



PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL MERCER  
COMMISSIONER

April 6, 2016

Mr. Brian P. Dawson  
Town of Howland  
8 Main St., P.O. Box 386  
Howland, ME. 04448

*Sent via electronic mail  
Delivery confirmation requested*

*RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0101788  
Maine Waste Discharge License (WDL) Application #W002632-6C-H-R  
Finalized MEPDES Permit*

Dear Mr. Dawson:

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

Comments in writing should be submitted to my attention at the following address:

Maine Department of Environmental Protection  
Bureau of Water Quality  
Division of Water Quality Management  
17 State House Station  
Augusta, ME 04333-0017  
[Cindy.L.Dionne@maine.gov](mailto:Cindy.L.Dionne@maine.gov)

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826

BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

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

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769  
(207) 764-0477 FAX: (207) 760-3143

Town of Howland  
April 1, 2016  
Page 2 of 2

Sincerely,



Cindy L. Dionne  
Division of Water Quality Management  
Bureau of Water Quality  
ph: 207-557-5950

Enclosure

cc: Barry Mower, DEA  
Pamela Parker, DEP  
Tanya Hovell, DEP  
Lori Mitchell, DEP  
Olga Vergara, USEPA  
Sandy Mojica, USEPA  
Richard Carvalho, USEPA



# DEP INFORMATION SHEET

## Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

### SUMMARY

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

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

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

### I. ADMINISTRATIVE APPEALS TO THE BOARD

#### LEGAL REFERENCES

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

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

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

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

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

#### WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

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

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

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

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

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

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

## II. JUDICIAL APPEALS

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

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

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

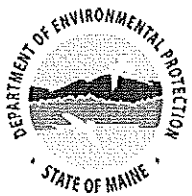
### ADDITIONAL INFORMATION

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

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

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

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF HOWLAND	)	MAINE POLLUTANT DISCHARGE
PUBLICLY OWNED TREATMENT WORKS	)	ELIMINATION SYSTEM PERMIT
HOWLAND, PENOBSCOT COUNTY, MAINE	)	AND
ME0101788	)	WASTE DISCHARGE LICENSE
W002632-6C-H-R	)	RENEWAL
APPROVAL		

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

**APPLICATION SUMMARY**

On December 28, 2015, the Department accepted as complete for processing an application from Howland for renewal of combination Waste Discharge License (WDL) #W002632-6C-F-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME01001788, which was issued by the Department on April 25, 2011 for a five-year term. The April 25, 2011 permit authorized the monthly average discharge of 0.30 million gallons per day (MGD) of secondary treated sanitary wastewater from a publicly owned treatment works (POTW) to the Penobscot River, Class B, in Howland, Maine.

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## PERMIT SUMMARY

### a. Terms and conditions

This permitting action is different from the April 25, 2011 permit in that it:

1. Establishes the facility flow to be reported in gallons per day (GPD) instead of MGD to more accurately account for facility flows;
2. Eliminates the waiver for percent removal requirements for biochemical oxygen demand (BOD<sub>5</sub>) and total suspended solids (TSS) when influent strength is less than 200 milligrams per liter (mg/L);
3. Incorporates monitoring and reporting requirements for the interim mercury limitations established by the Department for this facility pursuant to *Certain deposits and discharges prohibited*, 38 M.R.S.A. § 420 and *Waste discharge licenses*, 38 M.R.S.A. § 413 and *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001);
4. Reduces the monitoring and reporting requirement from 1/Week to 2/Month for BOD<sub>5</sub> and TSS; and
5. Updates Special Condition D. *Limitations for Industrial Users* from the previous permit to include an Industrial Waste Survey once per permit cycle.

## CONCLUSIONS

BASED on the findings in the attached and incorporated Fact Sheet dated April 1, 2016, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with State law.
3. The provisions of the State's antidegradation policy, *Classification of Maine waters*, 38 M.R.S.A. § 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;

**CONCLUSIONS (cont'd)**

- (c) Where the standards of classification of the receiving waterbody are not met, the discharge will not cause or contribute to the failure of the waterbody to meet the standards of classification;
  - (d) Where the actual quality of any classified receiving waterbody exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and
  - (e) Where a discharge will result in lowering the existing water quality of any waterbody, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharges will be subject to effluent limitations that require application of best practicable treatment as defined in *Conditions of licenses*, 38 M.R.S.A. § 414-A(1)(D).

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**ACTION**

THEREFORE, the Department APPROVES the application of the TOWN OF HOWLAND to discharge a monthly average of 300,000 gallons per day of secondary treated sanitary wastewater from the permittee's facility to the Penobscot River, Class B, in Howland, Maine, SUBJECT TO ALL APPLICABLE STANDARDS AND REGULATIONS AND THE FOLLOWING CONDITIONS:

1. "Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable to All Permits," revised July 1, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This permit becomes effective upon the date of signature below and expires at midnight five (5) years after that date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the terms and conditions of this permit and all subsequent modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. *Maine Administrative Procedure Act*, 5 M.R.S.A. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (amended October 19, 2015).

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS 1<sup>st</sup> DAY OF April 2016.

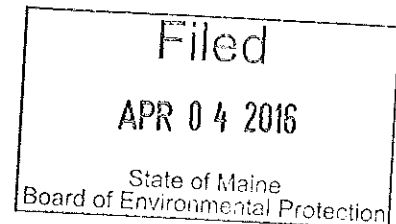
DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhns  
PAUL MERCER, Commissioner

Date of initial receipt of application December 22, 2015  
Date of application acceptance December 28, 2015

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

This Order prepared by Cindy L. Dionne, Bureau of Water Quality



**SPECIAL CONDITIONS**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

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

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 [50050]	300,000 GPD [07]	---	Report GPD [07]	---	---	---	Continuous [99/99]	Recorder [RC]
BOD <sub>5</sub> <sup>(1a)</sup> [00310]	51 pounds (lbs.)/day [26]	77 lbs./day [26]	85 lbs./day [26]	35 mg/L [19]	45 mg/L [19]	50 mg/L [19]	2/Month [02/30]	Composite [24]
BOD <sub>5</sub> Percent Removal <sup>(2)</sup> [81010]	---	---	---	85% [23]	---	---	1/Month [01/30]	Calculate [CA]
TSS <sup>(1a)</sup> [00530]	51 lbs./day [26]	77 lbs./day [26]	85 lbs./day [26]	35 mg/L [19]	45 mg/L [19]	50 mg/L [19]	2/Month [02/30]	Composite [24]
TSS Percent Removal <sup>(2)</sup> [81011]	---	---	---	85% [23]	---	---	1/Month [01/30]	Calculate [CA]
<i>Escherichia coli</i> ( <i>E. coli</i> ) Bacteria <sup>(3,4)</sup> [31633] (May 15 <sup>th</sup> – September 30 <sup>th</sup> )	---	---	---	64/100 ml <sup>(4)</sup> [13]	---	427/100 ml [13]	1/Week [01/07]	Grab [GR]
Total Residual Chlorine <sup>(5)</sup> [50060]	---	---	---	---	---	1.0 mg/L [19]	1/Week [01/07]	Grab [GR]
pH <sup>(6)</sup> [00400]	---	---	---	---	---	6.0 – 9.0 SU [12]	5/Week [05/07]	Grab [GR]
Mercury (Total) <sup>(7)</sup> [71900]	---	---	---	12.1 ng/L [3M]	---	18.1 ng/L [3M]	1/Year [01/YR]	Grab [GR]

