometric mean limitation and values shall be calculated and reported as such.
4. **Total Residual Chlorine** – Limitations and monitoring requirements are applicable whenever elemental chlorine or chlorine based compounds are being used to disinfect the discharge. For instances when a facility has not disinfected with chlorine based compounds for an entire reporting period, the facility shall report “NODI-9” for this parameter on the monthly DMR. The permittee shall utilize approved test methods that are capable of bracketing the limitations in this permit.
5. **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 water quality thresholds of 6.6% and 4.3%, respectively), which provides a point estimate of toxicity in terms of No Observed Effect Level, commonly referred to as NOEL or NOEC. A-NOEL is defined as the acute no observed effect level with survival as the end point. C-NOEL is defined as the chronic no observed effect level with survival, reproduction and growth as the end points.
 - a. **Surveillance level testing** - Beginning upon issuance of this permit and lasting 12 months prior to permit expiration, the permittee shall conduct screening level WET testing at a minimum frequency of once every other year (1/2 Years). Acute tests shall be conducted on the mysid shrimp (Mysidopsis bahia) and chronic tests shall be conducted on the sea urchin (Arbacia punctulata).
 - b. **Screening level testing** - Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter, the permittee shall conduct screening level WET testing at a minimum frequency of twice per year (2/Year). Acute tests shall be conducted on the mysid shrimp (Mysidopsis bahia) and chronic tests shall be conducted on the sea urchin (Arbacia punctulata).

WET test results must be submitted to the Department no later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, that the permittee may review the toxicity reports for up to 10 business days after their availability before submitting them. The permittee shall evaluate test results being submitted and identify to the Department possible exceedences of the critical acute and chronic water quality thresholds specified above.

SPECIAL CONDITIONS

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

Footnotes:

Toxicity tests must be conducted by an experienced laboratory approved by the Department. The laboratory must follow procedures as described in the following U.S.E.P.A. methods manuals:

- a. Short Term Methods for Estimating the Chronic Toxicity of Effluent and Receiving Water to Marine and Estuarine Organisms, Third Edition, October 2002, EPA-821-R-02-014.
- b. Methods for Measuring the Acute Toxicity of Effluent and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition, October 2002, EPA-821-R-02-012.

See **Attachment B** of this permit for the Department's WET report form.

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

6. **Analytical chemistry** – Refers to a suite of chemical tests in **Attachment A** of the permit
 - a. **Surveillance level testing** – Beginning upon issuance of this permit and lasting through 12 months prior to permit expiration, the permittee shall conduct surveillance level analytical chemistry testing at a minimum frequency of once every other year (1/2 Years).
 - b. **Screening level testing** – Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter, the permittee shall conduct screening level analytical chemistry testing at a minimum frequency of once per calendar quarter (1/Quarter) for four consecutive calendar quarters.
7. **Priority pollutant testing** – Priority pollutants are those parameters listed in **Attachment A** of this permit.

Screening level testing - Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter, the permittee shall conduct screening level priority pollutant testing at a minimum frequency of once per year (1/Year). It is noted Chapter 530 does not require routine surveillance level priority pollutant testing in the first four years of the term of this permit.

SPECIAL CONDITIONS

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

Footnotes:

Analytical chemistry and priority pollutant testing shall be conducted on samples collected at the same time as those collected for whole effluent toxicity tests when applicable. Priority pollutant and analytical chemistry testing shall be conducted using methods that permit detection of a pollutant at existing levels in the effluent or that achieve minimum reporting levels of detection as specified by the Department. See **Attachment A** of this permit for a list of the Department's reporting levels (RLs) of detection.

Priority pollutant and analytical chemistry test results must be submitted to the Department no later than the next DMR required by the permit provided, however, that the permittee may review the toxicity reports for up to 10 business days after receiving the test results from the laboratory before submitting them. The permittee shall evaluate test results being submitted and identify to the Department, possible exceedences of the acute, chronic or human health AWQC as established in Department rule Chapter 584. For the purposes of Discharge Monitoring Report (DMR) reporting, enter a "1" for yes, testing done this monitoring period or "NODI-9" monitoring not required this period.

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent shall not contain a visible oil sheen, foam or floating solids at any time which would impair the usages designated by the classification of the receiving waters.
2. The effluent shall not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated by the classification of the receiving waters.
3. The discharge shall not impart color, taste, turbidity, toxicity, radioactivity or other properties which cause those waters to be unsafe for the designated uses and characteristics ascribed to their classification.
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. LIMITATIONS FOR INDUSTRIAL USERS

Pollutants introduced into the waste water collection and treatment system by a non-domestic source (user) shall not pass through or interfere with the operation of the treatment system.

SPECIAL CONDITIONS

D. TREATMENT PLANT OPERATOR

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

E. UNAUTHORIZED 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 December 13, 2010; 2) the terms and conditions of this permit, and 3) only from Outfall #001A (secondary treated wastewater) and the two (2) combined sewer overflow outfalls (Outfall #002 and #003) listed in Special Condition M, *Combined Sewer Overflows*, of this permit. Discharges of wastewater from any other point source are not authorized under this permit, and shall be reported in accordance with Standard Condition B(5), Bypasses, of this permit.

F. NOTIFICATION REQUIREMENT

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

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

SPECIAL CONDITIONS

G. WET WEATHER FLOW MANAGEMENT PLAN

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

The plan shall conform to Department guidelines for such plans and 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 shall review their plan annually and record any necessary changes to keep the plan up to date.

H. OPERATION & MAINTENANCE (O&M) PLAN

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

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

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

I. MERCURY

All mercury sampling (4/Year) required by this permit or required to determine compliance with interim limitations established pursuant to Department rule Chapter 519, shall be conducted in accordance with EPA's "clean sampling techniques" found in EPA Method 1669, Sampling Ambient Water For Trace Metals At EPA Water Quality Criteria Levels. All mercury analysis shall be conducted in accordance with EPA Method 1631, Determination of Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Fluorescence Spectrometry. See **Attachment C, Effluent Mercury Test Report**, of this permit for the Department's form for reporting mercury test results.

SPECIAL CONDITIONS

J. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY

During the effective period of this permit, the permittee is authorized to receive and introduce into the treatment process or solids handling stream **a daily maximum of 7,000 gallons per day** and not to exceed a **monthly total of 56,000 gallons** of transported wastes, subject to the following terms and conditions.

1. "Transported wastes" means any liquid non-hazardous waste delivered to a wastewater treatment facility by a truck or other similar conveyance that has different chemical constituents or a greater strength than the influent described on the facility's application for a waste discharge license. Such wastes may include, but are not limited to septage, industrial wastes or other wastes to which chemicals in quantities potentially harmful to the treatment facility or receiving water 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 shall be suspended until there is no further risk of adverse effects.

4. The permittee shall maintain records for each load of transported wastes in a daily log which shall include at a minimum the following.
 - (a) The date;
 - (b) The volume of transported wastes received;
 - (b) The source of the transported wastes;
 - (d) The person transporting the transported wastes;
 - (e) The results of inspections or testing conducted;
 - (f) The volumes of transported wastes added to each treatment stream; and
 - (g) The information in (a) through (d) for any transported wastes refused for acceptance.

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

SPECIAL CONDITIONS

J. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY

5. The addition of transported wastes into the treatment process or solids handling stream shall not cause the treatment facility's design capacity to be exceeded. If, for any reason, the treatment process or solids handling facilities become overloaded, introduction of transported wastes into the treatment process or solids handling stream shall be reduced or terminated in order to eliminate the overload condition.
6. Holding tank wastewater from domestic sources to which no chemicals in quantities potentially harmful to the treatment process have been added shall not be recorded as transported wastes but should be reported in the treatment facility's influent flow.
7. During wet weather events, transported wastes may be added to the treatment process or solids handling facilities only in accordance with a current Wet Weather Flow Management Plan approved by the Department that provides for full treatment of transported wastes without adverse impacts.
8. In consultation with the Department, chemical analysis is required prior to receiving transported wastes from new sources that are not of the same nature as wastes previously received. The analysis must be specific to the type of source and designed to identify concentrations of pollutants that may pass through, upset or otherwise interfere with the facility's operation.
9. Access to transported waste receiving facilities may be permitted only during the times specified in the application materials and under the control and supervision of the person responsible for the wastewater treatment facility or his/her designated representative.
10. The authorization is subject to annual review and, with notice to the permittee and other interested parties of record, may be suspended or reduced by the Department as necessary to ensure full compliance with Chapter 555 of the Department's rules and the terms and conditions of this permit.

SPECIAL CONDITIONS

K. EFFLUENT CONDITIONS AND LIMITATIONS FOR COMBINED SEWER OVERFLOWS (CSOs)

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

1. CSO Locations

<u>Outfall #</u>	<u>Outfall Location</u>	<u>Receiving Water and Class</u>
002	Miller Street CSO	Belfast Harbor, SB
003	Condon Street CSO	Belfast Harbor, SB

2. Prohibited Discharges

- a) The discharge of dry weather flows is prohibited. All such discharges shall be reported to the Department in accordance with Standard Condition D (1) of this permit.
- b) No discharge shall occur as a result of mechanical failure, improper design or inadequate operation or maintenance.
- c) No discharges shall occur at flow rates below the maximum design capacities of the wastewater treatment facility, pumping stations or sewerage system.

