

PAUL R. LEPAGE

GOVERNOR

STATE OF MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL MERCER

December 19, 2016

Mr. Scott M. Firmin, P.E. Portland Water District 225 Douglass St., Box 3553 Portland, ME. 04104 <u>sfirmin@pwd.org</u>

> Sent via electronic mail Delivery confirmation rèquested

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0102121 Maine Waste Discharge License (WDL) Application #W006751-6C-J-R Finalized MEPDES Permit

Dear Mr. Firmin:

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

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

If you have any questions regarding the matter, please feel free to call me at 557-5950.

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

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

Sincerely,

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

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

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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 Portland Water District December 19, 2016 Page 2 of 2

Enclosure

ec: Barry Mower, DEP Pamela Parker, DEP Matt Hight, DEP Lori Mitchell, DEP David Webster, USEPA David Pincumbe, USEPA Alex Rosenberg, USEPA Olga Vergara, USEPA Sandy Mojica, USEPA Marelyn Vega, USEPA Richard Carvalho, USEPA Ivy Frignoca, FOCB

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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.

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WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

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

OCF/90-1/r95/r98/r99/r00/r04/r12

Appealing a Commissioner's Licensing Decision March 2012 Page 2 of 3

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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.

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Appealing a Commissioner's Licensing Decision March 2012 Page 3 of 3

II. JUDICIAL APPEALS

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

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

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

ADDITIONAL INFORMATION

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

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



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

DEPARTMENT ORDER

IN THE MATTER OF

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PORTLAND WATER DISTRICT CAPE ELIZABETH CUMBERLAND COUNTY, MAINE PUBLICLY OWNED TREATMENT WORKS ME0102121 W006751-6C-J-R APPROVAL MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT AND WASTE DISCHARGE LICENSE RENEWAL

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

APPLICATION SUMMARY

On June 21, 2016, the Department accepted as complete for processing an application from PWD for renewal of combination Waste Discharge License (WDL) # W006751-6C-H-R / Maine Pollutant Discharge Elimination System (MEPDES) permit # ME0102121, which was issued by the Department on December 5, 2011 for a five-year term. The 12/5/11 permit authorized the monthly average discharge of an unspecified quantity of secondary treated wastewater from a publicly owned treatment works (POTW) to Peabbles Cove, Class SB, in Cape Elizabeth, Maine.

Final PERMIT

PERMIT SUMMARY

a. Terms and conditions

This permitting action is different from the December 5, 2011 permit in that it:

- 1. Eliminates the waiver for percent removal requirements for biochemical oxygen demand (BOD₅) and total suspended solids (TSS) when influent strength is less than 200 milligrams per liter (mg/L);
- 2. Eliminates stipulations associated with Special Conditions K. *Asset Management Program* (AMP) and L. *Repair and Replacement Reserve Account* from the previous permit, as the terms of those conditions have been fulfilled;
- 3. Reduces the monitoring and reporting requirement for BOD₅ and TSS from 1/Week to 2/Month;
- 4. Amends the whole effluent toxicity (WET) screening monitoring period from 12 months prior to permit expiration to 24 months prior to permit expiration;
- 5. Amends the WET surveillance monitoring period to years 1, 2, 3, and 5 of the term of the permit;
- 6. Incorporates an Industrial Waste Survey (IWS) into Special Condition D. *Limitations for Industrial Users*; and
- 7. Establishes a seasonal, one-year only, effluent monitoring requirement for Nitrate + Nitrite (as N) and Total Kjehldahl Nitrogen (as N).

Final PERMIT

CONCLUSIONS

BASED on the findings in the attached and incorporated Fact Sheet dated December 12, 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. § 464(4)(F), will be met, in that:
 - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
 - (c) Where the standards of classification of the receiving waterbody are not met, the discharge will not cause or contribute to the failure of the waterbody to meet the standards of classification;
 - (d) Where the actual quality of any classified receiving waterbody exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and
 - (e) Where a discharge will result in lowering the existing water quality of any waterbody, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
- 4. The discharge will be subject to effluent limitations that require application of best practicable treatment (BPT) as defined in Conditions of licenses, 38 M.R.S. § 414-A(1)(D).

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ACTION

THEREFORE, the Department APPROVES the application of the PORTLAND WATER DISTRICT to discharge an unspecified quantity of secondary treated sanitary wastewater to Peabbles Cove, Class SB, in Cape Elizabeth, Maine, SUBJECT TO ALL APPLICABLE STANDARDS AND REGULATIONS AND THE FOLLOWING CONDITIONS:

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

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS 14th DAY OF December 2016.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY PAUL MERCER, Commissioner

Date of initial receipt of applicationMarch 3, 2016Date of application acceptanceMarch 4, 2016



Date filed with Board of Environmental Protection

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

ME0102121 W006751-6C-J-R

Final PERMIT

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge secondary treated sanitary wastewater from <u>Outfall #001</u> to Peabbles Cove in Cape Elizabeth. Such discharges are limited and must be monitored by the permittee as specified below ⁽¹⁾.

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly <u>Average</u>	Weekly <u>Average</u>	Daily <u>Maximum</u>	Monthly <u>Average</u>	Weekly <u>Average</u>	Daily <u>Maximum</u>	Measurement Frequency	Sample <u>Type</u>
Flow [50050]	Report (MGD) <i>[03]</i>		Report (MGD) <i>[03]</i>		ANC 190 199		Continuous [99/99]	Recorder [RC]
BOD ₅ [00310]	130 lbs./day <i>[26]</i>	195 lbs./day <i>[26]</i>	Report lbs./day [26]	30 mg/L <i>[19]</i>	45 mg/L <i>[19]</i>	50 mg/L <i>[19]</i> .	2/Month ⁽²⁾ [02/30]	Composite [24]
BOD ₅ % Removal ⁽³⁾ [81010]	144 142 mg		·	85% [23]			1/Month <i>[01/30]</i>	Calculate [CA]
TSS [00530]	130 lbs./day [26]	195 lbs./day <i>[26]</i>	Report lbs./day [26]	30 mg/L <i>[19]</i>	45 mg/L <i>[19]</i>	50 mg/L <i>[19]</i>	2/Month ⁽²⁾ [02/30]	Composite [24]
TSS % Removal ⁽³⁾ [81011]				85% [23]			1/Month <i>[01/30]</i>	Calculate [CA]
Settleable Solids [00545]			14-14-14 -		44C 487 397	0.3 mL/L <i>[25]</i>	5/Week [05/07]	Grab [GR]
Fecal Coliform Bacteria ⁽⁴⁾ [31616] (May 15 – Sept. 30)				15 col/100 mL ⁽⁵⁾ [13]		50 col/100 mL [13]	1/Week <i>[01/07]</i>	Grab [GR]
Total Residual Chlorine ⁽⁶⁾ [50060]	2) 2) 2) 2) 2) 2)			0.1 mg/L <i>[19]</i>		0.23 mg/L <i>[19]</i>	1/Day [01/01]	Grab [GR]
pH (Std. Units) [00400]						6.0-9.0 <i>[12]</i>	5/Week <i>[05/07]</i>	Grab [GR]
Mercury ⁽⁷⁾ [71900]				18.63 ng/L <i>[28]</i>		27.95 ng/L [28]	1/Year [01/90]	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).

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Footnotes: See Pages 8-10 of this permit for applicable footnotes.

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

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2. The permittee is authorized to discharge secondary treated sanitary wastewater from <u>Outfall #001</u> to Peabbles Cove in Cape Elizabeth. Such discharges are limited and must be monitored by the permittee as specified below ⁽¹⁾.

Effluent Characteristic		Minimum Monitoring Requirements						
	<u>Monthly</u> Average	<u>Weekly</u> Average	<u>Daily</u> Maximum	Monthly Average	Weekly	<u>Daily</u> Maximum	Measurement	Sample Tumo
Nitrate + Nitrite (as N) [00630] May 1, 2017 through Oct. 31, 2017	Report Ibs./day [26]		Report lbs./day [26]	Report mg/L [19]		Report mg/L [19]	2/Month [02/30]	24-Hour Composite. [24]
Total Kjehldahl Nitrogen (as N) [00625] May 1, 2017 through Oct. 31, 2017	Report Ibs./day [26]		Report Ibs./day [26]	Report mg/L. [19]	an an pa	Report mg/L <i>[19]</i>	2/Month [02/30]	24-Hour Composite [24]

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).

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Final PERMIT

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SPECIAL CONDITIONS

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

3. The permittee is authorized to discharge secondary treated sanitary wastewater from <u>Outfall #001</u> to Peabbles Cove in Cape Elizabeth. Such discharges are limited and must be monitored by the permittee as specified below ⁽¹⁾.