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

**Footnotes:** See Pages 6-7 of this permit for applicable footnotes.

## SPECIAL CONDITIONS

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

#### Footnotes

1. **Sampling** – All influent monitoring must be conducted from the influent flow splitter chamber located prior to Lagoon #1. All effluent monitoring must 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. The permittee must conduct all effluent sampling and analysis in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis must be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services. Samples that are sent to another POTW licensed pursuant to *Waste discharge licenses*, 38 M.R.S.A. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended April 1, 2010). If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the DMR.
  - 1a. **BOD & TSS** – There must be at least ten (10) days between sampling events.
2. **Percent Removal** – The treatment facility must maintain a minimum of 85 percent removal of both biochemical oxygen demand and total suspended solids for all flows receiving secondary treatment. Compliance with the limitation is based on a twelve-month rolling average. Calendar monthly average percent removal values must be calculated based on influent and effluent concentrations. The twelve-month rolling average calculation is based on the most recent twelve-month period.
3. ***E. coli* bacteria** – *E. coli* bacteria limits and monitoring requirements are seasonal and apply between May 15th and September 30th of each year. In accordance with 38 M.R.S.A. § 414-A(5), the Department may, at any time and with notice to the permittee, modify this permit to establish bacteria limitations on a year-round basis to protect the health and welfare of the public.
4. **Bacteria Reporting** – The monthly average *E. coli* bacteria limitation is a geometric mean limitation and sample results must be reported as such.
5. **Total residual chlorine (TRC)** – Limitations and monitoring requirements are applicable whenever elemental chlorine or chlorine based compounds are being used to disinfect the discharge. The permittee must utilize approved test methods that are capable of bracketing the limitations in this permit.

**SPECIAL CONDITIONS**

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

6. **pH Range Limitation** – Effluent pH results outside the range of 6.0 – 9.0 standard units are not to be reported as exceptions provided the cause(s) for the exceedence(s) are naturally occurring. The permittee must provide the Department with written documentation as to the cause(s) of the pH results if found outside the 6.0 – 9.0 range.
7. **Mercury** – The permittee must conduct all mercury monitoring required by this permit or required to determine compliance with interim limitations established pursuant to 06-096 CMR 519 in accordance with the U.S. Environmental Protection Agency (USEPA) “clean sampling techniques” found in USEPA Method 1669, *Sampling Ambient Water For Trace Metals At EPA Water Quality Criteria Levels*. All mercury analysis must be conducted in accordance with USEPA Method 1631, *Determination of Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Fluorescence Spectrometry*. See **Attachment A** of this permit for mercury test results. Compliance with the monthly average limitation established in Special Condition A of this permit will be based on the cumulative arithmetic mean of all mercury tests results that were conducted utilizing sampling Methods 1669 and analysis Method 1631E on file with the Department for this facility.

**B. NARRATIVE EFFLUENT LIMITATIONS**

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

## **SPECIAL CONDITIONS**

### **C: TREATMENT PLANT OPERATOR**

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

### **D. NOTIFICATION REQUIREMENT**

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

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

### **E. MONITORING AND REPORTING**

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

## **SPECIAL CONDITIONS**

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

Department) at the following address:

Department of Environmental Protection  
Eastern Maine Regional Office  
Bureau of Water Quality  
Division of Water Quality Management  
106 Hogan Road  
Bangor, Maine 04401

Alternatively, if the permittee submits 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 **15<sup>th</sup> 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 (13<sup>th</sup>) 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 (15<sup>th</sup>) 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 15<sup>th</sup> day of the month following the completed reporting period.

### **F. LIMITATIONS FOR INDUSTRIAL USERS**

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

### **G. AUTHORIZED DISCHARGES**

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on December 28, 2015; 2) the terms and conditions of this permit; and 3) only from Outfall #001A. Discharges of wastewater from any other point source are not authorized under this permit, and must be reported in accordance with Standard Condition D(1)(f), *Twenty-four hour reporting*, of this permit.

## **SPECIAL CONDITIONS**

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

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

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

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

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

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

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

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

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

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

## **SPECIAL CONDITIONS**

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

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

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

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

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

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

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

### **L. SEVERABILITY**

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



MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
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**A. GENERAL PROVISIONS**

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

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

(a) They are not

- (i) Designated as toxic or hazardous under the provisions of Sections 307 and 311, respectively, of the Federal Water Pollution Control Act; Title 38, Section 420, Maine Revised Statutes; or other applicable State Law; or
- (ii) Known to be hazardous or toxic by the licensee.

(b) The discharge of such materials will not violate applicable water quality standards.

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

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

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

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

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

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

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

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

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

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

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

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

**B. OPERATION AND MAINTENANCE OF FACILITIES**

**1. General facility requirements.**

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

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

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

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

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

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

#### **5. Bypasses.**

##### **(a) Definitions.**

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

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

##### **(c) Notice.**

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

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

(d) Prohibition of bypass.

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

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The permittee submitted notices as required under paragraph (c) of this section.

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

6. Upsets.

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

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

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

(i) An upset occurred and that the permittee can identify the cause(s) of the upset;

(ii) The permitted facility was at the time being properly operated; and

(iii) The permittee submitted notice of the upset as required in paragraph D(1)(f), below. (24 hour notice).

(iv) The permittee complied with any remedial measures required under paragraph B(4).

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

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**C. MONITORING AND RECORDS**

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

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

**3. Monitoring and records.**

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (b) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.
- (c) Records of monitoring information shall include:
  - (i) The date, exact place, and time of sampling or measurements;
  - (ii) The individual(s) who performed the sampling or measurements;
  - (iii) The date(s) analyses were performed;
  - (iv) The individual(s) who performed the analyses;
  - (v) The analytical techniques or methods used; and
  - (vi) The results of such analyses.
- (d) Monitoring results must be conducted according to test procedures approved under 40 CFR part 136, unless other test procedures have been specified in the permit.
- (e) State law provides that any person who tampers with or renders inaccurate any monitoring devices or method required by any provision of law, or any order, rule license, permit approval or decision is subject to the penalties set forth in 38 MRSA, §349.