3. Narrative Effluent Limitations

- a) The effluent shall not contain a visible oil sheen, settled substances, foam, or floating solids at any time that impair the characteristics and designated uses ascribed to the classification of the receiving waters.
- b) The effluent shall not contain materials in concentrations or combinations that are hazardous or toxic to aquatic life; or which would impair the usage designated by the classification of the receiving waters.
- c) The discharge shall not impart color, turbidity, toxicity, radioactivity or other properties that cause the receiving waters to be unsuitable for the designated uses and other characteristics ascribed to their class.

SPECIAL CONDITIONS

K. EFFLUENT LIMITATIONS AND CONDITIONS FOR CSO'S (cont'd)

4. CSO Master Plan (see Sections 2 and 3 of Department rule Chapter 570)

The permittee shall implement CSO control projects in accordance with the approved CSO Master Plan entitled *Sewer System Master Plan for CSO Abatement City of Belfast, ME, January 2000*, prepared by Olver Associates, and the updated plan entitled *Updated Master Plan for CSO Abatement, City of Belfast, Maine, December 2008*, prepared by Olver Associates. The updated Master Plan was approved by the Department on November 2, 2009.

On or before December 31, 2014, [PCS Code 06699] the permittee shall submit a CSO Master Plan Update evaluating the success of the abatement projects and the need to proceed with CSO Abatement Projects.

To modify the dates and or projects specified above, the permittee must file an application with the Department to formally modify the permit. The remaining work items identified in the abatement schedule may be amended from time to time based on mutual agreements between the permittee and the Department. The permittee must notify the Department in writing prior to any proposed changes to the implementation schedule.

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

The permittee shall implement and follow the Nine Minimum Control documentation as approved by EPA on August 2, 2000. Work performed on the Nine Minimum Controls during the year shall be included in the annual CSO Progress Report (see below).

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

The permittee shall conduct block testing or flow monitoring according to an approved *Compliance Monitoring Program* on all CSO points, as part of the CSO Master Plan. Annual flow volumes for all CSO locations shall be determined by actual flow monitoring, or by estimation using a model such as EPA's Storm Water Management Model (SWMM).

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

SPECIAL CONDITIONS

K. EFFLUENT LIMITATIONS AND CONDITIONS FOR CSO'S (cont'd)

CSO control projects that have been completed shall be monitored for volume and frequency of overflow to determine the effectiveness of the project toward CSO abatement. This requirement shall not apply to those areas where complete separation has been completed and CSO outfalls have been eliminated.

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

Chapter 570 Section 8 lists requirements relating to any proposed addition of wastewater to the combined sewer system. Documentation of the new wastewater additions to the system and associated mitigating measures shall be included in the annual *CSO Progress Report* (see below). Reports must contain the volumes and characteristics of the wastewater added or authorized for addition and descriptions of the sewer system improvements and estimated effectiveness.

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

By March 1 of each year [*PCS Event 11099*], the permittee shall submit *CSO Progress Reports* covering the previous calendar year (January 1 to December 31). The CSO Progress Report shall include, but is not necessarily limited to, the following topics as further described in Chapter 570: CSO abatement projects, schedule comparison, progress on inflow sources, costs, flow monitoring results, CSO activity and volumes, nine minimum controls update, sewer extensions, and new commercial or industrial flows.

The CSO Progress Reports shall be completed on a standard form entitled “*Annual CSO Progress Report*,” furnished by the Department, and submitted in electronic form, if possible, to the following address:

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

SPECIAL CONDITIONS

K. EFFLUENT LIMITATIONS AND CONDITIONS FOR CSO'S (cont'd)

9. Signs

If not already installed, the permittee shall install and maintain an identification sign at each CSO location as notification to the public that intermittent discharges of untreated sanitary wastewater occur. The sign must be located at or near the outfall and be easily readable by the public. The sign shall be a minimum of 12" x 18" in size with white lettering against a green background and shall contain the following information:

**CITY OF BELFAST
WET WEATHER
SEWAGE DISCHARGE
CSO # AND NAME OF OUTFALL**

10. Definitions

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

- a. Combined Sewer Overflow - a discharge of excess waste water from a municipal or quasi-municipal sewerage system that conveys both sanitary wastes and storm water in a single pipe system and that is in direct response to a storm event or snowmelt.
- b. Dry Weather Flows - flow in a sewerage system that occurs as a result of non-storm events or are caused solely by ground water infiltration.
- c. Wet Weather Flows - flow in a sewerage system that occurs as a direct result of a storm event, or snowmelt in combination with dry weather flows.

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

By December 31 of each calendar year, the permittee shall provide the Department with a certification describing any of the following that have occurred since the effective date of this permit [*PCS Code 95799*]: See **Attachment F** 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; and
- (c) Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge.

SPECIAL CONDITIONS

L. 06-096 CMR 530(2)(D)(4) STATEMENT FOR REDUCED/WAIVED TOXICS TESTING (cont'd)

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

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

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

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

M. MONITORING AND REPORTING

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

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

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

SPECIAL CONDITIONS

N. 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 or ambient water quality monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

O. SEVERABILITY

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

ATTACHMENT A

**Maine Department of Environmental Protection
WET and Chemical Specific Data Report Form**

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

Facility Name _____

MEPDES # _____

Facility Representative Signature _____

Pipe # _____

To the best of my knowledge this information is true, accurate and complete.

Licensed Flow (MGD) _____

Acute dilution factor _____

Chronic dilution factor _____

Human health dilution factor _____

Criteria type: M(arine) or F(resh) _____

MFlow for Day (MGD)⁽¹⁾ _____Flow Avg. for Month (MGD)⁽²⁾ _____

Date Sample Collected _____

Date Sample Analyzed _____

Laboratory _____ Telephone _____

Address _____

Lab Contact _____ Lab ID # _____

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

MARINE AND ESTUARY VERSION

Please see the footnotes on the last page.

Receiving
Water or
Ambient**Effluent Concentration**
(ug/L or as noted)

WHOLE EFFLUENT TOXICITY					Receiving Water or Ambient	Effluent Concentration (ug/L or as noted)	WET Result, % Do not enter % sign	Reporting Limit Check	Possible Exceedence ⁽⁷⁾			
		Effluent Limits, %		Acute					Chronic	Acute	Chronic	
		Acute	Chronic									
	Mysid Shrimp											
	Sea Urchin											
WET CHEMISTRY												
	pH (S.U.) ⁽⁹⁾					(8)						
	Total Organic Carbon (mg/L)					NA						
	Total Solids (mg/L)					NA						
	Total Suspended Solids (mg/L)					NA						
	Salinity (ppt.)											
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					Reporting Limit Check	Possible Exceedence ⁽⁷⁾			
			Acute ⁽⁶⁾	Chronic ⁽⁶⁾	Health ⁽⁶⁾				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	5				(8)						
M	LEAD	3				(8)						
M	NICKEL	5				(8)						
M	SILVER	1				(8)						
M	ZINC	5				(8)						

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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	3							
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	10							
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	2							
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	3							
BN	BENZO(G,H,I)PERYLENE	5							
BN	BENZO(K)FLUORANTHENE	3							
BN	BIS(2-CHLOROETHOXY)METHANE	5							
BN	BIS(2-CHLOROETHYL)ETHER	6							
BN	BIS(2-CHLOROISOPROPYL)ETHER	6							
BN	BIS(2-ETHYLHEXYL)PHTHALATE	3							
BN	BUTYLBENZYL PHTHALATE	5							
BN	CHRYSENE	3							
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							

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BN	FLUORANTHENE	5									
BN	FLUORENE	5									
BN	HEXACHLOROBENZENE	2									
BN	HEXACHLOROBUTADIENE	1									
BN	HEXACHLOROCYCLOPENTADIENE	10									
BN	HEXACHLOROETHANE	2									
BN	INDENO(1,2,3-CD)PYRENE	5									
BN	ISOPHORONE	5									
BN	N-NITROSODI-N-PROPYLAMINE	10									
BN	N-NITROSODIMETHYLAMINE	1									
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	1,1,1,2-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-CHLOROETHYL VINYL ETHER	20									

**Maine Department of Environmental Protection
WET and Chemical Specific Data Report Form**

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V	ACROLEIN	NA									
V	ACRYLONITRILE	NA									
V	BENZENE	5									
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									
	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.
- (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:

ATTACHMENT B

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

Facility Name _____ MEPDES Permit # _____
Pipe # _____

Facility Representative _____ Signature _____

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

Facility Telephone # _____ Date Collected _____ Date Tested _____
mm/dd/yy mm/dd/yy

Chlorinated? _____ Dechlorinated? _____

Results		% effluent	Effluent Limitations	
		mysisd shrimp	sea urchin	
A-NOEL				A-NOEL
C-NOEL				C-NOEL

Data summary		mysisd shrimp	sea urchin	Salinity Adjustment	
		% survival	% fertilized		
QC standard		>90	>70	brine	
lab control				sea salt	
receiving water control				other	
conc. 1 (%)					
conc. 2 (%)					
conc. 3 (%)					
conc. 4 (%)					
conc. 5 (%)					
conc. 6 (%)					
stat test used					

place * next to values statistically different from controls

Reference toxicant	mysisd shrimp	sea urchin
	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 (Marine Version), March 2007."