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

Effluent Characteristic		Dischar	ge Limitatio	Minimum Monitoring Requirements		
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Whole Effluent Toxicity ⁽⁸⁾ <u>Acute – No Observed Effect Level (NOEL)</u> Americamysis bahia (Mysid Shrimp) [TDM3E]				Report % [23]	1/2 Year [01/2YR]	Composite [24]
<u>Chronic – NOEL</u> Arbacia punctulata (Sea urchin) [TBH3A]				Report % [23]	1/2 Year [01/2YR]	Composite [24]
Analytical chemistry ⁽⁹⁾ [51477]				Report µg/L [28]	1/2 Year [01/2YR]	Composite/Grab [24]

Footnotes: See Pages 8-10 of this permit for applicable footnotes.

Final PERMIT

ME0102121 W006751-6C-J-R

SPECIAL CONDITIONS

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

4. The permittee is authorized to discharge secondary treated sanitary wastewater from <u>Outfall #001</u> to Peabbles Cove in Cape Elizabeth. Such discharges are limited and must be monitored by the permittee as specified below⁽¹⁾.

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

Effluent Characteristic		Discharge	Limitation	Minimum Monitoring Requirements		
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Whele Effluent Toxicity ⁽⁷⁾ <u>Acute – NOEL</u> Americamysis bahia (Mysid Shrimp) [TDM3E]		yer na faa		Report % [23]	2/Year [02/YR]	Composite [24]
<u>Chronic – NOEL</u> Arbacia punctulata (Sea urchin) [TBH3A]				Report % <i>[23]</i>	2/Year [02/YR]	Composite [24]
Analytical chemistry ⁽⁸⁾ [51477]	And the pape			Report µg/L <i>[28]</i>	1/Quarter [01/90]	Composite/Grab [24]
Priority Pollutant ⁽⁸⁾ [50008]				Report μg/L [28]	1/Year [01/YR]	Composite/Grab [24]

Footnotes: See Pages 8-10 of this permit for applicable footnotes.

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

Footnotes

 Sampling – The permittee must conduct all effluent sampling and analysis in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis must be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services. Samples that are analyzed by laboratories operated by waste discharge facilities licensed pursuant to *Waste discharge licenses*, 38 M.R.S. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended April 1, 2010). Laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of 10-144 CMR 263. 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.

Any change in sampling location(s) other than those specified below must be reviewed and approved by the Department in writing.

Influent sampling for BOD₅ and TSS must be sampled after screening and grit removal;

Secondary effluent sampling – For flow, biochemical oxygen demand, total suspended solids, settleable solids and pH, samples must be collected from the effluent wet well. Fccal coliform and total residual chlorine samples must be collected at the dechlorination structure at Peabbles Cove. Any change in sampling location(s) must be reviewed and approved by the Department in writing.

- 2. Twice/Month sampling requirement There must be at least 10-14 days between sampling events when required to sample 2/Month.
- 3. Percent Removal For secondary treated wastewater, the facility must maintain a minimum of 85 percent removal of both BOD₅ and TSS. Percent removal will be based on a monthly average value calculated based on influent and effluent concentrations.
- 4. Fecal coliform bacteria Limits and monitoring requirements are seasonal and apply from May 15th to September 30th of each year. The Department reserves the right to impose year-round limitations and monitoring requirements to protect the health and welfare of the public.

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

Footnotes

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- 5. Fecal coliform bacteria The monthly average limitation is a geometric mean limitation and values must be calculated and reported as such.
- 6. **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.
- 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 United States 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 Method 1669 and analysis Method 1631E on file with the Department for this facility.
- 8. WET Testing Definitive WET testing is a multi-concentration testing event (a minimum of five dilutions set at levels to bracket the modified acute and chronic critical water quality thresholds of 5.7% and 1.3%, respectively), which provides a point estimate of toxicity in terms of NOEL. A-NOEL is defined as the acute no observed effect level with survival as the end point. C-NOEL is defined as the chronic no observed effect level level with survival, reproduction and growth as the end points. The critical acute and chronic thresholds were derived as the mathematical inverse of the applicable acute and chronic dilution factors of 17.4:1 and 74.8:1, respectively, for Outfall #001A.

Test results must be submitted to the Department no later than the next DMR required by the permit, provided, however, that the permittee may review the toxicity reports for up to 10 business days of their availability before submitting them. The permittee must evaluate test results being submitted and identify to the Department possible exceedances of the critical acute and chronic water quality thresholds of 5.7% and 1.3%, respectively.

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

Footnotes

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

- u.S. Environmental Protection Agency. 2002. Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, 5th ed. EPA 821-R-02-012. U.S. Environmental Protection Agency, Office of Water, Washington, D.C., October 2002 (the acute method manual);
- U.S. Environmental Protection Agency. 2002. Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms, 3rd ed. EPA 821-R-02-014. U.S. Environmental Protection Agency, Office of Water, Washington, D.C., October 2002 (the marine chronic method manual).

Results of WET tests must be reported on the "Whole Effluent Toxicity Report-Marine Water" form included as **Attachment B** of this permit each time a WET test is performed.

The permittee must analyze the effluent for the analytical chemistry and priority pollutant parameters specified on the "WET and Chemical Specific Data Report Form" included as **Attachment C** of this permit each time a WET test is performed.

9. Analytical chemistry and Priority Pollutant testing – Refers to those pollutants listed in their respective categories on the form included as Attachment C of this permit.

Analytical chemistry and priority pollutant test results must be submitted to the Department not later than the next DMR required by the permit, provided, however, that the permittee may review the laboratory reports for up to 10 business days of their availability before submitting them. The permittee must evaluate test results being submitted and identify to the Department, possible exceedences of the acute, chronic or human health ambient water quality criteria (AWQC) as established in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective July 29, 2012).

Analytical chemistry and priority pollutant testing must be conducted on samples collected at the same time as those collected for whole effluent toxicity tests, when applicable, and must be conducted using methods that permit detection of a pollutant at existing levels in the effluent or that achieve the most current minimum reporting levels of detection as specified by the Department.

B. NARRATIVE EFFLUENT LIMITATIONS

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

C. TREATMENT PLANT OPERATOR

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

D. LIMITATIONS FOR INDUSTRIAL USERS

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

E. 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.

F. 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 June 21, 2016; 2) the terms and conditions of this permit; and 3) only from Outfall #001A. Discharges of wastewater from any other point source are not authorized under this permit, and must be reported in accordance with Standard Condition D(1)(f), *Twenty-four hour reporting*, of this permit.

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

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

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

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

- (d) Changes in stormwater collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge; and
- (c) 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.

H. WET WEATHER MANAGEMENT PLAN

The treatment facility staff must have a current written Wet Weather 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.

Final PERMIT

SPECIAL CONDITIONS

H. WET WEATHER MANAGEMENT PLAN (cont'd)

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. MONITORING AND REPORTING

Monitoring results obtained during the previous month must be summarized for each month and reported on separate DMR forms provided by the Department and **postmarked on or before the thirteenth (13th) 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 (15th) 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 Departmentassigned inspector (unless otherwise specified by the Department) at the following address:

> Department of Environmental Protection Southern Maine Regional Office Burcau of Water Quality Division of Water Quality Management 312 Canco Road Portland, Maine 04103

J. MONITORING AND REPORTING (cont'd)

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

K. REOPENING OF PERMIT FOR MODIFICATIONS

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

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.

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STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

A. GENERAL PROVISIONS

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

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

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

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

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

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

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

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

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

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

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

B. OPERATION AND MAINTENACE OF FACILITIES

1. General facility requirements.

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

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

5. Bypasses.

(a) Definitions.

- (i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
- (ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c) and (d) of this section.
- (c) Notice.
 - (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

6. Upsets.

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

- (iii) The permittee submitted notice of the upset as required in paragraph D(1)(f), below. (24 hour notice).
- (iv) The permittee complied with any remedial measures required under paragraph B(4).
- (d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

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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 nonroutine 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.

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

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

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

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

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

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

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

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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.