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**D. REPORTING REQUIREMENTS**

**1. Reporting requirements.**

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

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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.

# **ATTACHMENT A**

1/25/2016

MERCURY REPORT - Clean Test Only

Data Date Range: 25/Jan/2001 - 25/Jan/2016



Facility: HOWLAND

Permit Number: ME0101788

Max (ug/l): 0.0036

Average (ug/l): 0.0017

Sample Date	Result (ng/l)	Lsthan	Clean
05/11/2009	3.60	N	T
10/15/2009	1.00	Y	T
05/10/2010	2.40	N	T
10/21/2010	1.00	N	T
07/12/2011	1.90	N	T
10/17/2011	0.02	N	T
07/16/2012	2.00	N	T
04/30/2013	1.30	N	T
05/13/2014	2.10	N	T
07/14/2015	1.78	N	T

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

**FACT SHEET**

Date: April 1, 2016

MEPDES PERMIT: ME0101788  
WASTE DISCHARGE LICENSE: W002632-6C-H-R

NAME AND ADDRESS OF APPLICANT:

**TOWN OF HOWLAND  
8 MAIN STREET, P.O. BOX 386  
HOWLAND, ME 04448-0386**

COUNTY: PENOBSCOT

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**HOWLAND WASTE WATER TREATMENT FACILITY  
EDINBURG ROAD  
HOWLAND, MAINE 04448-0386**

RECEIVING WATER / CLASSIFICATION: PENOBSCOT RIVER/CLASS B

COGNIZANT OFFICIAL AND TELEPHONE NUMBER:

**MR. BRIAN DAWSON, SUPERINTENDENT  
(207) 732-3513  
[howlandww@howlandmaine.com](mailto:howlandww@howlandmaine.com)**

## 1. APPLICATION SUMMARY

- a. Application: On December 28, 2015, the Department of Environmental Protection (Department) accepted as complete for processing an application from the Town of Howland (Howland/permittee) for renewal of combination Waste Discharge License (WDL) #W002632-6C-F-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME01001788, which was issued by the Department on April 25, 2011 for a five-year term. The April 25, 2011 permit authorized the monthly average discharge of 0.30 million gallons per day (MGD) of secondary treated sanitary wastewater from a publicly owned treatment works (POTW) to the Penobscot River, Class B, in Howland, Maine.

## 2. PERMIT SUMMARY

- a. Terms and conditions

This permitting action is different from the April 25, 2011 permit in that it:

1. Establishes the facility flow to be reported in gallons per day (GPD) instead of MGD to more accurately account for facility flows;
  2. Eliminates the waiver for percent removal requirements for biochemical oxygen demand (BOD<sub>5</sub>) and total suspended solids (TSS) when influent strength is less than 200 milligrams per liter (mg/L);
  3. Incorporates monitoring and reporting requirements for the interim mercury limitations established by the Department for this facility pursuant to Certain deposits and discharges prohibited, 38 M.R.S.A. § 420 and Waste discharge licenses, 38 M.R.S.A. § 413 and Interim Effluent Limitations and Controls for the Discharge of Mercury, 06-096 CMR 519 (last amended October 6, 2001);
  4. Reduces the monitoring and reporting requirement from 1/Week to 2/Month for BOD<sub>5</sub> and TSS;
  5. Updates Special Condition D. *Limitations for Industrial Users* from the previous permit to include an Industrial Waste Survey once per permit cycle.
- b. History: This section provides a summary of significant licensing/permitting actions and milestones that have been completed for the permittee's facility.

*February 23, 1983* – The Department issued WDL #2632 to Howland for the monthly average discharge of up to 0.19 MGD of untreated combined sanitary and storm water wastewater to the Penobscot River, Class C, in Howland.



## 2. PERMIT SUMMARY (cont'd)

*April 24, 1986* – The U.S. Environmental Protection Agency (USEPA) issued National Pollutant Discharge Elimination System (NPDES) permit #ME0101788 to Howland for the monthly average discharge of up to 0.19 MGD of untreated combined sanitary and storm water wastewater to the Penobscot River. The 4/24/86 NPDES permit superseded the previous NPDES permit issued on June 22, 1977.

*August 13, 1999* – The Department issued an Administrative Modification to establish a best practicable treatment (BPT) daily maximum limit of 1.0 mg/L for total residual chlorine (TRC).

*June 2, 2000* – The Department issued WDL #W002632-5L-D-R for the monthly average discharge of up to 0.30 MGD of secondary treated sanitary wastewater.

*August 28, 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 #W002632-5L-D-R by establishing interim monthly average and daily maximum effluent concentration limits of 12.1 parts per trillion (ppt) and 18.1 ppt, respectively, and a minimum monitoring frequency requirement of 2 tests per year for mercury.

*January 12, 2001* – The Department received authorization from the USEPA to administer the NPDES permit program in Maine. From that date forward, the permit program has been referred to as the MEPDES permit program and ME0101788 (same as the NPDES permit) will be the primary reference number for the facility.

*May 16, 2005* – The Department issued combination MEPDES permit #ME0101788/ WDL #W002632-5L-E-R for a five-year term.

*April 25, 2011* – The Department issued MEPDES permit #ME0101788 / WDL #W002632-6C-F-R for a five-year term.

*January 8, 2013* – The Department initiated a modification of the 4/25/11 permit to reduce the monitoring frequency for mercury to once per year.

- c. Source Description: The Town of Howland owns and operates a municipal wastewater treatment facility on Edinburg Road in Howland, for the treatment of sanitary wastewater generated by a total of approximately 650 residential and commercial customers (approximate population of 1,500 people) located within the Towns of Howland and Enfield. There are no significant industrial users contributing flows to the treatment works and the Town is not required to implement a formal pretreatment program. The sewer collection system is 100% separated (sanitary and storm water) and there are no combined sewer overflow (CSO) points associated with the system. The sanitary sewer collection system is approximately eight (8)

## 2. PERMIT SUMMARY (cont'd)

miles in length and contains five (5) pump stations located in Howland and two (2) additional pump stations located in West Enfield.

Currently, the Town provides emergency back-up power to all seven pump stations by way of a portable generator. The Town is not authorized to accept transported wastes at the facility.

A map showing the location of the facility and the receiving water is included as Fact Sheet **Attachment A**.