ATTACHMENT C

Effluent Mercury Test Report

Name of Facility: _____

Federal Permit # ME _____

Pipe # _____

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

SAMPLE COLLECTION INFORMATION

Sampling Date:

--	--	--

 Sampling time: _____ AM/PM
mm dd yy

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

By: _____ Date: _____

Title: _____

PLEASE MAIL THIS FORM TO YOUR ASSIGNED INSPECTOR

ATTACHMENT D

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION CSO ACTIVITY AND VOLUMES

MUNICIPALITY OR DISTRICT		PRECIP. DATA		FLOW DATA (GALLONS PER DAY) OR BLOCK ACTIVITY ("1")						EVENT OVERFLOW		EVENT DURATION			
REPORTING YEAR				INCHES		LOCATION: NUMBER:		LOCATION: NUMBER:		LOCATION: NUMBER:		GALLONS		HRS	
CSO EVENT NO.	START DATE OF STORM	TOTAL INCHES	MAX. HR. INCHES	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:
1															
2															
3															
4															
5															
6															
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16															
17															
18															
19															
20															
21															
22															
23															
24															
25															
TOTALS															

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

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

FACT SHEET

Date: **January 4, 2011**

PERMIT NUMBER: **ME0101532**
WASTE DISCHARGE LICENSE: **W000569-6D-G-R**

NAME AND ADDRESS OF APPLICANT:

**CITY OF BELFAST
131 Church Street
Belfast, Maine 04915**

COUNTY: **WALDO**

NAME AND ADDRESS WHERE DISCHARGE(S) OCCUR(S):

**BELFAST WASTEWATER TREATMENT FACILITY
Front Street
Belfast, Maine 04915**

RECEIVING WATER/CLASSIFICATION: **Belfast Harbor/Class SB**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER:

**Mr. Jon Carman, Contract Operator
JMC Wastewater Services
Office: (207) 948-2422
Treatment Plant: (207) 338-1744
e-mail: wwtp@cityofbelfast.org**

**Mr. Joseph Slocum, City Manager
(207) 338-3370
e-mail: jslocum@cityofbelfast.org**

1. APPLICATION SUMMARY

- a. Application – The City of Belfast (City/permittee hereinafter) has submitted a timely and complete application to the Department for renewal of Department Waste Discharge License (WDL) W000569-5L-F-R / Maine Pollutant Discharge Elimination System (MEPDES) permit ME0101532, which was issued by the Department on May 23, 2006 and is due to expire on May 23, 2011. The 5/23/06 MEPDES permit authorized the City to discharge an unspecified quantity of secondary treated sanitary wastewater and untreated excess combined sanitary waste water and storm water from a publicly owned treatment works (POTW) and two combined sewer overflow (CSO) points to the Atlantic Ocean at Belfast Harbor, Class SB, in Belfast, Maine. See **Attachment A** of this Fact Sheet for a location map.
- b. Source Description: The Belfast wastewater treatment facility is located on Front Street in the downtown waterfront area of Belfast. The facility treats residential and commercial waste waters generated by approximately 5,000 customers (1,350 hookups) within the City of Belfast. The City reports no significant industrial contributors or any industries with pretreatment requirements discharging wastewater into the City's collection system. The City has an agreement with Ducktrap River Fish Farms whereby "brine waste" is delivered to the treatment plant and placed in holding tanks and then gradually added to the treatment plant influent.

The City's sewer collection system is approximately 32 miles in length, contains 18 pump stations, is approximately 95% separated and 5% combined, and contains 2 CSO points. As a component of the City's CSO abatement projects, the City continues to replace substandard and old vitrified clay sewer lines throughout the collection system. Five of the pump stations are equipped with on-site back-up power source, three small submersible pump stations do not have back-up power or connections, but have long wet well holding capacities and can be pumped down periodically if necessary, to avoid overflows, and the remaining ten stations are serviced with portable generators.

The City has submitted an updated Transported Waste Management Plan as part of their December 6, 2010, renewal application, which has been reviewed and approved by the Department. Said plan is consistent with the requirements of Department rule Chapter 555, *Application For Addition of Transported Wastes in Wastewater Treatment Facilities*. This permitting action is carrying forward authorization for the facility to receive and introduce into the treatment process septage from a daily maximum of up to 7,000 gallons per day (gpd) and not to exceed a monthly total of up to 56,000 gpd. Also see Special Condition J, *Addition of Transported Wastes in Wastewater Treatment Facilities* of this permit.

1. APPLICATION SUMMARY (cont'd)

- c. Wastewater Treatment: See **Attachment B** of this Fact Sheet for a narrative description and schematic of the waste water treatment facility.

Final effluent is conveyed for discharge to Belfast Harbor via a 16-inch diameter reinforced concrete outfall pipe (Outfall #001A). The pipe is located approximately 40 feet out into the harbor to a depth of approximately 18 feet at mean low water. The pipe is not fitted with diffusers or other structures intended to enhance mixing of the effluent with the receiving waters.

2. MODIFICATIONS REQUESTED

The City is requesting the Department carry forward the terms and conditions of the previous permitting action except that it is requesting the Department;

- a. Establish a monthly average flow limitation of 1.49 MGD due to a recent upgrade at the treatment facility to accommodate more storm water flow at the facility and reduce combined sewer overflow (CSO) events in the collection system.
- b. Establish monthly average, weekly average and daily maximum technology based mass limitations for biochemical oxygen demand (BOD) and total suspended solids (TSS) based on the new monthly average flow limitation of 1.49 MGD.

3. PERMIT SUMMARY

- a. Terms and conditions - This permitting action is carrying forward all the terms and conditions of the 5/23/06 permitting action except that permitting action:
 - 1. Establishes a monthly average flow limit of 1.49 MGD.
 - 2. Increases the monthly average, weekly average and daily maximum technology based mass limitations for BOD and TSS based on the new monthly average flow limitation of 1.49 MGD.
 - 3. Reduces the acute, chronic and harmonic mean dilution factors associated with the discharge based on the increase in the monthly average flow limitation.
 - 4. Reduces the water quality based concentration limits for total residual chlorine based on the revised dilution factors.
 - 5. Eliminates the daily maximum water quality based limitations for total copper based on a new statistical evaluation pursuant to Department rule 06-096 CMR, Chapter 530, *Surface Water Toxics Control Program* that indicates the discharge no longer has a reasonable potential to exceed ambient water quality criteria (AWQC) for copper.

3. PERMIT SUMMARY

- b. History: This section provides a summary of the most recent significant licensing and permitting actions completed for the Belfast facility as well as other significant regulatory actions.

September 26, 1997 – The USEPA issued a renewal of National Pollutant Discharge Elimination System (NPDES) permit #ME0101532 to the City. The 9/26/97 permit superseded NPDES permits issued to the City by the USEPA on September 19, 1994, October 5, 1990, September 19, 1989, and March 31, 1984 (earliest NPDES permit on file with the Department).

May 23, 2000 – Pursuant to Maine law, 38 M.R.S.A. §420 and §413 and Department rule, 06-096 CMR Chapter 519, *Interim Effluent Limitations and Controls for the Discharge of Mercury*, the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL #W000569-46-B-R by establishing interim monthly average and daily maximum effluent concentration limits of 27.6 parts per trillion (ppt) and 41.4 ppt, respectively, and a minimum monitoring frequency requirement of 4 tests per year for mercury.

June 19, 2001 – The Department issued MEPDES permit #ME0101532 / WDL #W000569-5L-C-R to the City for a five-year term. The 6/19/01 permit superseded WDL #W000569-46-B-R issued on July 8, 1994, WDL #W000569-46-A-R issued on March 13, 1987, and WDL #569 issued on September 9, 1981 (earliest Order on file with the Department) and the 9/26/97 NPDES permit issued by the USEPA.

June 28, 2001 – The Department administratively modified the 6/19/01 MEPDES permit to correct the minimum monitoring frequency requirement for BOD from once per week to twice per week.

June 11, 2004 – The Department administratively modified the 6/19/01 MEPDES permit to increase the monthly average discharge flow limitation from 0.7 MGD to 0.90 MGD. It is noted that the modification did not result in a corresponding increase in the mass limitations for BOD₅ or TSS or the dilution factors associated with the discharge from the facility.

March 13, 2006 – The City submitted a timely and complete General Application to the Department for renewal of the 6/13/01 MEPDES permit. The application was accepted for processing on March 15, 2006 and was assigned WDL # W000569-5L-D-R / MEPDES #ME0101532.

May 23, 2006 – The Department issued WDL # W000569-5L-D-R / MEPDES #ME0101532 for five-year term.

December 6, 2010 – The City submitted a timely and complete application to the Department to renew the 5/23/06 WDL/MEPDES permit.

4. CONDITIONS OF PERMITS

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

5. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A. §469 classifies the Atlantic Ocean at Belfast Harbor, as Class SB waters. Maine law, 38 M.R.S.A. §465-B(2) describes the standards for Class SB waters as follows;

Class SB waters must be of such quality that they are suitable for the designated uses of recreation in and on the water, fishing, aquaculture, propagation and harvesting of shellfish, industrial process and cooling water supply, hydroelectric power generation, navigation and as habitat for fish and other estuarine and marine life. The habitat must be characterized as unimpaired.

The dissolved oxygen content of Class SB waters must be not less than 85% of saturation. Between May 15th and September 30th, the numbers of enterococcus bacteria of human and domestic animal origin in these waters may not exceed a geometric mean of 8 per 100 milliliters or an instantaneous level of 54 per 100 milliliters. In determining human and domestic animal origin, the department shall assess licensed and unlicensed sources using available diagnostic procedures. The numbers of total coliform bacteria or other specified indicator organisms in samples representative of the waters in shellfish harvesting areas may not exceed the criteria recommended under the National Shellfish Sanitation Program, United States Food and Drug Administration.