Revised July 1, 2002

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

6/24/2016

MERCURY REPORT - Clean Test Only

Data Date Range:

24/Jun/2001 - 24/Jun/2016



51

Facility: CAPE ELIZABETH

Permit Number: ME0102121

Max (ng/l): 30.0000	Average (ng/l): 6.5847		
Sample Date	Result (ng/l)	Lsthan	Clean
03/24/2009	5.20	N	т
06/18/2009	1.30	Ν	Т
09/25/2009	4.90	N	т
12/08/2009	1.90	N	T
03/09/2010	3.90	N	Т
06/08/2010	3.30	N	т
09/23/2010	2.50	Ν	Т
12/15/2010	3.53	Ν	Т
03/21/2011	3.70	N	т
06/14/2011	20.40	N	т
07/05/2011	3.40	N	Т
09/23/2011	1.20	Ν	Т
12/12/2011	4.70	N	Т
03/09/2012	30.00	N	Т
03/23/2012	3.10	N	Т
04/12/2012	25,90	N	т
03/27/2013	2.11	N	Ť
05/07/2014	2.70	N	Т
06/22/2015	1.37	N	т

Maine Department of Environmental Protection Effluent Mercury Test Report

Name of Facility:	Federal Permit # ME						
Purpose of this test:	Initial limit determination Compliance monitoring for: year calendar quarter Supplemental or extra test						
SAMPLE COLLECTION INFORMATION							
Sampling Date:	m dd yy Sampling time:AM/PM						
Sampling Location:							
Weather Conditions:							
Please describe any unu time of sample collection	usual conditions with the influent or at the facility during or preceding the on:						
Optional test - not requ evaluation of mercury r	ired but recommended where possible to allow for the most meaningful results:						
Suspended Solids	mg/L Sample type: Grab (recommended) or Composite						
AN	ALYTICAL RESULT FOR EFFLUENT MERCURY						
Name of Laboratory:							
Date of analysis: Pleas	Result:ng/L (PPT) se Enter Effluent Limits for your facility						
Effluent Limits: Av	$erage = \underline{ng/L}$ Maximum = $\underline{ng/L}$						
Please attach any reman their interpretation. If c	ks or comments from the laboratory that may have a bearing on the results or luplicate samples were taken at the same time please report the average.						
	CERTIFICATION						
I certifiy that to the best conditions at the time o using EPA Methods 16 instructions from the D	t of my knowledge the foregoing information is correct and representative of f sample collection. The sample for mercury was collected and analyzed 69 (clean sampling) and 1631 (trace level analysis) in accordance with EP.						
By:	Date:						
Title:							

PLEASE MAIL THIS FORM TO YOUR ASSIGNED INSPECTOR
ATTACHMENT B

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION WHOLE EFFLUENT TOXICITY REPORT MARINE WATERS

Facility Name	MEPDES Permit	#
Facility Representative	Signature	nd complete.
by signing this form, 1 attest the	at to the best of my knowledge that the mornation provided is true, accuracy an	a compact
Facility Telephone #	Date Collected	Date Tested
Chlorinated?	mm/dd/yy Dechlorinated?	mm/dd/yy
Results	% effluent	Effluent Limitations
	nysid shrimp sea urchin	A-NOEL
A-NOEL		C-NOEL
C-NOEL		
Data summary	mysid shrimp sea urchin	
	% survival % fertilized	
QC standard	>90 >70	Salinity Adjustment
lab control		brine
receiving water control		other
cone 2 (%)		
conc. 3 (%)		
conc. 4 (%)		
conc. 5 (%)		
conc. 6 (%)		
stat test used		
place * nex	t to values statistically different from controls	
Reference toxicant	mysid shrimn sea urchin	
ACICICIAL INFORM	A-NOEL C-NOEL	
toxicant / date		
limits (mg/L)		
results (mg/L)		
Commente		
Comments		
· -		
Laboratory conducting tes	t	
Company Name	Company Rep. Name (Printed)	
Mailing Address	Company Rep. Signature	
City, State, ZIP	Company Telephone #	

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

2

ATTACHMENT C

Printed 11/17/2015

Maine Department of Environmental Protection

WET and Chem

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

	Facility Name			MEPDES # P1p • #		Facility R	aprosentative Signature To the best of my kn	owledge this info	rmation is true	, accurate at	nd complete,
	Licensed Frow (MGD) Agute dilution factor			Flow for	Day (MGD) ⁽¹⁾		Flow Avg. for M	onth (MGD) ⁽²⁾			
	Chronie dilution factor			Date Samp	In Collected		Dete Sam	pis Analyzed			
	Human health dilution factor Criteria type: M(arine) or F(rean)	m							Telephone		
	Lass Reviews Num 1, 2015				Address				-		
	ERROR WARNING ! Essential facility	MARINE AND	ESTUARY	VERSION	- Contact				Lab IU #		
	information is mixeing. Please chack required entries in bold above.	Please yee the fo	otnotek on 1	he last page,		Receiving Water or Ambient	Erriuent Concentration (up/L or av noted)				
	WHOLE EFFLUENT TOXICITY										
1			Effluent	Limits, %			WET Result, %	Roporting	Possible	Exceed	ence ⁽⁷⁾
	Myrid Shama		Acute	Chronic			Constanter Josign	Limit Check	Acuto	Chronic	
	Sea Urchin										
	WET CHEMISTRY									CARAINSKONTER	
DSD 1995	₀H (S,U,) (9)		i jadi da da da seria da seria Nacional da seria da s	· · · · · · · · · · · · · · · · · · ·						let source of the second se	
	Total Organic Carbon (mg/L)					NA				<u> </u>	
	Total Solids (mg/L)					NA					
ļ	Total Suspended Solids (mg/L)					NA					
	Salinicy (ppt.)							ļ		ļ	
										<u> </u>	
										······	
	ANALYTICAL CHEMISTRY (3)										
192864100.07	Also do these tests on the effluent with	1999 (FIGHTER AND	ananananan E H	luont Limite	unantanananan Mata	u du COALGES (CEMEDUI LE	aventigertensistettestidensistettettette		Deceile:	a Erree e e e	101111112111112111
1	WET. Testing on the receiving water is			ident Limits,				Réparung	POSSIDI	e Exceed	ence
L	optional	Reporting Limit	Acute	Chronic ^{,67}	Health			Limit Chock	Acute	Chronic	Health
	TOTAL RESIDUAL CHLORINE (mg/L) (9)	0.05				NA					
М						(8)					<u> </u>
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М	CHROMIUM	10				(8)				<u> </u>	
M	COPPER	3				(8)					
M	CYANIDE, TOTAL	5				(8)					
	CYANIDE, AVAILABLE ⁽³⁻⁾	5				(8)			[7
М	LEAD	3				(8)			1	<u> </u>	<u> </u>
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Maine Department of Environmental Protection

WET and Chem

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		Réporting Limit	Acute ⁽⁶⁾	Chronic ⁽⁶⁾	Health ⁽⁶⁾			Reporting Limit Check	Acuta	Chronic	Hanna
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A	2,4-DICHLOROPHENOL	5									
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A	2,4-DINITROPHENOL	45				[
A	2-CHLOROPHENOL	5				·····		l	·····		
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BN	N-NITROSODI-N-PROPYLAMINE									
BN		5				 				
BN		5				 				
<u>IBN</u>	NAPHIHALENE	5				 				
BN	NITROBENZENE	5				 				
BN	PHENANIHRENE	5.								
BN	PYRENE	5				 				
P	4,4'-DDD	0.05				 				
P	4,4'-DDE	0.05				 				
<u>P</u>	4,4'-DDT	0.05				 				
<u> </u>	A-BHC	0,2				 				
<u>P</u>	A-ENDOSULFAN	0.05				 				
P	ALDRIN	0.15				 				
<u>P</u>	B-BHC	0.05				 				
<u>P</u>	B-ENDOSULFAN	0.05								
<u>P</u>	CHLORDANE	0.1				 				
P	D-BHC	0.05								
P	DIELDRIN	0.05								
<u>P</u>	ENDOSULFAN SULFATE	0.1								
P	ENDRIN	0.05								
P		0.05								
<u>P</u>	G-BHC	0.15				 				
<u>P</u>	HEPTACHLOR	0.15				 				
P	HEPTACHLOR EPOXIDE	0.1				 				
<u>P</u>	PCB-1016	0.3								
l <u>P</u>	PCB-1221	0.3				 				
P	PCB-1232	0.3				 				
<u> P</u>	PCB-1242	0.3				 				
<u> P</u>	PCB-1248	0,3		l		 				
P	PCB-1254	0.3	I							
P	PCB-1260	0.2								
P	TOXAPHENE	1				 ·				
<u> </u>	1,1,1-TRICHLOROETHANE	5				 				
<u>V</u>	1.1.2.2-TETRACHLOROETHANE	7				 				
V	1,1,2-TRICHLOROETHANE									
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V	1,2-DICHLOROETHANE	3								
V	1,2-DICHLOROPROPANE	6				 				
	1,2-TRANS-DICHLOROETHYLENE (1,2-									
V	trans-dichloroothone)	5						1	N	
	1,3-DICHLOROPROPYLENE (1,3-									
V	dichloroproppno)	5								
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V	ACROLEIN	NA								
V	ACRYLONITRILE	NA								
V V	BENZENE	5		I						

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V	BROMOFORM	5	,					
V	CARBON TETRACHLORIDE	5					 	
V	CHLOROBENZENE	6 .					 	
V	CHLORODIBROMOMETHANE	3						
V	CHLOROETHANE	5						
V	CHLOROFORM	5						
V	DICHLOROBROMOMETHANE	3						
V	ETHYLBENZENE	10						
V	METHYL BROMIDE (Bromomethene)	5						
V	METHYL CHLORIDE (Chloromothano)	5						
V	METHYLENE CHLORIDE	5						
	TETRACHLOROETHYLENE			:				
V	(Perchioroethylane or Totrachioroetheno)	5						
V	TOLUENE	5						
	TRICHLOROETHYLENE					1	1	
<u>V</u>	(Trichloroethene)	3						
V	VINYL CHLORIDE	5						