- d. Wastewater Treatment: The Howland facility commenced operation in 1991 and the plant provides a secondary level of wastewater treatment via two primary and two secondary facultative lagoons operated in series. The total combined area of the four lagoons is approximately 21.7 acres (945,252 square feet) and individual cells are sized as follows:

	Lagoon			
	Primary No. 1	Primary No. 2	Secondary No. 1	Secondary No. 2
Volume (million gallons)	13.5	13.6	8.3	8.6
Dimensions	790'x 360'x 11'	820'x 360'x13'	700'x 260'x 18'	700'x 260'x18'
Lagoon Area (acres)	6.5	6.8	4.2	4.2

Typically, the lagoons are operated in series (Primary No. 1 > Primary No. 2 > Secondary No. 1 > Secondary No. 2), however the operator can manually control flow pattern through existing valves installed in the system due to operational needs. The two primary lagoons were constructed with a synthetic geotextile liner system and the secondary lagoons were constructed with an earthen (clay) liner.

Howland utilizes two (2) influent pumps to convey raw wastewater to the facility. Influent flows are conveyed through a comminutor at the facility headworks and are measured using a magnetic flow meter. The flow is then conveyed to Primary Lagoon 1 and proceeds through the lagoons in series (as stated above).

Secondary treated wastewater is treated seasonally with sodium hypochlorite for disinfection in a chlorine contact chamber measuring 33 feet long by 45 feet wide by 5 feet high and having a detention time of 15 minutes at peak flow. Final effluent is conveyed for discharge to the Penobscot River via a 10-inch diameter outfall pipe that extends into the receiving water to a depth of approximately seven (7) feet below the surface of the water according to information contained in the Town's application for permit renewal. The outfall pipe is not fitted with diffusers.

## 2. PERMIT SUMMARY (cont'd)

In an electronic message (email) dated December 15, 2015, Brian Dawson of the Town of Howland confirmed that the Town has not removed sludge from the lagoons since the system went online in 1991, that sludge depth is monitored at a minimum frequency of once per year using a "sludge judge", and the average current sludge depth throughout the lagoons is less than one foot.

The Town previously indicated that the lagoon system contains an under-drain collection system that is designed to convey any seepage from the primary and secondary lagoon cells into the last lagoon. Therefore, flows into the under-drain collection system are monitored by way of final effluent monitoring. The Town further indicated that the under-drain system was not constructed with sampling ports or other means of monitoring flows into the system.

A general layout of process flow and lagoon setup is included as Fact Sheet **Attachment B**.

## 3. CONDITIONS OF PERMIT

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

## 4. RECEIVING WATER QUALITY STANDARDS

*Classification of major river basins*, 38 M.R.S.A. § 467(7)(A)(5) classifies the Penobscot River at the point of discharge (from the West Enfield Dam, including the Stillwater Branch, to the Veazie Dam) as Class B water. *Standards for classification of fresh surface waters*, 38 M.R.S.A. § 465(3) describes the standards for Class B waters.

## 5. RECEIVING WATER QUALITY CONDITIONS

The following is an excerpt from the *State of Maine 2012 Integrated Water Quality Monitoring and Assessment Report*, prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act.

"In May 2011, Maine DEP (MDEP) completed the "Penobscot River Phosphorus Wasteload Allocation" (WLA) report which covered the area from Millinocket to Medway (West Branch Penobscot River) and further down to Bangor/Brewer (mainstem Penobscot

## 5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

River). The WLA report identified a total of four industrial dischargers and six significant municipal dischargers that contribute phosphorus to these segments and in combination cause the observed aquatic life impairments. The report established phosphorus limits for the industrial dischargers and MDEP determined that these reduced loadings would be sufficient to eliminate eutrophic conditions along the entire freshwater portion of the river. Between March and May 2011, MDEP issued MEPDES (Maine Pollutant Discharge Elimination System) permits to all ten dischargers identified in the WLA report. It is expected that the phosphorus limits established in the permits to industrial dischargers will result in the elimination of the aquatic life use impairments by 2016. Monitoring data collected in 2011 showed dissolved oxygen (DO) attainment in two critical reaches of the river; preliminary analysis of 2012 data covering the majority of the river also indicate attainment of DO criteria."

The Department therefore delisted five Penobscot River segments, including the segment that contains the Howland discharge, ABD Assessment Unit ME0102000506\_232R (mainstem from Piscataquis River to Orson Island) as "Category 4-B: Rivers and Streams Impaired by Pollutants – Pollution Control Requirements Reasonably Expected to Result in Attainment" for dissolved oxygen and nutrient/eutrophication biological indicators. A comment in the report states that the segment is "Expected to attain in 2016. Preliminary data from 2011 looks promising" for dissolved oxygen and nutrient/eutrophication biological indicators. The report also lists the segment in question in Category 4-B for dioxin (including 2,3,7,8-TCDD) and states "New Dioxin sources removed, expected to attain standards" in 2020. This segment is also listed under "Category 5-D: Rivers and Streams Impaired by Legacy Pollutants" for polychlorinated biphenyls (PCBs).

The Report lists all of Maine's fresh waters as, "Category 4-A: Waters Impaired by Atmospheric Deposition of Mercury." Impairment in this context refers to a statewide fish consumption advisory due to elevated levels of mercury in some fish tissues. The Report states, "All freshwaters are listed in Category 4A (Total Maximum Daily Load (TMDL) Completed) due to USEPA approval of a Regional Mercury TMDL." Maine has a fish consumption advisory for fish taken from all freshwaters due to mercury. Many fish from any given waters do not exceed the action level for mercury. However, because it is impossible for someone consuming a fish to know whether the mercury level exceeds the action level, the Maine Department of Human Services decided to establish a statewide advisory for all freshwater fish that recommends limits on consumption.

Maine has already instituted statewide programs for removal and reduction of mercury sources. Pursuant to 38 M.R.S.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 and reporting requirements for this facility pursuant to 06-096 CMR 519.

## 5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

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

## 6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

- a. Flow: The previous permitting action established a monthly average discharge flow limitation of 0.30 MGD (300,000 gallons per day (GPD)) and continuous flow monitoring requirement which is being carried forward in this permitting action. The discharge flow limit of 0.30 MGD is higher than the reported monthly average design capacity of the treatment facility and was established in a licensing action in the late 1990's to encourage the facility to hold wastewater during periods when receiving water is most vulnerable to adverse impacts from point and non-point source pollution and to discharge at a higher rate when receiving water is passing higher flows. This permitting action is carrying forward a "continuous recorder" monitoring requirement for discharge flow.

This permitting action is carrying forward the previously established flow limit of 0.30 MGD, however it is establishing the flow to be reported in GPD to more accurately account for flows through the facility. Therefore, the limit is expressed as 300,000 GPD in the permit.

This permitting action is also carrying forward all mass-based effluent limits based on the previously established flow limit of 0.30 MGD.