Discharges to Class SB waters may not cause adverse impact to estuarine and marine life in that the receiving waters must be of sufficient quality to support all estuarine and marine species indigenous to the receiving water without detrimental changes in the resident biological community. There may be no new discharge to Class SB waters that would cause closure of open shellfish areas by the Department of Marine Resources. For the purpose of allowing the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety, the department may find that the discharged effluent will not cause adverse impact to estuarine and marine life as long as the materials and methods used provide protection for nontarget species. When the department issues a license for the discharge of aquatic

5. RECEIVING WATER QUALITY STANDARDS

pesticides authorized under this paragraph, the department shall notify the municipality in which the application is licensed to occur and post the notice on the department's publicly accessible website.

6. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2008 Integrated Water Quality Monitoring and Assessment Report, prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the estuarine and marine waters at Belfast as, “*Category 5-B-2: Estuarine and Marine Waters Impaired by Bacteria From Combined Sewer Overflows* (Waterbody ID#722-41). The Report also lists the receiving waters as, “*Category 5-B-1: Estuarine and Marine Waters Impaired only by Bacteria (TMDL Required)*” (Waterbody ID#722-23) and lists sources causing impairment as discharges from sewage treatment plants, overboard discharge systems, boats, and non-point source pollution. The Department has not scheduled a total maximum daily load (TMDL) study for Belfast Harbor at this time.

The City has developed and implemented a CSO master plan for the elimination of all CSO points associated with the Belfast wastewater treatment facility collection system. The Department acknowledges that elimination of all CSO points is a costly and long-term project. As the City’s treatment plant and sewer collection system are upgraded and maintained in accordance to the CSO Master Plan and Nine Minimum Controls, there should be reductions in the frequency and volume of CSO activities and, over time, improvement in the quality of the wastewater discharged to the receiving waters.

In addition, all estuarine and marine waters of the State are listed as, “*Category 5-D: Estuarine and Marine Waters Impaired by Legacy Pollutants.*” Impairment in this context refers to the estuarine and marine waters partially supporting the designated use of fishing and harvesting of shellfish due to elevated levels of mercury, PCBs, dioxin, and other persistent bioaccumulating substances in tissues of some fish and in lobster tomalley. Pursuant to Maine law, 38 M.R.S.A. §420(1-B)(B), “*a facility is not in violation of the ambient criteria for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413 subsection 11.*” The Department has established interim monthly average and daily maximum mercury concentration limits for this facility and has been in compliance with said limits. See the discussion in section 7(i) of this Fact Sheet.

The Maine Department of Marine Resources (DMR) assesses information on shellfish growing areas to ensure that shellfish harvested are safe for consumption. The DMR has authority to close shellfish harvesting areas wherever there is a pollution source, a potential pollution threat, or poor water quality. The DMR traditionally closes shellfish harvesting areas if there are known sources of discharges with unacceptable bacteria levels (instream thresholds established in the National Shellfish Sanitation Program) or maintains shellfish harvesting closure areas due to lack of updated information regarding ambient water quality conditions. In addition, the DMR prohibits shellfish harvesting in the immediate vicinity of all wastewater treatment outfall pipes as a precautionary measure in the event of a failure in the treatment plant’s disinfection system. Thus, DMR shellfish

6. RECEIVING WATER QUALITY CONDITIONS (cont'd)

harvesting Area #32 (Belfast Bay, Belfast) is closed to the harvesting of shellfish due to insufficient or limited ambient water quality data to determine that the area meets the standards in the National Shellfish Sanitation Program. The shellfish closure area is identified on the map included as **Attachment C** of this Fact Sheet. The Department is making the determination that compliance with the fecal coliform bacteria and other secondary wastewater treatment limits established in this permitting action ensure that the discharge of secondary treated wastewater from the Belfast wastewater treatment facility will not cause or contribute to the failure of the receiving waters to meet the standards of its designated classification.

7. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

- a. Flow - The previous permitting action established a monthly average and a daily maximum reporting requirement for flow. The 5/23/06 permit contained the following italicized text:

The City reports that the average daily dry weather design flow for the treatment facility is 0.7 MGD. The previous (6/19/01) permitting action established a monthly average discharge flow limitation of 0.7 MGD based on this design criterion. Sections of the sewerage treatment collection system have been upgraded to reduce discharges from sanitary sewer overflows and combined sewer overflow points, which has resulted in the City occasionally exceeding the 0.7 MGD flow limitation. On June 11, 2004, the Department issued an administrative modification to the City thereby revising the monthly average discharge flow limit from 0.7 MGD to 0.90 MGD to encourage the facility to maximize use of secondary treatment processes during wet weather events. Mass limitations based on the 0.7 MGD limit, however, were carried forward in the modification. In this permitting action, the Department is acknowledging that increasing the flow limitation above the design capacity is not consistent with Department rules for establishing effluent limitations or with the methodology utilized in establishing discharge flow limitations for other facilities with similar wet weather flow discharges. Therefore, this permitting action identifies that the design capacity of the treatment facility is 0.7 MGD, but is revising the limitation by establishing a report only requirement to encourage the facility to maximize use of secondary treatment processes during wet weather events. This permitting action is carrying forward the daily maximum discharge flow reporting requirement. Mass limitations established in this permitting action shall be based on the actual design criterion of 0.7 MGD. Dilution factors shall be based on the most recent numeric discharge flow limitation of 0.90 MGD to ensure that flows discharged above the 0.7 MGD design are protective of receiving water quality in terms of toxic pollutant discharges.

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

The monthly average dry weather design capacity of the waste water treatment facility was reflective of the design capacity when the facility was operated in a extended aeration mode of operation at the time of permitting. The permittee has requested the Department increase the monthly average flow limit to 1.49 MGD as a more current plant evaluation indicates the facility is capable of treating said flows if the facility is operated in a conventionally mode of operation rather than the extended aeration mode of operation.

A review of the monthly Discharge Monitoring Report (DMR) data for the period May 2006 – September 2010 indicates the permittee has reported flow values as follows:

Flow (DMRs=54)

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly average	Report	0.3074 – 0.95	0.610
Daily maximum	Report	0.4798 – 2.81	1.26

- b. Dilution Factors: Department Regulation Chapter 530, “*Surface Water Toxics Control Program*”, §4(A)(2)(a) states that for discharges to the ocean, dilution must be calculated as near-field or initial dilution, or that dilution available as the effluent plume rises from the point of discharge to its trapping level, at mean low water level and slack tide for the acute exposure analysis and at mean tide for the chronic exposure analysis using appropriate models determined by the Department such as MERGE, CORMIX or another predictive model determined by the Department to be appropriate for the site conditions.

Using plan and profile information provided by the permittee and the CORMIX model, the Department has determined the dilution factors for the discharge of 1.49 MGD from the waste water treatment facility are as follows:

$$\text{Acute} = 15.2:1 \quad \text{Chronic} = 23.3:1 \quad \text{Harmonic Mean} = 69.9:1^{(1)}$$

Footnote:

(1) Pursuant to Department rule Chapter 530, “*Surface Water Toxics Control Program*”, §4(2)(c), the harmonic mean dilution factor is approximated by multiplying the chronic dilution factor by a factor of three (3).

- c. Biochemical Oxygen Demand (BOD5) & Total Suspended Solids (TSS): - The previous permitting action established monthly and weekly average BOD5 and TSS best practicable treatment (BPT) concentration limits of 30 mg/L and 45 mg/L respectively, that are based on secondary treatment requirements as defined in Department rule 06-096 CMR Chapter 525(3)(III). The maximum daily BOD5 and TSS concentration limits of 50 mg/L were based on a Department best professional judgment of BPT. All three concentration limits are being carried forward in this permitting action.

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

As for mass limitations, the previous permitting action established monthly average, and weekly average limitations based on a monthly average design criteria of 0.70 MGD. See the discussion on flow in section 7(a) of this Fact Sheet. The limitations were derived as follows:

Monthly average: $(0.700 \text{ MGD})(8.34)(30 \text{ mg/L}) = 175 \text{ lbs/day}$

Weekly average: $(0.700 \text{ MGD})(8.34)(45 \text{ mg/L}) = 263 \text{ lbs/day}$

The previous permitting action established, and this permitting action is carrying forward, a daily maximum BOD₅ and TSS mass reporting requirement to encourage the City to maximum use of secondary treatment processes during wet weather events.

A review of the monthly DMR data for the period May 2006 – September 2010 indicates the permittee has been in compliance with said limit(s) 99% of the time as values have been reported as follows:

BOD Mass (DMRs=53)

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	175	49 - 149	91
Weekly Average	263	17 - 301	123
Daily Maximum	Report	26 - 346	141

BOD Concentration (DMRs=53)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	16 - 20	18
Weekly Average	45	17 - 21	18
Daily Maximum	50	17 - 23	19

TSS mass (DMRs=53)

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	175	17 - 45	30
Weekly Average	263	21 - 78	40
Daily Maximum	Report	22 - 111	47

TSS concentration (DMRs=53)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	5 - 10	6
Weekly Average	45	6.0 - 9.4	7
Daily Maximum	50	6.0 - 12	8

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

This permitting action is carrying forward the monthly average, weekly average and daily maximum BPT concentrations limits of 30 mg/L, 45 mg/L and 50 mg/L respectively but is establishing new mass limits based on the new flow limitation of 1.49 MGD. The mass limits were calculated as follows:

Monthly average: $(1.49 \text{ MGD})(8.34)(30 \text{ mg/L}) = 373 \text{ lbs/day}$

Weekly average: $(1.49 \text{ MGD})(8.34)(45 \text{ mg/L}) = 559 \text{ lbs/day}$

Daily maximum: $(1.49 \text{ MGD})(8.34)(50 \text{ mg/L}) = 621 \text{ lbs/day}$

This permitting action carries forward the requirement for 85% removal for BOD and TSS pursuant to Department rule Chapter 525(3)(III)(a&b)(3). A review of the monthly DMR data for the period May 2006 – September 2010 indicates the permittee has been in compliance with said limit(s) 100% of the time as values have been reported as follows:

BOD % Removal (DMRs=53)

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	85	93 - 95	94

TSS % Removal (DMRs=53)

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	85	97 - 99	98

Monitoring frequencies for BOD and TSS of 2/Week are being carried forward from the previous permitting action and are based on Department policy for facilities with a monthly average flow limitation between 0.5 MGD and 1.5 MGD

- d. **Settleable Solids:** The previous permitting action established a daily maximum technology-based concentration limit of 0.3 ml/L and a minimum monitoring frequency requirement of once per day for settleable solids. This permitting action is carrying forward the technology-based daily maximum concentration limit of 0.3 ml/L as it is considered by the Department to be BPT for secondary treated sanitary waste water, and the minimum monitoring frequency requirement of once per day.