Notes:

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

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

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

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

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

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

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

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

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

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

Comments:

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT AND WASTE DISCHARGE LICENSE

FINAL FACT SHEET

Date: December 12, 2016

MEPDES PERMIT: ME0102121 WASTE DISCHARGE LICENSE: W006751-6C-J-R

NAME AND ADDRESS OF APPLICANT:

PORTLAND WATER DISTRICT 225 DOUGLAS STREET, P.O. BOX 3553 PORTLAND, MAINE 04104

COUNTY:

CUMBERLAND

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

488 SPURWINK AVENUE CAPE ELIZABETH, MAINE 04107

RECEIVING WATER / CLASSIFICATION:

PEABBLES COVE/CLASS SB

COGNIZANT OFFICIAL AND TELEPHONE NUMBER:

MR. SCOTT FIRMIN, PE DIRECTOR OF WASTEWATER SERVICES PORTLAND WATER DISTRICT (207) 774-5961 ext. 3077 sfirmin@pwd.org

1. APPLICATION SUMMARY

a. On June 21, 2016, the Department of Environmental Protection (Department) accepted as complete for processing an application from the Portland Water District (PWD/Permittee) for renewal of combination Waste Discharge License (WDL) # W006751-6C-H-R / Maine Pollutant Discharge Elimination System (MEPDES) permit # ME0102121, which was issued by the Department on December 5, 2011 for a five-year term. The 12/5/11 permit authorized the monthly average discharge of an unspecified quantity of secondary treated wastewater from a publicly owned treatment works (POTW) to Peabbles Cove, Class SB, in Cape Elizabeth, Maine.

2. PERMIT SUMMARY

a. Terms and conditions

This permitting action is different from the December 5, 2011 permit in that it:

- 1. Eliminates the waiver for percent removal requirements for biochemical oxygen demand (BOD₅) and total suspended solids (TSS) when influent strength is less than 200 milligrams per liter (mg/L);
- 2. Eliminates stipulations associated with Special Conditions K. *Asset Management Program* (AMP) and L. *Repair and Replacement Reserve Account* from the previous permit, as the terms of those conditions have been fulfilled;
- 3. Reduces the monitoring and reporting requirement for BOD₅ and TSS from 1/Week to 2/Month;
- 4. Amends the whole effluent toxicity (WET) screening monitoring period from 12 months prior to permit expiration to 24 months prior to permit expiration;
- 5. Amends the WET surveillance monitoring period to years 1, 2, 3, and 5 of the term of the permit; and
- 6. Incorporates an Industrial Waste Survey (IWS) into Special Condition D. *Limitations for Industrial Users*.
- 7. Establishes a scasonal, one-year only, effluent monitoring requirement for Nitrate + Nitrite (as N) and Total Kjehldahl Nitrogen (as N).
- b. History: The most recent relevant licensing and permitting actions include the following:

September 3, 1986 – The Department issued WDL #W006751-46-A-N for a five-year term. This was the original WDL for the newly constructed waste water treatment facility.

ME0102121 W006751-6C-J-R

2. PERMIT SUMMARY (cont'd)

September 19, 1995 – The U.S. Environmental Protection Agency (USEPA) issued National Pollutant Discharge Elimination System (NPDES) permit #ME0102121 for a five-year term.

May 28, 1996 – The Department issued WDL renewal #W006751-59-B-R for a five-year term.

May 23, 2000 – The Department administratively modified WDL #W006751-59-B-R by establishing interim average and maximum concentration limits for mercury.

January 12, 2001 – The State of Maine received authorization from the USEPA to administer the NPDES permitting program. From that date forward, the permitting program has been referred to as the MEPDES permit program and permit #ME0102121 (same as the NPDES permit number) has been used as the primary reference number for the PWD facility.

December 17, 2001 – The Department issued combination MEPDES permit #ME0101212/WDL #W006751-5L-C-R for a five-year term.

July 5, 2006 – The Department issued combination MEPDES permit #ME0102121/WDL #W006751-5L-D-R for a five-year term.

December 10, 2008 – The Department modified MEPDES permit #ME0102121/WDL #W006751-5L-D-R to acknowledge the existence of an unpermitted bypass pumping system at a major pump station operated by the permittee; established a schedule of compliance for the completion of the Phase I upgrade project to eliminate/mitigate the pump station bypass operation; increased the BOD5 and TSS monthly average and weekly average mass limitations based on the permittee's original dry weather design flow of 0.52 MGD; modified the existing monthly average flow limitation of 0.499 MGD to "Report" only, given the extended wet weather flow events; modified the daily maximum mass limits for BOD5 and TSS to "Report" only; modified the expiration date from July 5, 2011 to September 30, 2011, which is the completion date for the Phase I upgrade project. The modification was assigned WDL #W006751-5L-E-M.

January 12, 2010 – The Department modified Special Condition O, Schedule of Compliance, in MEPDES permit #ME0102121/WDL W006751-5L-D-R. The modification eliminated references to past due schedule items and modified the date by which to commence construction of the permittee's Phase I upgrade from April 30, 2010 to September 30, 2010. The modification was assigned WDL #W006751-6C-F-M.

December 22, 2010 – The Department modified MEPDES permit #ME0102121/WDL W006751-5L-D-R by establishing special conditions for the permittee to establish and implement an Asset Management Program and a Repair and Replacement Reserve Account. The modification was assigned WDL # W006751-6C-G-M.

2. PERMIT SUMMARY (cont'd)

July 5, 2011 – The permittee submitted a timely application for renewal of MEPDES permit #ME0102121/WDL W006751-5L-D-R subsequently modified on December 10, 2008, December 8, 2010 and December 22, 2010. The application was accepted as complete on July 7, 2011 and assigned WDL # W006751-6C-H-R.

December 5, 2011 – The Department issued combination MEPDES permit #ME0102121/ WDL #W006751-6C-H-R for a five-year term.

June 17, 2016 – The permittee submitted a timely and complete General Application to the Department for renewal of the December 5, 2011 permit (including subsequent minor permit revisions and permit modifications). The application was accepted for processing on June 21, 2016 and was assigned WDL #W006751-6C-J-R / MEPDES #ME0102121.

c. <u>Source Description</u>: The permittee treats domestic and commercial sanitary wastewater from approximately 3,100 customers in the Town of Cape Elizabeth, Maine. There are no significant industrial contributors or industries with industrial pretreatment requirements connected to the collection system. The collection system is approximately 7.67 miles long, has 13 pump stations, is 100% separated and has no combined sewer overflow points. The permittee supplied the following description of recent upgrades to the system in the application as follows:

"During the past permit cycle, the facility experienced a major upgrade that increased the instantaneous plant capacity to 2.75 mgd to allow this flow to receive secondary treatment and disinfection. This eliminated an original bypass pump station that diverted flow during peak wet weather events. The influent pump station, influent screen, process piping, disinfection system, plant control system, RAS pumps, emergency power, and effluent pumps were included in the plant upgrade. The upgrade did not affect the rated daily capacity of 0.52 mgd. The control system upgrade has significantly improved operation of the facility."

The applicant also noted that at the time of applying for permit renewal, the replacement of approximately 2,000 feet of the force main from the Peabbles Cove Pump Station had begun.

The permittee is not permitted to accept transported wastes.

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

2. PERMIT SUMMARY (cont'd)

d. <u>Wastewater Treatment:</u> The permittee provides a secondary level of treatment via a bar screen, grit removal, two oxidation ditches (each with a volume of 200,000 gallons) with mechanical aeration, two secondary clarifiers (each 50 feet in diameter and 11 feet deep), a disinfection system utilizing sodium hypochlorite and a dechlorination system utilizing sodium bisulfite. Disinfection is accomplished by injecting sodium hypochlorite into the effluent force main and the 2.5-mile long piping is utilized for chlorine contact purposes.

The outfall pipe is a ductile iron pipe measuring 18 inches in diameter fitted with a 90° elbow that necks the pipe down to 12 inches in diameter. The permittee's facility discharges via a 12" diameter pipe that extends out into the receiving water such that there is approximately 4 feet of water over the top of the pipe at mean low water and 13 feet of water over the top of the pipe at mean high water.

See Attachment B of this Fact Sheet for a facility schematic.

3. CONDITIONS OF PERMIT

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

4. RECEIVING WATER QUALITY STANDARDS

Classification of major river basins, 38 M.R.S. § 469(1) classifies the estuarine and marine waters lying within the boundaries of Cumberland County and that are not otherwise classified as Class SB waters. *Standards for classification of estuarine and marine waters*, 38 M.R.S. § 465-B(2) describes the standards for Class SB waters.