The Department reviewed 53 Discharge Monitoring Reports (DMRs) that were submitted for the period of May 31, 2011 through September 30, 2015. A review of data indicates the following:

### Flow

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	0.30	0.02 – 0.30	0.2
Daily Maximum	Report	0.06 – 0.36	0.2

- b. Dilution Factors: The Department established applicable dilution factors for the discharge in accordance with freshwater protocols established in *Surface Water Toxics Control Program*, 06-096 CMR 530 (last amended March 21, 2012). With a monthly average flow limit of 300,000 GPD (0.30 MGD), dilution factors for the facility are as follows:

Acute:

$$1Q10 = 2,697 \text{ cubic feet per second (cfs)} \Rightarrow \frac{(2,697 \text{ cfs})(0.6464) + 0.30 \text{ MGD}}{0.30 \text{ MGD}} = 5,812:1$$

$$\text{Modified Acute: } \frac{1}{4} 1Q10 = 674 \text{ cfs} \Rightarrow \frac{(674 \text{ cfs})(0.6464) + 0.30 \text{ MGD}}{0.30 \text{ MGD}} = 1,453:1$$

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

$$\text{Chronic: } 7Q10 = 2,997 \text{ cfs} \quad \Rightarrow \frac{(2,997 \text{ cfs})(0.6464) + 0.30 \text{ MGD}}{0.30 \text{ MGD}} = 6,458:1$$

$$\text{Harmonic Mean} = 7,571 \text{ cfs} \quad \Rightarrow \frac{(7,571 \text{ cfs})(0.6464) + 0.30 \text{ MGD}}{0.30 \text{ MGD}} = 16,314:1$$

06-096 CMR 530(4)(B)(1) states that analyses using numeric acute criteria for aquatic life must be based on  $\frac{1}{4}$  of the 1Q10 stream design flow to prevent substantial acute toxicity within any mixing zone. The regulation goes on to say that where it can be demonstrated that a discharge achieves rapid and complete mixing with the receiving water by way of an efficient diffuser or other effective method, analyses may use a greater proportion of the stream design, up to including all of it.

The outfall pipe is not fitted with diffusers or other mechanisms that would enhance mixing of the effluent with the receiving waters and the permittee has not provided information describing the mixing characteristics of the final effluent with the receiving waters. Therefore, the Department is making a best professional judgment determination that mixing of the effluent with the receiving waters is not complete and rapid.

- c. BOD<sub>5</sub> and TSS: The previous permitting action established monthly average and weekly average BOD<sub>5</sub> & TSS concentration limits of 35 mg/L and 45 mg/L, respectively, the 35 mg/L is based on treatment equivalent to secondary treatment requirements in *Effluent Guidelines and Standards*, 06-096 CMR 525(3)(VI) (see discussion in italicized text) and the 45 mg/L is based on secondary treatment requirements of 06-096 CMR, Chapter 525(3)(III). The daily maximum BOD<sub>5</sub> & TSS concentration limit of 50 mg/L is based on a Department best professional judgement (BPJ) of BPT.

The Fact Sheet of the 5/16/05 MEPDES permit contained the following text;

*A review of BOD<sub>5</sub> & TSS effluent data on file with the Department for this facility indicates that the Town has not been able to consistently achieve compliance with the monthly average concentration limit of 30 mg/L. On May 4, 2005, the permittee submitted a letter to the Department, with supporting effluent data from the most recent 6-year period, to demonstrate that the facility can not meet the monthly average secondary treatment standard of 30 mg/L through proper operation and maintenance of the treatment facility. The Town stated that it has a current Operation and Maintenance manual which is used to ensure the facility is operated at maximum efficiency and that the facility is within it's design load capacity and does not receive industrial wastes. In addition, the Town stated, the treatment plant operator has suspended discharge as long as possible during periods when effluent quality would not comply with the numeric BOD<sub>5</sub> & TSS limits and has experimented with changing the effluent draw-off point in an effort to discharge from the lagoon depth having the best effluent quality. The Town*

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

*reported that despite these efforts and proper operation and maintenance of the treatment system, the Town has not been able to consistently achieve compliance with the monthly average secondary treatment standards for BOD<sub>5</sub> & TSS of 30 mg/L. Consequently, the Town requested less stringent monthly average concentration limits for BOD<sub>5</sub> & TSS.*

*In part, Department rule, 06-096 CMR Chapter 525(3)(VI) contains the minimum level of effluent quality attainable by facilities eligible for treatment equivalent to secondary treatment in terms of the parameters BOD<sub>5</sub> & TSS. Chapter 525(3)(II)(g) states facilities shall be considered eligible for treatment equivalent to secondary treatment if:*

- (1) The BOD-5 and [T]SS effluent concentrations consistently achievable through proper operation and maintenance (paragraph (f)) of the treatment works exceed the minimum level of the effluent quality set forth in Subsections III(a) and (b),*
- (2) A trickling filter or waste stabilization pond is used as the principal process, and*
- (3) The treatment works provide significant biological treatment of municipal wastewater.*

*In this permitting action, the Department is making the best professional judgment determination that the Town of Howland wastewater treatment facility qualifies for treatment equivalent to secondary treatment. Chapter 525(3)(VI)(a) and (b) state, in part, that the 30-day average BOD<sub>5</sub> & TSS concentration limits shall not exceed 45 mg/L. Further, in August 1997, the Department issued a user's manual entitled, Design, Operation & Regulation of Aerated Facultative Lagoons in Maine, prepared by the Maine Lagoon Task Force. In this manual, the task force recommends that effluent BOD<sub>5</sub> & TSS concentrations could range up to a maximum of 45 mg/L as a 30-day average when:*

- a) the facility cannot consistently achieve secondary treatment defined as a 30-day average of 30 mg/L 95 percent of the time based on at least three years of monthly average data,*
- b) the facility provided information and data to demonstrate that the problem is uncontrollable while using a properly designed and operated lagoon or pond as the principal biological treatment process, and*
- c) there are no extenuating circumstances such as overloading or industrial wastes.*

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

*Based on the Town's May 4, 2005 letter request and a review of the last six years of BOD<sub>5</sub> & TSS effluent data, the Town seeks to increase the monthly average BOD<sub>5</sub> & TSS concentration limits to 35 mg/L, as this value represents the effluent quality consistently achievable 95 percent of the time.*

*Therefore, this permitting action is revising the monthly average concentration limits for BOD<sub>5</sub> & TSS from 30 mg/L to 35 mg/L based on the treatment equivalent to secondary treatment provisions of the Department's rules and the findings and recommendations of the 1997 lagoons task force report. It is noted that the permittee has not requested an increase in BOD<sub>5</sub> & TSS mass limits.*

For this permit cycle, the Department reviewed the rationale for the previously derived concentration limits. This permitting action affirms the previous conclusions and is carrying forward all three concentration limitations.