A review of the monthly DMR data for the period May 2006 – September 2010 indicates the permittee has been in compliance with said limit(s) 99% of the time as values have been reported as follows:

Settleable solids (DMRs=53)

Value	Limit (ml/L)	Range (ml/L)	Average (ml/L)
Daily Maximum	0.3	<0.1 – 0.4*	<0.1

The value of 0.4 ml/L is the only data point in the 53-month history that has been reported above <0.1 ml/L.

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

- e. Fecal Coliform Bacteria - The previous permitting action established monthly average and daily maximum limits of 15 colonies/100 ml and 50 colonies/100 ml that are based on the Maine Water Classification Program criteria for the receiving waters (including standards in the National Shellfish Sanitation Program) and requires application of the BPT technology. The limitations are seasonal and apply from May 15th – September 30th of each year and are being carried forward in this permitting action. The Department reserves the right to require year-round disinfection to protect the health and welfare of the public.

A review of the monthly DMR data for the period June 2006 – September 2010 indicates the permittee has been in compliance with said limit(s) 100% of the time as values have been reported as follows:

Fecal coliform bacteria (DMRs=24)

Value	Limit (col/100 ml)	Range (col/100 ml)	Mean (col/100 ml)
Monthly Average	15	1 – 4.3	2.6
Daily Maximum	50	2 - 14	7.0

- f. Total Residual Chlorine - The previous permitting action established a water quality based daily maximum based concentration limit of 0.23 mg/L and a monthly average technology based concentration limit of 0.1 mg/L. Limits on total residual chlorine (TRC) are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. The Department imposes the more stringent of the water quality or technology based limits in permitting actions. With the new dilution factors of 15.2:1 (acute) and 23.3:1 (chronic) end-of-pipe water quality based concentration thresholds may be calculated as follows:

Parameter	Acute Criteria	Chronic Criteria	Acute Dilution	Chronic Dilution	Acute Threshold	Chronic Threshold
Chlorine	0.013 mg/L	0.0075 mg/L	15.2:1	23.3:1	0.20 mg/L	0.17 mg/L

Example calculation: Acute – 0.013 mg/L (15.2) = 0.20 mg/L

To meet the water quality based limits calculated above, the permittee must dechlorinate the effluent prior to discharge. The Department has established a daily maximum BPT limitation of 0.3 mg/L for facilities that need to dechlorinate their effluent unless calculated water quality based limits are lower than 0.3 mg/L. In the case of the City, the calculated acute (daily maximum) water quality based threshold of 0.20 mg/L is lower than the BPT limit of 0.3 mg/L, thus the water quality based limit of 0.20 mg/L is imposed. For the monthly average, the calculated chronic water quality based threshold of 0.17 mg/L is higher than the BPT limit of 0.1 mg/L, thus the BPT limit of 0.1 mg/L is imposed.

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

A review of the monthly DMR data for the period May 2006 – September 2010 indicates the permittee has been in compliance with said limit(s) 100% of the time as values have been reported as follows:

Total residual chlorine (DMRs=25)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	0.1	0.014 – <0.1	0.05
Daily Maximum	0.2	0.02 – <0.1	0.05

- g. pH Range- The previous permitting action established a BPT pH range limit from to 6.0 –9.0 standard units pursuant to Department rule found at Chapter 525(3)(III)(c). A review of the monthly DMR data for the period May 2006 – September 2010 indicates the permittee has been in compliance with said limit(s) 100% of the time.
- h. Whole Effluent Toxicity (WET) & Chemical-Specific Testing: Maine law, 38 M.R.S.A., Sections 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. Department Rules, 06-096 CMR Chapter 530, *Surface Water Toxics Control Program*, and Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants* set forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

WET, priority pollutant and analytical chemistry testing, as required by Chapter 530, is included in this permit in order to fully characterize the effluent. This permit also provides for reconsideration of effluent limits and monitoring schedules after evaluation of toxicity testing results. The monitoring schedule includes consideration of results currently on file, the nature of the 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 is required to assess the levels of individual toxic pollutants in the discharge, comparing each pollutant to acute, chronic, and human health water quality criteria as established in Chapter 584.

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

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

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

Department rule Chapter 530 (2)(D) specifies the criteria to be used in determining the minimum monitoring frequency requirements for WET, priority pollutant and analytical chemistry testing. Based on the Chapter 530 criteria, the permittee facility falls into the Level II frequency category as the facility has a chronic dilution factor $\geq 20:1$ but $< 100:1$. Chapter 530(2)(D)(1) specifies that routine surveillance and screening level testing requirements are as follows:

Screening level testing

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

Surveillance level testing

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

Department rule Chapter 530(D)(3)(C) states dischargers in Level II may reduce surveillance level testing from once per year (1/Year) to once every other year (1/2 Years) for individual WET species or chemicals provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedences.

A review of the data on file with the Department for the District indicates that to date, they have fulfilled the WET and chemical-specific testing requirements of Chapter 530. See **Attachment D** of this Fact Sheet for WET test results evaluated and **Attachment E** for chemical specific test results evaluated for this permitting action.

WET Evaluation

On November 29, 2010, the Department conducted a statistical evaluation on the aforementioned WET and chemical-specific tests results in accordance with the statistical approach outlined in the 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.). The statistical evaluation indicates the discharge from the permittee's waste water treatment facility does not exceed or have a reasonable potential to exceed the critical acute (6.6%) or chronic (4.3%) water quality thresholds for any of the WET species tested to date. Therefore, the permittee qualifies for the reduced surveillance level testing. WET testing in this permitting action is as follows:

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

Screening level testing

Level	WET Testing
II	2/Year

Surveillance level testing

Level	WET Testing
II	1/2 Years

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

Analytical chemistry & priority pollutant testing evaluation

The previous permitting action established water quality based daily maximum mass and concentration limits for copper. The justification for the water quality based limitations was based on a statistical evaluation of the tests results for the 60-month period prior to the previous permitting action. For the purposes of this permitting action, a new evaluation based on the most recent 60 months of data has been conducted.

Chapter 530 (promulgated on October 12, 2005) §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 any information limited on the background levels of metals in the water column in Belfast Bay in the vicinity of the permittee’s outfall. Therefore, a default background concentration of 10% of the applicable water quality criteria is being used in the calculations of this permitting action.

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

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

Chapter 530 §(3)(E) states *“... 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 exceedence of water quality criteria, appropriate water quality-based limits must be established in any licensing action.”*

Chapter 530 §(3)(D)(1) states *“For specific chemicals, effluent limits must be expressed in total quantity that may be discharged and in effluent concentration. 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.”*

As not to penalize the permittee for operating at flows less than the permitted flow, the Department is establishing concentration limits based on a back calculation from the mass limit utilizing a multiplier of 2.0.

As with WET test results, the Department conducted a statistical evaluation on the most recent 60 months of analytical chemistry and priority pollutant test results on file and the Department. The statistical evaluation indicates there are no test results that exceed or have a reasonable potential to exceed the AWQC established in Department rule 06-096 CMR Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants*. Therefore, as with WET testing, the permittee qualifies for reduced test pursuant to Department rule 06-096 CMR Chapter 530, *Surface Water Toxics Control Program*. Analytical chemistry and priority pollutant testing in this permitting action is as follows:

Screening level testing

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

Surveillance level testing

Level	Priority pollutant testing	Analytical chemistry
II	None required	1/2 Years

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

- i. Mercury: Pursuant to Maine law, 38 M.R.S.A. §420 and Department rule, 06-096 CMR Chapter 519, *Interim Effluent Limitations and Controls for the Discharge of Mercury*, the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL #W000569-46-B-R by establishing interim monthly average and daily maximum effluent concentration limits of 27.6 parts per trillion (ppt) and 41.4 ppt, respectively, and a minimum monitoring frequency requirement of four tests per year for mercury. The interim mercury limits were scheduled to expire on October 1, 2001. However, effective June 15, 2001, the Maine Legislature enacted Maine law, 38 M.R.S.A. §413, sub-§11 specifying that interim mercury limits and monitoring requirements remain in effect. It is noted that the mercury effluent limitations have not been incorporated into Special Condition A, *Effluent Limitations And Monitoring Requirements*, of this permit as the limits and monitoring frequencies are regulated separately through Maine law, 38 M.R.S.A. §413 and Department rule Chapter 519. The interim mercury limits remain in effect and enforceable and modifications to the limits and/or monitoring frequencies will be formalized outside of this permitting document pursuant to Maine law, 38 M.R.S.A. §413 and Department rule Chapter 519.