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5. RECEIVING WATER QUALITY CONDITIONS

The <u>State of Maine 2012 Integrated Water Quality Monitoring and Assessment Report</u>, prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act lists the following discharges as such:

Cape Elizabeth (as it refers to the Portland Water District wastewater facility) is listed as Category 4-A: Rivers and Streams with Impaired Use. Total Maximum Daily Load (TMDL) Completed (Waterbody ID 804-7). The cause of the impaired use in bacteria from combined sewer overflows (formerly Category 5-B-2). The statewide Maine Bacteria TMDL was approved by the USEPA in 2009 with the goal for attainment in the affected waterbody as sewer separation.

Category 5-D: *Estuarine and Marine Waters Impaired by Legacy Pollutants*. All estuarine and marine waters capable of supporting American lobster are listed in Category 5-D, partially supporting fishing ("shellfish" consumption) due to elevated levels of polychlorinated biphenyls (PCBs) and other persistent, bioaccumulating substances in lobster tomalley.

The Maine Department of Marine Resources (MEDMR) Pollution Area #13 (See Attachment **D** of this Fact Sheet) *Western Casco Bay and Islands (Cape Elizabeth to Falmouth)* lists the area where the discharge is located as prohibited to the harvesting of shellfish. The MEDMR closes or restricts areas based on ambient water quality data that indicate the area did not meet or marginally met the standards in the National Shellfish Sanitation Program. In addition, MEDMR closes areas by default in the vicinity of outfall pipes associated with treated sanitary wastewater discharges in the event of a failure of the disinfection system.

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

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

a. <u>Flow:</u> The previously established reporting condition for monthly average and daily maximum discharge flow (in million gallons per day, or MGD) is being carried forward in this permitting action.

The Department reviewed 50 Discharge Monitoring Reports (DMRs) that were submitted for the period of January 1, 2012 through March 1, 2016. A review of data indicates the following:

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	Report	0.15 - 0.62	0.3
Daily Maximum	Report	0.19 - 1.90	0.5

Flow

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

b. <u>Dilution Factors</u>: The Department established applicable dilution factors for the discharge in accordance with protocols established in *Surface Water Toxics Control Program*, 06-096 CMR 530 (last amended March 21, 2012). Dilution factors for the facility are as follows.

Using plan and profile information previously submitted to the Department by the permittee and the CORMIX model, the Department has determined the dilution factors for the discharge of 0.52 MGD from the wastewater treatment facility are as follows:

Acute = 17.4:1 Chronic = 74.8:1 Harmonic mean = 224:1

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

c. <u>BOD₅ and TSS</u>: Previous permitting action established, and this permitting action is carrying forward, monthly average and weekly average BOD₅ and TSS concentration limits of 30 mg/L and 45 mg/L, respectively, which were based on secondary treatment requirements pursuant to 40 CFR 133.102 and 06-096 CMR 525(3)(III). Previous permitting action also established, and this permitting action is carrying forward, daily maximum BOD₅ and TSS concentration limits of 50 mg/L based on a Department best professional judgement (BPJ) of BPT for secondary treated wastewater. All three concentration limitations are being carried forward in this permitting action.

The previous permitting action established monthly average and weekly average mass limits based on a monthly average limit of 0.52 MGD (original dry weather design flow), which are being carried forward in this permitting action. No daily maximum mass limitations (report only) for BOD_5 or TSS were established in previous permitting action as doing so may discourage PWD from treating as much wastewater as possible during wet weather events.

Mass limitations were derived as follows:

Monthly Average	(30 mg/L)(8.34 lbs./gallon)(0.52 MGD) =	130 lbs./day
Weekly Average	(45 mg/L)(8.34 lbs./gallon)(0.52 MGD) =	195 lbs./day

This permitting action is also carrying forward the requirement for a minimum of 85% removal of BOD₅ & TSS pursuant to 06-096 CMR 525(3)(III)(a)(3) and (b)(3).

A summary of BOD_5 data as reported on the DMRs submitted to the Department for the period of January 1, 2012 – March 1, 2016 is as follows:

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Value	Limit (lbs./day)	Range (lbs./day)	Average (lbs./day)
Monthly Average	130	12-67	27
Weekly Average	195	16-109	42
Daily Maximum	Report	17 – 120	50

BOD₅ Concentration

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	4.7 - 22	.13
Weekly Average	45	8.5 - 42	20
Daily Maximum	50	10 - 56	23

A summary of TSS data as reported on the DMRs (n = 50) submitted to the Department for the period of January 1, 2012 – March 1, 2016 is as follows:

TSS Mass

Value	Limit (lbs./day)	Range (lbs./day)	Average (lbs./day)
Monthly Average	130	4.5 - 37	14
Weekly Average	195	6 - 66	24
Daily Maximum	Report	8 - 161	35

TSS Concentration

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	1.9-16	7
Weekly Average	45	3.2-32	12
Daily Maximum	50	3.4-96	16

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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 50 months of data (January 1, 2012 – March 1, 2016). A review of the mass monitoring data for BOD₅ & TSS indicates the ratios (expressed in percent) of the long term effluent average to the monthly average limits can be calculated as 21% for BOD₅ and 11% for TSS. According to Table I of the USEPA Guidance and Department Guidance, the monitoring requirement can be reduced to 1/per 2 months for BOD₅ and TSS. However, taking into consideration both the USEPA and Department Guidance, this permitting action is reducing the monitoring frequency for BOD₅ and TSS from 1/Week to 2/Month.

- d. <u>Settleable Solids</u>: Previous permitting action established a daily maximum concentration limit of 0.3 milliliters per liter (mL/L) for settleable solids and is considered by the Department as a BPJ of BPT for secondary treated wastewater. A review of the DMR data for the period of January 1, 2012 through March 1, 2016 (n = 50) indicates the daily maximum settleable solids concentration values ranged from 0.00 mL/L to 0.10 mL/L. This permitting action is maintaining the current monitoring frequency of 5/Week as the permittee received a reduction in testing in the previous renewal.
- e. <u>Fecal Coliform Bacteria</u>: The previous permitting action established, and this permitting action is carrying forward, monthly average and daily maximum concentration limits of 15 colonies/100 ml and 50 colonies/100 ml, respectively, for fecal coliform bacteria, which are consistent with the National Shellfish Sanitation Program.

A summary of effluent fecal coliform bacteria data as reported on the DMRs for the period May 2012 through September 2015 (applicable months only) follows:

ValueLimit (col/100 mL)		RangeMean(col/100 mL)(col/100 mL)	
Monthly Average	15	2-13	4
Daily Maximum	50	2->600	60

Fecal coliform bacteria (DMR = 20)

Fecal coliform counts were reported as >600 colonies/100ml in July 2012 and July 2015. It is noted that the July 2015 fecal coliform result was due to a failure in a force main and not a malfunction of facility treatment. In response to this failure, in June of this year, the permittee replaced approximately 2,000 linear feet of said force main.

This permitting action is carrying forward the minimum monitoring frequency requirement for fecal coliform bacteria of once per week (1/week).

f. <u>Total Residual Chlorine (TRC)</u>: The previous permitting action established a daily maximum water quality-based concentration limit of 0.23 mg/L and a best practicable treatment (BPT) monthly average concentration of 0.1 mg/L as well as a minimum monitoring frequency requirement of once per day at all times during the year. This permitting action is carrying forward the monitoring frequency of 1/Day. The Department specifies TRC limitations in order to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. The Department imposes the more stringent of either water quality-based or BPT-based limits. End-of-pipe acute and chronic water quality-based concentration thresholds may be calculated as follows:

Criteria		Dilution Factors	Calculated Threshold	
Acute	0.013 mg/L	17.4:1	0.23 mg/L	
Chronic	0.0075 mg/L	74.8:1	0.56 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 need to dechlorinate the discharge in order to meet water quality-based thresholds, the Department has established daily maximum and monthly average BPT limits of 0.3 mg/L and 0.1 mg/L, respectively. PWD dechlorinates their effluent prior to discharge in order to achieve compliance with the water quality-based thresholds. The calculated acute water quality-based threshold of 0.23 mg/L is more stringent than the daily maximum technology-based standard of 0.3 mg/L and is therefore being carried forward in this permit. The monthly average technology-based threshold of 0.56 mg/L and is therefore being carried forward in this permit.

A summary of TRC data as reported on the monthly DMRs (n = 24) for the period of January 31, 2012 – March 1, 2016 is as follows:

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	0.1	0.00 - 0.05	0
Daily Maximum	0.23	0.05-0.40	0.1

TRC

g. <u>pH:</u> 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 permit. A review of the DMR data for the period of January 1, 2012 – March 1, 2016 (n = 50) indicates the pH range was 6.3 - 7.7 standard units. This permitting action is maintaining the current monitoring frequency of 5/Week as the permittee received a reduction in testing in the previous renewal.