The 6/2/00 licensing action and the 5/16/05 permitting action established monthly average, weekly average and daily maximum mass limits of 51 pounds per day (lbs./day), 77 lbs./day and 85 lbs./day, respectively, based on an *influent* design capacity of 0.205 MGD rather than the licensed effluent flow limit of 0.30 MGD. The mass was limited based on the influent design and increased the discharge flow limit to encourage the facility to hold wastewater at critical times of the year or when effluent quality was not compliant with the effluent limits established in the permit. BOD<sub>5</sub> & TSS mass limits were derived as follows:

Monthly Average Mass Limit:  $(30 \text{ mg/L})(8.34 \text{ lbs./gallon})(0.205 \text{ MGD}) = 51 \text{ lbs./day}$

Weekly Average Mass Limit:  $(45 \text{ mg/L})(8.34 \text{ lbs./day})(0.205 \text{ MGD}) = 77 \text{ lbs./day}$

Daily Maximum Mass Limit:  $(50 \text{ mg/L})(8.34 \text{ lbs./day})(0.205 \text{ MGD}) = 85 \text{ lbs./day}$

This permitting action is also carrying forward the requirement for a minimum of 85% removal of BOD<sub>5</sub> & TSS pursuant to 06-096 CMR 525(3)(III)(a)(3) and (b)(3). The permittee has not demonstrated that it qualifies for special considerations pursuant to 06-096 CMR 525(3)(IV) to maintain a waiver from the 85% removal requirement when influent concentration is less than 200 mg/L, which was established in the previous permit. Therefore, this permitting action is eliminating the waiver from the 85% removal requirement provided in the previous permitting action when influent concentration is less than 200 mg/L.

A summary of BOD<sub>5</sub> data as reported on the DMRs submitted to the Department for the period



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

of May 31, 2011 – September 30, 2015 is as follows:

**BOD<sub>5</sub> Mass**

Value	Limit (lbs./day)	Range (lbs./day)	Average (lbs./day)
Monthly Average	51	3– 50	19
Weekly Average	77	4– 59	25
Daily Maximum	85	4– 59	24

**BOD<sub>5</sub> Concentration**

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	35	5 – 31	13
Weekly Average	45	6 – 32	15
Daily Maximum	50	6 – 32	15

A summary of TSS data as reported on the DMRs submitted to the Department for the period of May 31, 2011 – September 30, 2015 is as follows:

**TSS Mass**

Value	Limit (lbs./day)	Range (lbs./day)	Average (lbs./day)
Monthly Average	51	2 – 51	15
Weekly Average	77	3 – 58	21
Daily Maximum	85	3 – 58	21

**TSS Concentration**

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	35	2 – 31	11
Weekly Average	45	3 – 35	14
Daily Maximum	50	3 – 35	15

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

Although USEPA's 1996 Guidance recommends evaluation of the most current two years of effluent data for a parameter, the Department is considering 52 months of data (May 31, 2011 – September 30, 2015.). A review of the mass monitoring data for BOD<sub>5</sub> & TSS indicates the ratios (expressed in percent) of the long term effluent average to the monthly average limits can be calculated as 37% for BOD<sub>5</sub> and 30% for TSS. According to Table I

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

of the USEPA Guidance and Department Guidance, the monitoring requirement can be reduced from 1/Week to 2/Month for BOD<sub>5</sub> and TSS. Taking into consideration both the USEPA and Department Guidance, this permitting action is reducing the monitoring frequency for BOD<sub>5</sub> and TSS from 1/Week to 2/Month.

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

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

A review of the bacterial testing data as reported on the monthly DMRs for the period of May 31, 2011 – September 30, 2015 indicates the permittee to have been in compliance with the permit limits 100% of the time. A statistical summary of the reported *E. coli* bacteria test results is as follows:

### *E. coli* Bacteria (DMRs=25)

Value	Limit (col/100 ml)	Range (col/100 ml)	Mean (col/100 ml)
Monthly Average	64	1 – 27	5
Daily Maximum	427	1 – 133	29

- e. TRC: The previous permitting action established a daily maximum BPT-based concentration limit of 1.0 mg/L as well as a minimum monitoring frequency requirement of once per week. The Department specifies TRC limitations in order to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. The Department imposes the more stringent of either water quality-based or BPT-based limits. End-of-pipe acute and chronic water quality-based concentration thresholds may be calculated as follows:

	Criterion	Dilution Factors	Calculated Threshold
Acute	0.019 mg/L	1,453:1	27.61 mg/L
Chronic	0.011 mg/L	6,458:1	71.04 mg/L

The Department has established a daily maximum BPT limitation of 1.0 mg/L for facilities that disinfect their effluent with elemental chlorine or chlorine-based compounds. For facilities that must dechlorinate the effluent in order to consistently achieve compliance with water quality

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

based thresholds, the Department has established daily maximum and monthly average BPT limits of 0.3 mg/L and 0.1 mg/L, respectively. The permittee's wastewater treatment process does not include effluent dechlorination following disinfection. This permitting action is carrying forward the daily maximum BPT-based concentration limit of 1.0 mg/L as it is more stringent than the water quality-based thresholds of 27.61 mg/L (acute) and 71.04 mg/L (chronic) as calculated above. Although bacteria limitations are seasonal and apply between May 15 and September 30 of each year, the facility must monitor and report TRC during any period that chlorine-based compounds are in use at the facility because chlorine compounds are toxic at all times of the year.

A summary of TRC data as reported on the monthly DMRs for the period of May 31, 2011 – September 30, 2015 is as follows:

### Total residual chlorine (DMRs=25)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	1.0	0.1 – 0.8	0.3

- f. pH: The previous permitting action established a technology based pH range limitation of 6.0 – 9.0 standard units pursuant to 06-096 CMR 525(3)(III)(c) along with a monitoring frequency of 5/Week, both of which are being carried forward in this permitting action.
- g. Whole Effluent Toxicity (WET), Priority Pollutant, and Analytical Chemistry Testing: 38 M.R.S.A. § 414-A and 38 M.R.S.A. § 420 prohibit the discharge of effluents containing substances in amounts that would cause the surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the USEPA. 06-096 CMR 530 sets forth effluent monitoring requirements and procedures to establish safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected and narrative and numeric water quality criteria are met.

06-096 CMR 530(2)(A) states, “...all licensed dischargers of industrial process wastewater or domestic wastes discharging to surface waters of the State must meet the testing requirements of this section. Dischargers of other types of wastewater are subject to this subsection when and if the Department determines that toxicity of effluents may have reasonable potential to cause or contribute to exceedences of narrative or numerical water quality criteria.”