Maine law 38 M.R.S.A., §420 1-B,(B)(1) states that a facility is not in violation of the AWQC for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413, subsection 11. A review of the Department's database for the previous 60-month period indicates mercury test results reported have ranged from 2.0 ppt to 17 ppt with an arithmetic mean (n=18) of 7.3 ppt.

- j. Septage/Transported Wastes – The previous permitting action authorized the permittee to receive and introduce into the treatment process or solids handling stream a daily maximum of 7,000 gallons per day and a monthly total of 56,000 gallons of transported wastes. Department rule Chapter 555, *Standards For The Addition of Transported Wastes to Wastewater Treatment Facilities*, limits the quantity of septage received at a facility to 1% of the design capacity of 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. In their application for permit renewal, the permittee has requested the Department carry forward the daily quantity 7,000 gpd of transported waste it is authorized to receive and treat. With a design capacity of 1.49 MGD, 7,000 gpd represents 0.47% of said capacity. The permittee has submitted an up-to-date Transported Management Plan as an exhibit to their 12/6/10 application for permit renewal.

The Department has reviewed and approved said plan and determined that under normal operating conditions, the receipt and treatment of 7,000 gpd of transported waste into the facility will not cause or contribute to upset conditions of the treatment process.

8. ANTIDegradation

Maine law, 38 M.R.S.A. §464(4)(F) contains what is referred to as the State's antidegradation policy. The Department has determined that the action of eliminating the daily maximum concentration and mass limits for total copper is less stringent than those established in the previous permit is appropriate and justified at this time and will not cause or contribute to the failure of the receiving waterbody to meet the standards of its assigned water quality classification. Elimination of the total copper limit is based on a statistical evaluation of the most recent 60 months of effluent data on file with the Department for this facility, which indicates that the discharge does not exceed or demonstrate a reasonable potential to exceed the ambient water quality thresholds for total copper.

In addition this permitting action is establishing less stringent technology based mass limitations for BOD and TSS as a result of an increase in the flow limitation for the facility. The Department has evaluated the impact on the ambient dissolved oxygen in Belfast Bay due to the increased limits and made the determination that the dissolved oxygen deficit is <0.1 mg/L, which is less the measureable level (± 0.2 mg/L) of most instrumentation. Therefore, the Department is making the determination the increased loadings will not cause or contribute to a measureable degradation of water quality.

9. COMBINED SEWER OVERFLOWS

This permit does not contain effluent limitations on the individual CSO outfalls listed in the table below.

<u>Outfall #</u>	<u>Outfall Location</u>	<u>Receiving Water and Class</u>
002	Miller Street CSO	Belfast Harbor, SB
003	Condon Street CSO	Belfast Harbor, SB

Department regulation Chapter 570, "*Combined Sewer Overflow Abatement*," states that for discharges from overflows from combined municipal storm and sanitary sewer systems, the requirement of "best practicable treatment" specified in Maine law, 38 M.R.S.A., section 414-A(1)(D) may be met by agreement with the discharger, as a condition of its permit, through development of a plan within a time period specified by the Department. The City submitted to the Department a CSO Master Plan entitled, *Sewer System Master Plan for CSO Abatement City of Belfast, ME, January 2000*, prepared by Olver Associates, and the updated plan entitled *Updated Master Plan for CSO Abatement, City of Belfast, Maine, December 2008*, prepared by Olver Associates. The updated Master Plan was approved by the Department on November 2, 2009.

The City has been actively implementing the recommendations of the Master Plan and to date has significantly reduced the volume of untreated combined sewer overflows to the receiving water. Special Condition K, *Conditions For Combined Sewer Overflows*, of this permit contains a schedule of compliance for items in the most current up-to-date abatement plan which must be completed.

9. COMBINED SEWER OVERFLOWS (cont'd)

The Department acknowledges that the elimination of the two remaining CSOs in the collection system is a costly, long-term project. As the Belfast treatment facility and the sewer collection system are upgraded and maintained in accordance to the CSO Master Plan and Nine Minimum Controls, there should be reductions in the frequency and volume of CSO activities and, over time, improvement in the quality of the wastewater discharged to the receiving waters.

10. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

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

11. PUBLIC COMMENTS

Public notice of this application was made in the *Republican Journal*, newspaper on November 3, 2010. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or request a public hearing, pursuant to Chapter 522 of the Department's rules.

12. DEPARTMENT CONTACTS

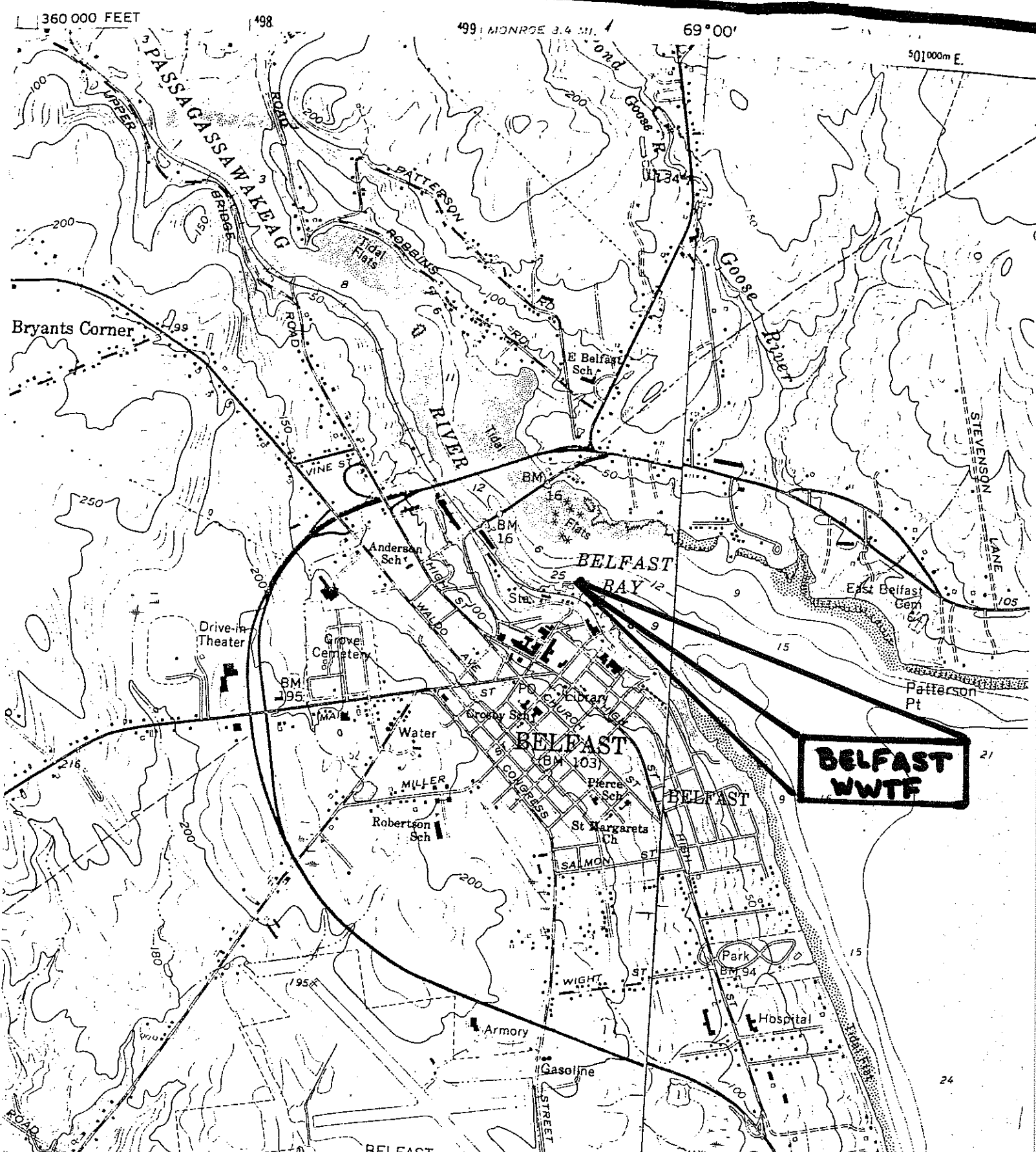
Additional information concerning this permitting action may be obtained from and written comments should be sent to:

Gregg Wood
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone (207) 287-7693
e-mail: gregg.wood@maine.gov

13. RESPONSE TO COMMENTS

During the period of January 4, 2011, 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



**BELFAST
WWTF**

BELFAST

ATTACHMENT B

The City of Belfast owns and operates a sewage collection system and wastewater treatment plant to service the City. The sewer system is a complex, thirty-one mile network including pumping stations which collect raw wastewater throughout the City's sewerage area to serve about 1340 users, which are a mixture of residential and commercial customers. The plant was constructed in 1973 on Front Street with the outfall discharging into Belfast Bay. The City has taken great strides over the years in upgrading its sewer system and treatment facility to meet DEP's regulations for CSO abatement. It has also continually improved the plant's unit processes to keep the facility current and in excellent condition.

The wastewater treatment plant has a sustained design capacity of 0.90 MGD average daily flow. The facility was recently upgraded from a peak hourly flow capacity of 2.40 MGD to 3.80 MGD to allow as much water as can physically enter the plant to flow into the facility. In order to process the higher peak flow of 3.80 MGD, several improvements to the plant were completed. The influent pumps were replaced to process the 3.80 MGD peak flow rate. The existing headworks grinder was also replaced to process the increased peak flows. The chlorine contact tank was expanded to properly disinfect the new flow. New auxiliary equipment includes an automatic influent control gate, disinfection and dechlorination chemical metering pumps, larger chemical storage, flow meters, and a new effluent sampler. The following is a description of each of the key components of the new upgrade which are also shown on the attached Process Flow Diagram (Figure 1).