Whole Effluent Toxicity, Priority Pollutant, and Analytical Chemistry Testing

38 M.R.S. § 414-A and 38 M.R.S. § 420 prohibit the discharge of effluents containing substances in amounts that would cause the surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the USEPA. 06-096 CMR 530 sets forth effluent monitoring requirements and procedures to establish safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected and narrative and numeric water quality criteria are met. 06-096 CMR 584 sets forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

WET, priority pollutant and analytical chemistry testing, as required by 06-096 CMR 530, is included in this permit in order to characterize the effluent. WET monitoring is required to assess and protect against impacts upon water quality and designated uses caused by the aggregate effect of the discharge on specific aquatic organisms. Acute and chronic WET tests are performed on the mysid shrimp (*Americamysis bahia*) and the sea urchin (*Arbacia punctulata*). Chemical-specific monitoring is required to assess the levels of individual toxic pollutants in the discharge, comparing each pollutant to acute, chronic, and human health water quality criteria. Priority pollutant testing refers to the analysis for levels of priority pollutants listed under "Priority Pollutants" on the form included as Attachment C of the permit. Analytical chemistry refers to those pollutants listed under "Analytical Chemistry" on the form included as Attachment C of the permit.

06-096 CMR 530(2)(A) specifies the dischargers subject to the rule as:

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.

PWD discharges domestic (sanitary) wastewater to surface waters and is therefore subject to the testing requirements of the toxics rule.

06-096 CMR 530(2)(B) categorizes dischargers subject to the toxics rule into one of four levels (Levels I through IV).

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 factor >500:1 and Q \leq 1.0 MGD

Based on the criteria, the permittee's facility is considered a Level II discharger as the chronic dilution of the receiving water is 74.8:1. 06-096 CMR 530(2)(D) specifies <u>routine</u> WET, priority pollutant, and analytical chemistry test schedules for Level II dischargers as follows:

Surveillance level testing

Level	WET Testing	Priority pollutant testing	Analytical chemistry
II	1 per year	Not Required	2 per year

Screening level testing

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

This permit provides for reconsideration of effluent limits and monitoring schedules after evaluation of toxicity testing results. The monitoring schedule includes consideration of results currently on file, the nature of the wastewater, existing treatment, and receiving water characteristics.

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Final FACT SHEET

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

h. <u>WET</u>: 06-096 CMR 530(3)(E) states:

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

On June 24, 2016, the Department conducted a statistical evaluation on the most recent 60 months of WET test results on file with the Department for PWD in accordance with the statistical approach outlined above. The 6/24/16 statistical evaluation indicates the discharge from PWD did not exceed or demonstrate a reasonable potential to exceed the critical acute or chronic ambient water quality thresholds for the mysid shrimp or sea urchin. See Attachment E of this Fact Sheet for a summary of the WET test results.

06-096 CMR 530(2)(D)(3)(b) states, "Chapter 530(2)(D)(3)(c) states in part that for Level II facilities "... may reduce surveillance testing to one WET or specific chemical series every other year provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedance...."

Based on the provisions of 06-096 CMR 530 and Department best professional judgment, this permitting action is carrying forward the reduced surveillance level WET testing requirements for this facility. Special Condition G. 06-096 CMR 530(2)(D)(4) Statement For Reduced/Waived Toxics Testing of this Permit explains the statement required by the discharger to reduce WET testing.

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

i. Analytical Chemistry & Priority Pollutant Testing Evaluation:

06-096 CMR 530(4)(C) states:

The background concentration of specific chemicals must be included in all calculations using the following procedures. The Department may publish and periodically update a list of default background concentrations for specific pollutants on a regional, watershed or statewide basis. In doing so, the Department shall use data collected from reference sites that are measured at points not significantly affected by point and non-point discharges and best calculated to accurately represent ambient water quality conditions. The Department shall use the same general methods as those in section 4(D) to determine background concentrations. For pollutants not listed by the Department, an assumed concentration of 10% of the applicable water quality criteria must be used in calculations.

06-096 CMR 530(3)(E) states, "Where it is determined through [the statistical approach referred to in USEPA's Technical Support Document for Water Quality-Based Toxics Control] that a discharge contains pollutants or WET at levels that have a reasonable potential to cause or contribute to an exceedence of water quality criteria, appropriate water quality-based limits must be established in any licensing action."

06-096 CMR 530(3)(D) states, "Where the need for effluent limits has been determined, limits derived from acute water quality criteria must be expressed as daily maximum values. Limits derived from chronic or human health criteria must be expressed as monthly average values."

On June 24, 2016, the Department conducted a statistical evaluation of the most recent 60 months of chemical-specific test results on file with the Department. The evaluation indicates that the discharge does not exceed or demonstrate a reasonable potential to exceed the critical ambient water quality criteria (AWQC) for any pollutants. See Attachment F of this Fact Sheet for test dates and results for the pollutants of concern.

Based on the provisions in 06-096 CMR 530 and Department BPJ, this permitting action is carrying forward the reduced surveillance level analytical chemistry testing requirements for this facility.

j. <u>Mercury</u>: Pursuant to 38 M.R.S. § 420 and 38 M.R.S. § 413 and 06-096 CMR 519, the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL #W006751-59-B-R by establishing interim monthly average and daily maximum effluent concentration limits of 6.5 parts per trillion (ppt) and 9.8 ppt, respectively, and a minimum monitoring frequency requirement of 4 tests per year for mercury.

On February 6, 2012, the Department issued a minor revision to the August 8, 2011 permit thereby revising the monthly average and daily maximum effluent concentrations limits to 18.63 ppt and 27.95 ppt, respectively as well as amending the minimum monitoring frequency requirement from four times per year to once per year pursuant to 38 M.R.S. § 420(1-B)(F). These limits and the minimum monitoring frequency are being carried forward in this permitting action.

38 M.R.S. § 420(1-B)(B)(1) provides that a facility is not in violation of the AWQC for mercury if the facility is in compliance with an interim discharge limit established by the Department. A review of the Department's database for the period March 2009 through June 2015 is as follows (ppt equals nanograms per liter (ng/L):

Mercury (n = 19)

Value	Limit (ng/L)	Range (ng/L)	Mean (ng/L)	
Monthly Average	18.63	1.2 20	6.6	
Daily Maximum	27.95	1.2 - 50	0.0	

One sample taken on March 9, 2012, was above the daily maximum limit of 27.95 ng/L.

k. <u>Nitrogen</u>: The USEPA requested the Department evaluate the reasonable potential for the discharge of total nitrogen to cause or contribute to non-attainment of applicable water quality standards in marine waters, namely dissolved oxygen (DO) and marine life support. To date, the permittee has not conducted total nitrogen testing on its discharge. The Department has 140 total nitrogen effluent values with an arithmetic mean of 17.2 mg/L collected from various municipally-owned treatment works that discharge to marine waters of the State. None of the facilities whose effluent data were used are specifically designed to remove total nitrogen. For the MEPDES permitting program, the Department considers 17.2 mg/L to be representative of total nitrogen discharge levels for all facilities providing secondary treatment that discharge to marine waters in the absence of facility specific data, and therefore 17.2 mg/L is being used as the total nitrogen discharge concentration from the Cape Elizabeth POTW.

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

As of the date of this permitting action, the State of Maine has not promulgated numeric ambient water quality criteria for total nitrogen. According to several studies in USEPA's Region 1, numeric total nitrogen criteria have been established for relatively few estuaries, but the criteria that have been set typically fall between 0.35 mg/L and 0.50 mg/L to protect marine life using dissolved oxygen as the indicator. While the thresholds are site-specific, nitrogen thresholds set for the protection of eelgrass habitat range from 0.30 mg/L to 0.39 mg/L. Based on studies in USEPA's Region 1 and the Department's best professional judgment of thresholds that are protective of Maine water quality standards, the Department is utilizing a threshold of 0.45 mg/L for the protection of aquatic life in marine waters using dissolved oxygen as the indicator, and 0.32 mg/L for the protection of aquatic life in marine waters using dissolved oxygen as the indicator.

Four known surveys have been completed along the Cape Elizabeth shoreline to document presence/absence of eelgrass. The first survey occurred in the 1970's by Timson of the Maine Geological Survey, the second (1993) and third (2001) by MEDMR, and the fourth in 2013 by the Department. The Timson survey delineated coarse-grained intertidal and subtidal flats and bedrock ledge along the Cape Elizabeth shoreline, and did not note the presence of eelgrass. In the 1993, 2001 and 2013 surveys, only isolated small patches less than one acre in area were noted in Peabbles Cove and adjacent coves to the north of the Cape Elizabeth discharge. Mapped eelgrass was of intermediate percent cover and relatively consistent in extent between surveys. Based on this mapping history of minimal eelgrass resource in the vicinity of the outfall as well as the rocky, steeply sloping coastline presenting otherwise poor habitat for eelgrass, the use of 0.45 mg/L as a threshold value for dissolved oxygen as the indicator is appropriate for this receiving water.