Dischargers are categorized based on the dilution of the receiving water and the potential

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

risk of toxic contamination. The four categories for dischargers are as follows:

Level I	Chronic dilution factor of <20:1
Level II	Chronic dilution factor of $\geq 20:1$ but <100:1.
Level III	Chronic dilution factor $\geq 100:1$ but <500:1 or >500:1 and $Q \geq 1.0$ MGD
Level IV	Chronic dilution >500:1 and $Q \leq 1.0$ MGD

Based on the criteria, the permittee's facility is considered a Level IV discharger as the chronic dilution of the receiving water is 6,458:1 and the permitted flow is equal to or less than 1.0 MGD.

Using the categorization criteria as stated above, and pursuant to 06-096 CMR 530 (2)(D)(1), dischargers are required to characterize their effluent via WET, priority pollutant and analytical chemistry testing. Although this facility has never conducted WET or chemical specific testing, the Department has made the determination that the permittee's facility is not a new discharge nor has it substantially changed since issuance of the previous permit/license. Therefore, the Department is waiving the Level IV routine testing requirements except that the Department is requiring the facility to conduct testing under the following conditions.

- (a) The discharger's permit application or information available to the Department indicate that toxic compounds may be present in toxic amounts; or
- (b) Previous testing conducted by the discharger or similar dischargers indicates that toxic compounds may be present in toxic amounts.

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

However, should there be a substantial change in the characteristics of the discharge in the future, the Department may reopen this permit pursuant to Special Condition K, *Reopening of Permit For Modification*, of this permit to incorporate the applicable WET, priority pollutant, or analytical testing requirements cited above.

- h. Mercury: Pursuant to 38 M.R.S.A. § 420 and 38 M.R.S.A. § 413 and 06-096 CMR 519, the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL # W002632-5L-D-R by establishing interim monthly average and daily maximum effluent concentration limits of 12.1 ppt and 18.1 ppt, respectively, and a minimum monitoring frequency requirement of 2 tests per year for mercury.

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

38 M.R.S.A. § 420(1-B)(B)(1) provides that a facility is not in violation of the AWQC for mercury if the facility is in compliance with an interim discharge limit established by the Department. A review of the Department's database for the period January 2004 through October 2015 is as follows.

### Mercury (N = 9)

Value	Limit (ng/L)	Range (ng/L)	Mean (ng/L)
Monthly Average	12.1	0.0 – 3.6	1.7
Daily Maximum	18.1		

On February 6, 2012, the Department issued a minor revision to the April 25, 2011 permit thereby revising the minimum monitoring frequency requirement from twice per year to once per year pursuant to 38 M.R.S.A. § 420(1-B)(F). This minimum monitoring frequency is being carried forward in this permitting action.

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

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

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

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

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

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

modify any reasonable potential calculations, phosphorus limits, or monitoring requirements based on new site-specific data.

In 2007 a Waste Load Allocation (WLA) study was conducted on the Penobscot River in the vicinity of the discharge. At that time, the ambient level measured 1.8 miles upstream of the discharge was 15.7 parts per billion (ppb). However, ambient phosphorus levels ranged from 15.7 ppb to 19.3 ppb. Therefore, for this calculation, we will be using the mean of the ambient data, 16.6 ppb (rounded to 17.0ppb). To get more current values of the total phosphorus being discharged from the permittee's facility, the Department requested the permittee and other major dischargers to conduct effluent testing during the summer of 2014. The permittee conducted effluent total phosphorus sampling in the summer of 2005. Based on the those lab results, the arithmetic mean concentration discharged for the period was 3 mg/L and is considered representative of the facilities effluent.

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

### Reasonable Potential Analysis

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

Q <sub>e</sub> = effluent flow	=	0.30 MGD
C <sub>e</sub> = effluent pollutant concentration	=	3.0 mg/L
Q <sub>s</sub> = 7Q10 flow of receiving water	=	1,937 MGD
C <sub>s</sub> = upstream concentration	=	0.017 mg/L
Q <sub>r</sub> = receiving water flow (1,937 MGD + 0.30 MGD)	=	1,937.30 MGD
Cr = receiving water concentration		

$$Cr = \frac{(0.30 \text{ MGD} \times 3.0 \text{ mg/L}) + (1,937 \text{ MGD} \times 0.017 \text{ mg/L})}{1,937.30 \text{ MGD}} = 0.017 \text{ mg/L}$$

Cr = 0.017 mg/L < 0.100 (EPA Gold Book) mg/L ⇒ **No Reasonable Potential**

Cr = 0.017 mg/L < 0.030 (Maine Draft Criteria) mg/L ⇒ **No Reasonable Potential**

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

## 7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

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

## 8. PUBLIC COMMENTS

Public notice of this application was made in the *Lincoln News* newspapers on or about December 10, 2015. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits must have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR 522 (effective January 12, 2001).

## 9. DEPARTMENT CONTACTS

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

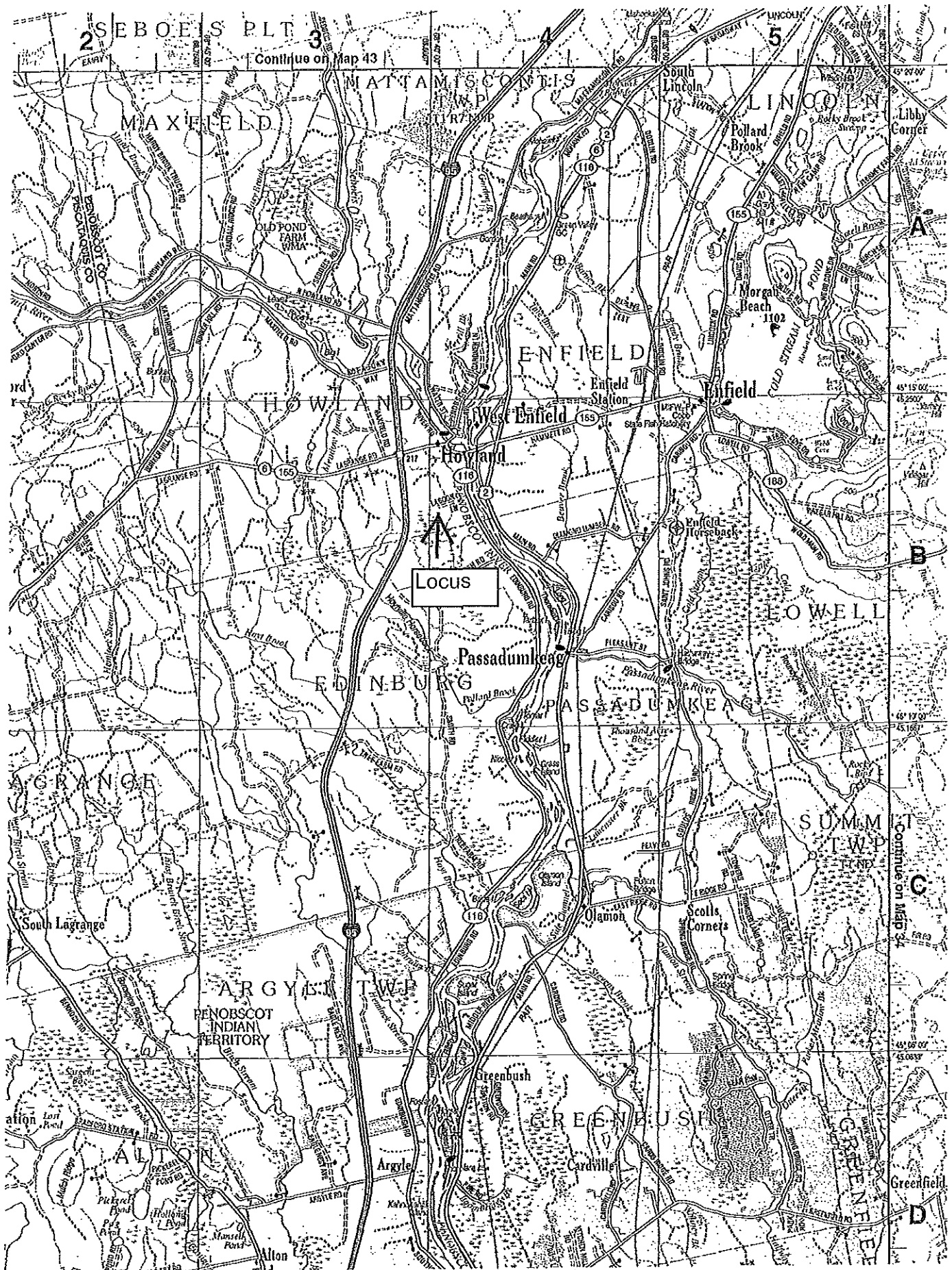
Cindy L. Dionne  
Division of Water Quality Management  
Bureau of Water Quality  
Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333-0017 Telephone: (207) 557-5950  
e-mail: [Cindy.L.Dionne@maine.gov](mailto:Cindy.L.Dionne@maine.gov)