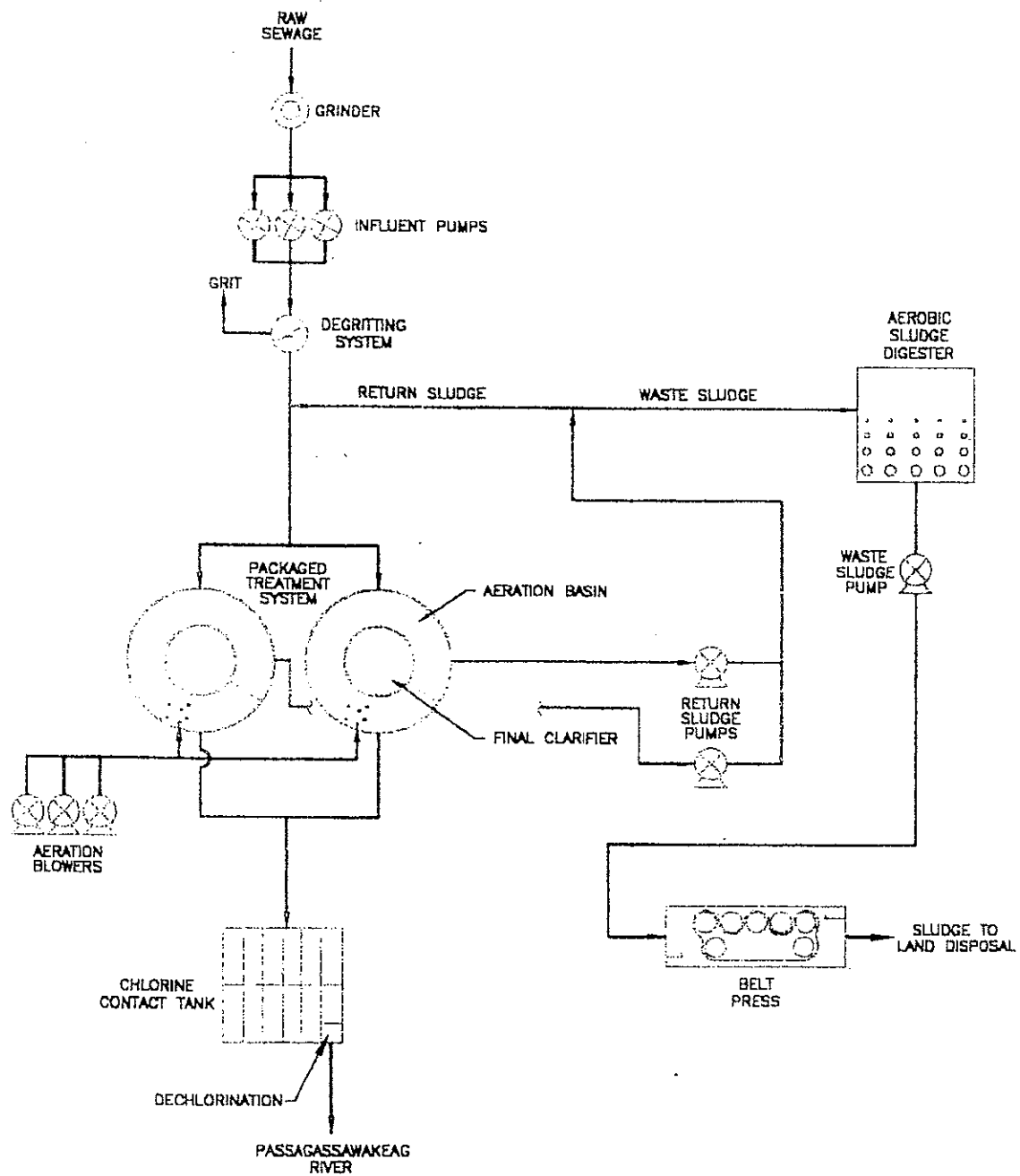
The flow entering the headworks of the plant is controlled utilizing an automated 18" sluice gate. Wet weather peak flows from the sewage collection system may still exceed the 3.80 MGD design capacity of the treatment plant. When this occurs, the gate can divert excess flow to the plant's licensed CSO points. The new channel grinder is designed to shred incoming sewage debris and solids to a uniform particle size. In the event that the grinder is off-line for maintenance, a bypass bar screen is available to remove debris.

From the headworks, influent flows into a wet well. The plant has three new Chicago centrifugal pumps to lift the plant's flow up to the existing grit sedimentation reactor with two 10" Ø force mains. These pumps are located in a dry pit adjacent to the wet well. Each pump is designed to process 1140 GPM at 42.5' TDH with variable frequency drive control. Normally, only one pump is required to handle daily flows. If the wet well level rises in the case of a peak flow event, the second and third pump will come on. If the wet well level continues to rise, the influent control gate will start to close to maintain the level in the wet well and to keep the headworks from flooding.

After the grit sedimentation clarifier, the flow enters a secondary splitter box prior to aeration. The plant has two existing aeration basins with diffused air. The aeration basins are each 0.28 MG. Following aeration, the wastewater flows to final clarification. There are two 40' Ø final clarifiers at the plant with a total capacity of 0.21 MG. These play an

important role in the treatment plant process by allowing the microbes grown in the aeration basins to settle out of the water leaving clean effluent behind. The settled sludge is either returned to the process as activated sludge or pumped to the plant's digester. The digester has a capacity of 300,000 gallons.

The new upgrade also included modifications to the existing chlorine contact tank. The plant now has a 40,000 gallon chlorine contact tank with a 1400 gallon dechlorination reactor. The plant utilizes sodium hypochlorite for disinfection and sodium bisulfite for dechlorination. Two rectangular weirs and two ultrasonic flow meters, one at the end of each disinfection channel, are used to measure flow and to pace the dechlorination pumps. The sodium hypochlorite pumps are controlled by the plant's influent flow meters.



BELFAST POLLUTION CONTROL FACILITY

FIGURE 2

OLVER ASSOCIATES INC.

ENVIRONMENTAL ENGINEERS

259 MAIN STREET

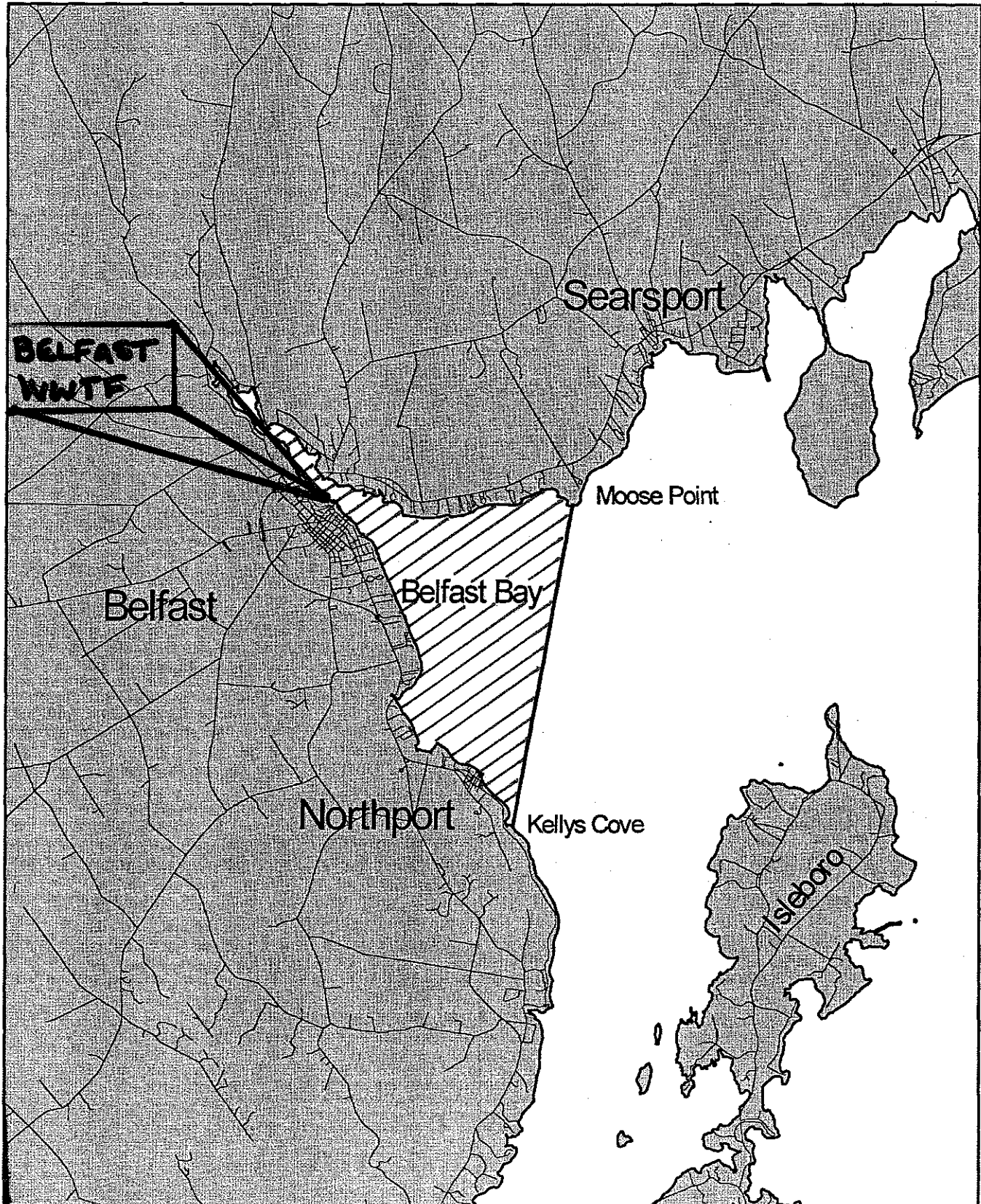
WINTERPORT, MAINE

ATTACHMENT C



Department of Marine Resources

Legal Notice of Shellfish Closure Area
C 32 Belfast Bay, Belfast



ATTACHMENT D

11/30/2010

WET TEST REPORT

Data for tests conducted for the period
30/Nov/2005 - 30/Nov/2010 period.