With the exception of ammonia, nitrogen is not acutely toxic; thus, the Department is considering a far-field dilution to be more appropriate when evaluating impacts of total nitrogen to the marine environment. The permittee's facility has a chronic near-field dilution of 74.8:1. Far field dilutions are significantly higher than the near-field dilution, depending on the location of the outfall pipe and nature of the receiving waterbody. The permittee's facility discharges via a 12" diameter pipe that extends out into the receiving water such that there is approximately 4 feet of water over the top of the pipe at mean low water and 13 feet of water over the top of the pipe at mean high water.

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

A dilution model was created by the Department's Division of Environmental Assessment (DEA). The following is an excerpt of the rationale supporting the dilution:

"The model encompasses four, open coves – Spring Cove (62 acres), Alewifé Brook Cove (33 acres), Peabbles Cove (25 acres), and Trundy Cove (37 acres) – along a 1.4 kilometer section of the Cape Elizabeth shoreline from Zeb Cove Point to Trundy Point. In addition to the tidal exchange, the model includes a near-shore, tidal current that passes through a 400-meter breach in Trundy Reef. This current transports the diluted discharge plume up the coastline and back down the coastline each tide cycle. As expected, the minimum dilution occurs in Peabbles Cove (the location of the outfall) and is assessed to be 850:1. Dilutions in the other coves are around twice this value."

Using this far-field dilution factor, the increase in total nitrogen concentration within Peables Cove as a result of the discharge is estimated to be 0.02 mg/L.

Total nitrogen concentrations in effluent = 17.2 mg/LFar-field dilution factor = 850:1

In-stream concentration after dilution: $\frac{17.2 \text{ mg/L}}{850} = 0.02 \text{ mg/L}$

The Department and external partners have been collecting ambient total nitrogen data along Maine's coast. However, no total nitrogen data are known to exist from the coves listed above, and few data points exist along the exposed rocky coastline of Southern Maine where stormwater influence is inconsequential and other nearby point sources are absent. As a result, the Department has selected seven relevant sites from Southern Maine whose data from August and September 2004, 2006, and 2009-2011 best represent the ambient conditions likely to occur in shallow, nearshore water along the Cape Elizabeth shoreline. From these sites, the Department has calculated a mean background concentration of 0.18 ± 0.05 mg/L (n=14). Accompanying these total nitrogen values are dissolved oxygen profiles and transparency and surface chlorophyll *a* data, none of which indicate water quality degradation typical of eutrophication. More specifically, dissolved oxygen concentrations ranged from 7.7-10 mg/L, transparency values ranged from 3.5-6 m depth, and all chlorophyll *a* values were less than 4.2 µg/L.

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

Based on the calculated ambient value for this receiving water, the estimated increase in ambient total nitrogen after reasonable opportunity for mixing in the far-field is 0.18 mg/L + 0.02 mg/L = 0.2 mg/L. The in-stream concentration value of 0.2 mg/L is less than the Department and USEPA's best professional judgment based total nitrogen threshold of 0.45 mg/L for the protection of aquatic life using dissolved oxygen as an indicator. Using the reasonable potential calculations above and in the absence of any information that the receiving water is not attaining standards, the Department is making a best professional judgment determination that the discharge of total nitrogen from the Cape Elizabeth POTW does not exhibit a reasonable potential to exceed applicable water quality standards for Class SB waters. This permitting action is not establishing limitations or monitoring requirements for total nitrogen.

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 SB classification.

8. PUBLIC COMMENTS

Public notice of this application was made in the *Portland Press Herald* newspapers on or about <u>June 15, 2016</u>. 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: <u>Cindy.L.Dionne@maine.gov</u>

10. RESPONSE TO COMMENTS

During the period of October 19, 2016 through the issuance date of the final permit, the Department solicited comments on the Proposed draft MEPDES permit to be issued to the Portland Water District for the proposed discharge.

The Department received timely comments from PWD on November 21, 2016 and has prepared the following responses to comments.

PWD Comment #1

PWD states "As we have previously communicated, we are concerned that the Department is evaluating the nitrogen discharge from the treatment plant without the benefit of an established water quality standard. While the Department states the nitrogen thresholds are based upon their best professional judgement, and these thresholds may be appropriate in other areas, such as an embayment in Massachusetts or a bay in New Hampshire, they are not necessarily relevant to the receiving water conditions in Casco Bay or the area of the treatment plant outfall. Prior to any finding other than the current determination the discharge of total nitrogen does not exhibit a reasonable potential to exceed applicable water quality standards, the Department should develop a water quality standard specific to Maine or the area of our outfall."

Response #1

PWD's comment reflects that which was also made in the Portland Water District East End permit.

The Department agrees with the PWD in that establishing numeric ambient water quality criteria should be based on sound scientific rationale and must contain sufficient parameters or constituents to protect the designated uses of the receiving water. For waters with multiple use designations, the criteria must support the most sensitive use and be adopted in accordance with Maine laws and regulations.

The USEPA requested the Department evaluate the reasonable potential for the discharge of total nitrogen to cause or contribute to non-attainment of applicable water quality standards in marine waters, namely DO and marine life support. However, given the State of Maine has not adopted ambient water quality for total nitrogen as of the date of this permitting action, the Department is utilizing a threshold of 0.45 mg/L for the protection of aquatic life in marine waters using dissolved oxygen as the indicator, and 0.32 mg/L for the protection of aquatic life using eelgrass as the indicator based on studies in USEPA's Region 1 and the Department's best professional judgment of thresholds that are protective of Maine water quality standards. This process is also consistent with 06-096 CMR Chapter 523 §523(5)(d)(1)(i - vi).

10. RESPONSE TO COMMENTS (cont'd)

The studies the Department is referring to are the Numeric Nutrient Criteria For the Great Bay Estuary (June 10, 2009) and Relationship between nitrogen concentration, light and Zostera marina habitat quality and survival in southern Massachusetts estuaries (Benson et al, September 20, 2013). Though the science supporting the 2009 report has been disputed, the Department considers this information to be the best science available at this time and will continue to utilize said thresholds until numeric water quality standards for total nitrogen are formally promulgated.

PWD Comment #2

PWD states "Because of the hydraulic conditions that are evident in the Casco Bay receiving waters, the District agrees with, and supports, the Department's conclusion regarding the use of far-field dilution. To support future modeling efforts, and in response to a request from the Department, PWD would be willing to monitor and report effluent nitrogen levels at a frequency of once per month from May through October. Based on our understanding of plant performance, we believe this frequency would be sufficient."

Response #2

The Department supports effluent nitrogen monitoring in this situation and has amended the Proposed draft to include effluent monitoring that we believe will adequately characterize the nitrogen contribution from the PWD Cape Elizabeth facility (Permit, page 6 of 16).

The Department also received timely comments from Friends of Casco Bay (FOCB) on November 17, 2016. The Department has prepared the following responses to comments.

FOCB Comment #1

Nitrogen Testing

First, in the fact sheet, DEP states that the permittee has not conducted total nitrogen testing on its discharge. Does DEP have any data from the permittee regarding nitrogen levels in the effluent, even if it is not from a certified lab? If so, we request the data.

Second, in the absence of certified nitrogen testing data and given the failure of the receiving water to meet DO standards for Class SB waters 40% of the time, the permit should impose nitrogen testing requirements similar to the testing requirements DEP will impose in the EEWWTF MEPDES permit. DEP should require this testing so that it can determine, in the next permit cycle, whether the discharge has the reasonable potential to contribute to a water quality violation.

Third, to the extent that DEP continues to rely upon the arithmetic average of discharges from other POTWs as a basis for not imposing nitrogen requirements in the draft permit, we request information regarding the names of those facilities and why they were selected as representative of the Cape Elizabeth POTW.

Final FACT SHEET

ME0102121 W006751-6C-J-R

Finally, it is our understanding that this POTW has the ability to nitrify and denitrify, and operates in that manner. The fact sheet should reflect and describe that manner of operation.

Response #1

First, The Department has neither certified nor non-certified effluent nitrogen data from the PWD Cape Elizabeth facility.

Second, the seven sites that are listed in the Fact Sheet (page 17), are all USEPA-monitored, with nitrogen values paired with chlorophyll *a* and DO data, none of which indicate water quality degradation typical of eutrophication as stated. In reference to the site that FOCB references in their comments, Angela Brewer of the Department's DEA commented (in an e-mail to Cindy Dionne dated November 23, 2016) "I did not include the Peabbles Cove data from FOCB because their DO data do not have accompanying total nitrogen data, so there is no way to tie the DO and pH swings to nutrient concentration. Based on prior conversations with Mike Doan (of FOCB), I recall his thought that the DO and pH swings were the result of rockweed drift that accumulates on the beach near their sampling location. The productivity and respiration cycles of this rockweed could be dominating the DO and pH values that have been measured, independent of nitrogen concentrations."