## 10. RESPONSE TO COMMENTS

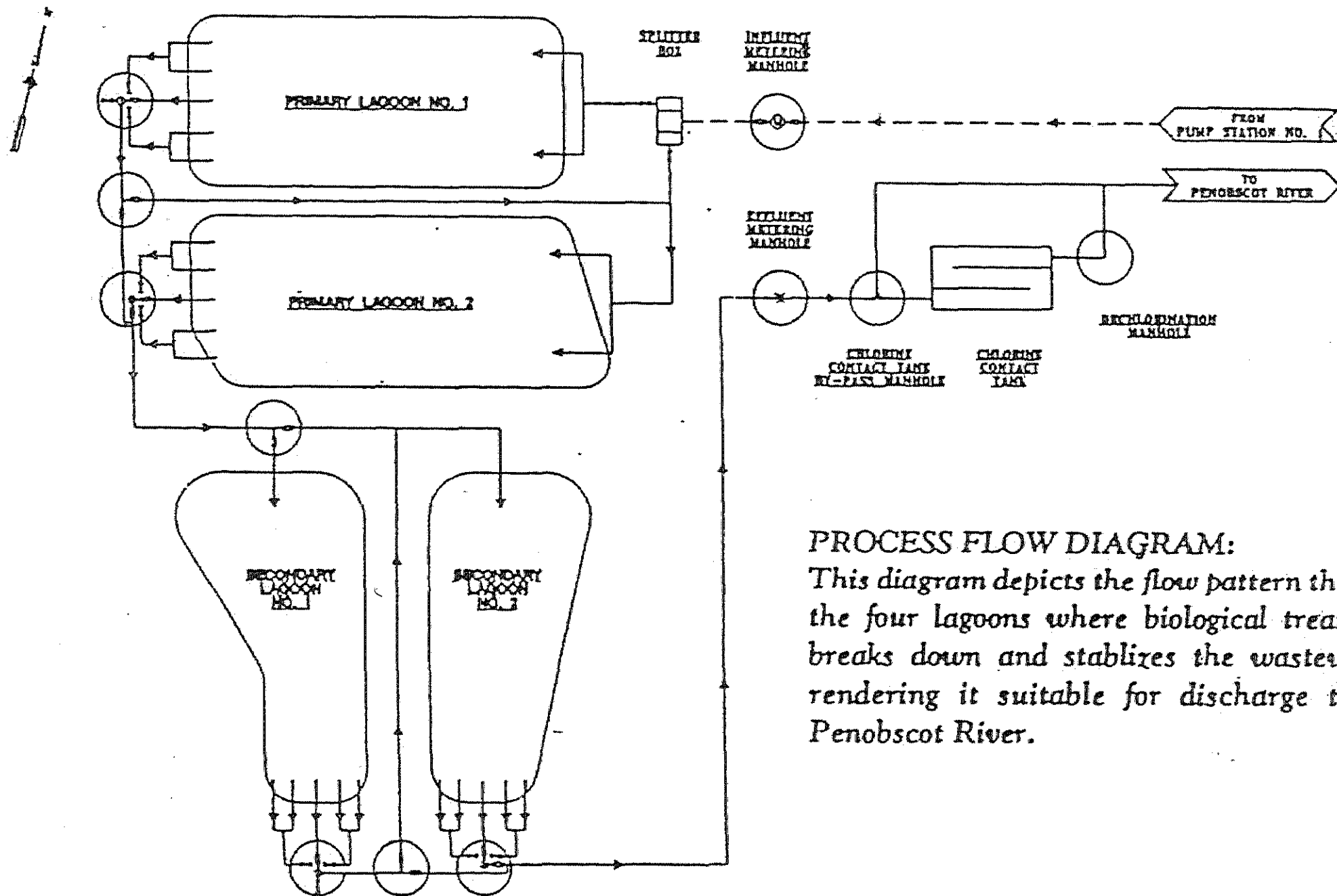
During the period of February 29, 2016 through the issuance date of the final permit, the Department solicited comments on the Proposed draft MEPDES permit to be issued to the Town of Howland for the proposed discharge. The Department did not receive comments that resulted in any substantive change(s) in the terms and conditions of the permit. Therefore, the Department has not prepared a Response to Comments.

# **ATTACHMENT A**





## **ATTACHMENT B**



### PROCESS FLOW DIAGRAM:

This diagram depicts the flow pattern thro the four lagoons where biological treatm breaks down and stablizes the wastewa rendering it suitable for discharge to Penobscot River.

## **ATTACHMENT C**

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHAPTER 530.2(D)(4) CERTIFICATION

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

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

COMMENTS:

Name (printed): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

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

**Scheduled Toxicity Testing for the next calendar year**

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

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

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