BELFAST

NPDES= ME010153		Effluent Limit: Acute (%) = 6.579		Chronic (%) = 4.292	
Species	Test	Percent	Sample date	Critical %	Exception RP
MYSID SHRIMP	A_NOEL	100	03/13/2006	6.579	
MYSID SHRIMP	A_NOEL	100	06/08/2008	6.579	
SEA URCHIN	C_NOEL	100	03/13/2006	4.292	
SEA URCHIN	C_NOEL	100	06/08/2008	4.292	

ATTACHMENT E



Date Range: 30/Nov/2005 - 30/Nov/2010 period

Facility Name: BELFAST

NPDES: ME0101532

Test Date	Monthly (Flow MGD)	Daily	Total Test Number	Test # By Group						Clean	Hg
				M	V	BN	P	O	A		
03/13/2006	NR	NR	3	3	0	0	0	0	0	F	0
05/22/2006	0.72	0.67	12	9	0	0	0	3	0	F	0
08/31/2006	NR	0.51	1	1	0	0	0	0	0	F	0
12/31/2006	0.54	0.48	12	9	0	0	0	3	0	F	0
12/31/2007	NR	0.52	1	1	0	0	0	0	0	F	0
03/31/2008	NR	0.60	1	1	0	0	0	0	0	F	0
06/08/2008	0.47	0.48	14	6	0	0	0	8	0	F	0
09/30/2008	NR	0.60	1	1	0	0	0	0	0	F	0
04/30/2009	NR	0.61	1	1	0	0	0	0	0	F	0
11/30/2009	NR	0.47	1	1	0	0	0	0	0	F	0
07/31/2010	NR	0.63	1	1	0	0	0	0	0	F	0

Key:

A = Acid O = Others P = Pesticides
 BN = Base Neutral M = Metals V = Volatiles

12/13/2010

FACILITY CHEMICAL DATA REPORT

Data Date Range: 13/Dec/2005 - 13/Dec/2010

Showing all data

Facility name: **BELFAST**Permit Number: **ME0101532****Parameter:** ALUMINUM

Test date	Result (ug/l)	Lsthan
05/22/2006	40.000	N
12/31/2006	20.000	Y
06/08/2008	170.000	N

Parameter: AMMONIA

Test date	Result (ug/l)	Lsthan
05/22/2006	1400.000	N
12/31/2006	500.000	Y
06/08/2008	2000.000	Y

Parameter: ARSENIC

Test date	Result (ug/l)	Lsthan
03/13/2006	1.000	N
05/22/2006	5.000	Y
12/31/2006	5.000	Y

Parameter: CADMIUM

Test date	Result (ug/l)	Lsthan
05/22/2006	2.000	Y
12/31/2006	1.200	Y
06/08/2008	0.500	Y

Parameter: CHLORINE

Test date	Result (ug/l)	Lsthan
05/22/2006	70.000	N
12/31/2006	50.000	Y
06/08/2008	20.000	Y

Parameter: CHROMIUM

Test date	Result (ug/l)	Lsthan
05/22/2006	5.000	Y
12/31/2006	5.000	Y
06/08/2008	3.000	Y

Parameter: COPPER

Test date	Result (ug/l)	Lsthan
05/22/2006	9.000	N
08/31/2006	7.000	N
12/31/2006	4.000	N
12/31/2007	30.000	N
03/31/2008	14.000	N
06/08/2008	27.600	N
09/30/2008	28.000	N
04/30/2009	17.000	N
11/30/2009	21.000	N
07/31/2010	19.000	N

Parameter: CYANIDE

Test date	Result (ug/l)	Lsthan
03/13/2006	2.000	N
05/22/2006	5.000	Y
12/31/2006	5.000	Y

Parameter: LEAD

Test date	Result (ug/l)	Lsthan
05/22/2006	3.000	Y
12/31/2006	3.000	Y

Parameter: MERCURY	06/08/2008	1.000	Y
	Test date	Result (ug/l)	Lsthan
<hr/>			
	03/24/2006	0.016	N
	06/27/2006	0.004	N
	09/28/2006	0.017	N
	11/07/2006	0.015	N
	05/01/2007	0.003	
	06/19/2007	0.008	N
	09/30/2007	0.005	N
	11/28/2007	0.009	N
	03/28/2008	0.002	N
	06/16/2008	0.003	N
	09/09/2008	0.004	N
	11/21/2008	0.006	N
	03/10/2009	0.004	N
	06/26/2009	0.010	N
	09/29/2009	0.012	N
	12/21/2009	0.004	N
	03/29/2010	0.004	N
	06/10/2010	0.005	N
Parameter: NICKEL	Test date	Result (ug/l)	Lsthan
	<hr/>		
	05/22/2006	3.000	Y
	12/31/2006	3.000	Y
	06/08/2008	2.400	N
Parameter: SALINITY	Test date	Result (ug/l)	Lsthan
	<hr/>		
Parameter: SILVER	06/08/2008	25.000	N
	Test date	Result (ug/l)	Lsthan
<hr/>			
	03/13/2006	0.500	N
	05/22/2006	1.000	Y
	12/31/2006	1.000	Y
Parameter: ZINC	Test date	Result (ug/l)	Lsthan
	<hr/>		
	05/22/2006	6.000	N
	12/31/2006	57.000	N
	06/08/2008	118.000	N

ATTACHMENT F

CHAPTER 530(2)(D)(4) CERTIFICATION

MEPDES# _____ Facility Name _____

Since the effective date of your permit have there been:	NO	YES (Describe in Comments)
1. 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?		
2. changes in the operation of the treatment works that may increase the toxicity of the discharge?		
3. changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge?		

COMMENTS:

Name(print) _____

Signature _____ Date _____

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

This form may be used to meet the requirements of Chap 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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

A. GENERAL PROVISIONS

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

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

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

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

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

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

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

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

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

B. OPERATION AND MAINTENANCE OF FACILITIES

1. General facility requirements.

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

5. Bypasses.

(a) Definitions.

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

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

(c) Notice.

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

- (ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph D(1)(f), below. (24-hour notice).
- (d) Prohibition of bypass.
 - (i) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:
 - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (C) The permittee submitted notices as required under paragraph (c) of this section.
 - (ii) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph (d)(i) of this section.

6. Upsets.

- (a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- (c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (i) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (ii) The permitted facility was at the time being properly operated; and
 - (iii) The permittee submitted notice of the upset as required in paragraph D(1)(f), below. (24 hour notice).
 - (iv) The permittee complied with any remedial measures required under paragraph B(4).
- (d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

D. REPORTING REQUIREMENTS

1. Reporting requirements.

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

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

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

- (A) Any unanticipated bypass which exceeds any effluent limitation in the permit.

- (B) Any upset which exceeds any effluent limitation in the permit.

- (C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.

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

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

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

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

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

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

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

- (i) One hundred micrograms per liter (100 ug/l);

- (ii) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

- (iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or

- (iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

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

5. Publicly owned treatment works.

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

E. OTHER REQUIREMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Maximum daily discharge limitation means the highest allowable daily discharge.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



DEP INFORMATION SHEET

Appealing a Commissioner's Licensing Decision

Dated: May 2004

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. This INFORMATION SHEET, in conjunction with consulting statutory and regulatory provisions referred to herein, can help aggrieved persons with understanding their rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

DEP's *General Laws*, 38 M.R.S.A. § 341-D(4), and its *Rules Concerning the Processing of Applications and Other Administrative Matters* (Chapter 2), 06-096 CMR 2.24 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written notice of appeal within 30 calendar days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days 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 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 and the applicant a copy of the documents. All 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

The materials constituting an appeal must contain the following information at the time submitted:

1. *Aggrieved Status.* Standing to maintain an appeal requires the appellant to show they are particularly injured by 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 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 as part of an appeal only when 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 show 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, Section 24(B)(5).

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license file is public information 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.* An applicant proceeding with a project pending the outcome of an appeal 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 initiation of the appeals procedure, including the name of the DEP project manager assigned to the specific appeal, within 15 days of receiving a timely filing. The notice of appeal, all materials accepted by the Board Chair as additional evidence, and any materials submitted in response to the appeal will be sent to Board members along with a briefing and recommendation from DEP staff. Parties filing appeals and interested persons are notified in advance of the final 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. The Board will notify parties to an appeal and interested persons of its decision.

II. APPEALS TO MAINE SUPERIOR COURT

Maine law allows aggrieved persons to appeal final Commissioner licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2.26; 5 M.R.S.A. § 11001; & MRCivP 80C. Parties to the licensing decision must file a petition for review within 30 days after receipt of notice of the Commissioner's written decision. A petition for review by any other person aggrieved must be filed within 40-days from the date the written decision is rendered. The laws cited in this paragraph and other legal procedures govern the contents and processing of a Superior Court appeal.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, contact the DEP's Director of Procedures and Enforcement at (207) 287-2811.

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.