Also, in an e-mail from Angela Brewer to Cindy Dionne (dated November 28, 2016), it states "I also verified that we do not have nitrogen data from the Peabbles Cove site, though I expect the TN concentration would be high given the repeated notation of seabirds in the site notes. The notes from 1994 and forward also repeatedly indicate seaweed accumulation and evidence of decomposition, turbid water, and the presence of trash and various fishing-related debris."

Third, supporting information requested in regards to the arithmetic average that the Department used in the nitrogen analysis will be forwarded to FOCB as soon as it is compiled and made available.

Finally, the fact sheet describes the operational infrastructure as it is reported in the application documents that were submitted by the PWD. The Department does not prescribe the manner of use for infrastructure at facilities, only that the facilities be maintained to achieve water quality standards in their receiving waters.

FOCB Comment #2

Dissolved Oxygen

DEP should include and consider the data from Friends of Casco Bay in its analysis and in the fact sheet. The DO data combined with the pH data reflect that Peabbles Cove is an extremely challenged area. Including this data in the fact sheet supports nitrogen monitoring conditions in the permit.

To the extent that DEP continues to consider data from seven other sites in Southern Maine as reflective of conditions in Peabbles Cove, DEP should include the names of those sites, the data relied upon, and why those sites are relevant to estimating dissolved oxygen in the vicinity of this discharge.

Finally, to the extent that DEP needs further data to assess reasonable potential, the fact sheet should include DEP's plans to conduct the necessary ambient monitoring over the term of this permit.

Response #2

The Department did not use the FOCB Peabbles Cove data for reasons noted in Response #1. Data from another FOCB site, Ram Island Ledge (RIL), was not included because (quote taken from Angela Brewer e-mail to Cindy Dionne dated November 28, 2016) "I believe the reason I didn't include these the first time is because RIL is a deep water site that is likely influenced, at least on ebb tides and storm events, by Portland and vicinity.

The Department will endeavor to include more information regarding data that it uses to make determinations such as those in the nitrogen section in the Fact Sheet in future permitting actions. The Department will also move forward with appropriate ambient monitoring given the outcome of future monitoring results.

Comment #3

Far field dilution

We maintain that the far field dilution model should be abandoned. We know of no other NPDES permitting authority that uses this model, and we found no support in scientific literature for its use in MEPDES permits. The far field dilution model should be removed from the fact sheet. DEP could note that it will work with an outside consultant to develop a model that better reflects conditions in Casco Bay.

Response #3

The Department maintains that the far field dilution as used in this fact sheet is the appropriate tool to assess whether the discharge from the PWD-Cape Elizabeth facility is causing, contributing, or has a reasonable potential to cause or contribute to a violation of water quality standards for nitrogen.

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ATTACHMENT A

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ATTACHMENT B



ATTACHMENT C

STATE OF MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHAPTER 530.2(D)(4) CERTIFICATION

MEPDES# _____ Facility Name_____

Sinc	Since the effective date of your permit, have there been;		YES Describe in comments section
1	Increases in the number, types, and flows of industrial, commercial, or domestic discharges to the facility that in the judgment of the Department may cause the receiving water to become toxic?		
2	Changes in the condition or operations of the facility that may increase the toxicity of the discharge?		
3	Changes in storm water collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge?		
4	Increases in the type or volume of hauled wastes accepted by the facility?		

COMMENTS:

Name (printed):

Signature: _____Date: _____

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

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

discharger may submit a signed letter containing the same information.

Scheduled Toxicity Testing for the next calendar year

Test Conducted	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
WET Testing				
Priority Pollutant Testing				
Analytical Chemistry	0			Ξ
Other toxic parameters ¹	D			

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

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

ATTACHMENT D

4. J


STATE OF MAINE DEPARTMENT OF MARINE RESOURCES 21 STATE HOUSE STATION AUGUSTA, MAINE 04333-0021

PAUL R. LEPAGE governor PATRICK C. KELIHER COMMISSIONER

Shellfish Harvesting Area Classification-Notification of Changes

August 8, 2014

Ladies and Gentlemen:

Under the authority of Maine statute 12 M.R.S.A., Chapter 607, Section 6172; the Commissioner has made the following classification change to Area No. 13, Western Casco Bay and Islands (Cape Elizabeth to Falmouth: This notice reclassifies a portion of the Presumpscot River (Falmouth) from prohibited to restricted for relay due to an updated shoreline survey. All existing pollution and red tide/psp closures remain in effect.

- A. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, guahogs, oysters or mussels taken from the shores, flats and waters of the following areas:
 - Western Casco Bay and Islands (Cape Elizabeth to Falmouth), inside and shoreward of a line beginning at the end of Waites Landing Road (Falmouth), then running southwest to the south tip of the most western island of The Brothers, continuing southeast to the south tip of the southeastern most island of The Brothers, continuing northeast to Crow Island (1000' northeast of Chivericks Cove (Long Island), continuing southeast to the navigational aide Red Beacon "P" Mo (A), and then continuing northwest to McKenney Point (Cape Elizabeth); <u>AND south of a line beginning at the shore south of the end of Webber Way, then continuing northwest to the opposite shore approximately 350 yards north of the outlet of an unnamed stream.
 </u>
 - 2. Hope Island (Chebeague Island): within 500 feet of shore.
 - 3. Cliff Island (Portland): within 500 feet of shore.
 - 4. Bates Island (Chebeague Island): inside and shoreward of a line beginning at the north tip of Bates Island; then running southwest to the south tip of Ministerial Island; then running southeast to the south tip of Bates Island.
 - 5. Clapboard Island (Falmouth): within 300 feet of shore.
 - 6. North of a line beginning at the northeastern point of land on Gilsland Farm then running west to the opposite shore south of Mill Pond.
- B. Effective immediately, because of intermittent pollution, the following area is classified as "Conditionally Approved", and shall be closed to the harvest of clams, quahogs, oysters and mussels from May 1 to November 14: the shores, flats and waters within the following boundaries (1) east of a line beginning at a red painted post at the most northern point of land at the mouth of Mussel Cove (Falmouth), then continuing southeast to the tip of Bartlett Point (Falmouth), then continuing southeast to the tip of Prince Point (Falmouth); (2) east of a line beginning at the end of Waites Landing Road (Falmouth), then running southwest to the south tip of the most western island of The Brothers, continuing southeast to the south tip of the southeastern most island of The Brothers; (3) inside and shoreward of a line beginning at the easternmost tip of the southeastern most island of

The Brothers, continuing northeast to the southern tip of Sturdivant Island, then running southwest to the shore at the end of Town Landing Road (Falmouth).

- C. Effective immediately it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Mussel Cove (Falmouth): inside and shoreward of a line beginning at a red painted post at the most northern point of land at the mouth of Mussel Cove (Falmouth), then continuing southeast to the tip of Bartlett Point (Falmouth), then continuing southeast to the tip of Bartlett Point (Falmouth), then continuing southeast to the tip of Bartlett Point (Falmouth), then continuing southeast to the tip of Bartlett Point (Falmouth), then continuing southeast to the tip of Prince Point (Falmouth). This area is classified as "Restricted" and requires a special MDMR permit.
- D. Effective immediately it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the lower Presumpscot River (Falmouth): north of a line beginning at the shore south of the end of Webber Way, then continuing northwest to the opposite shore approximately 350 yards north of the outlet of an unnamed stream; AND south of a line beginning at the northeastern point of land on Gilsland Farm then running west to the opposite shore south of Mill Pond. This area is classified as "Conditionally Restricted for Relay" and shall be closed to the harvest of clams, quahogs, oysters and mussels during any malfunction at the Falmouth Wastewater Treatment Plant. This area is available only for a MDMR permitted project for male specific coliphage (MSC) hybrid container relay/depuration harvest.

If you have questions, please contact Kohl Kanwit, Department of Marine Resources, 194 McKown Point Road, West Boothbay Harbor, Maine 04575-0008, Tel: (207) 633-9535, Email: <u>Kohl.Kanwit@maine.gov</u>. During **weekends/holidays**, contact the appropriate State Police barracks: from <u>New Hampshire border</u> to Brunswick, barracks 1-800-228-0857; from <u>Cushing/Boothbay</u> to <u>Lincolnville/Belfast area</u>, barracks 1-800-452-4664; from <u>Belfast to Canadian border</u>, barracks 1-800-432-7381. This notice can be viewed on the Department's website at: <u>http://www.maine.gov/dmr/rm/public_health/closures/closedarea.htm</u>. This information is also recorded on our HOTLINE (207-624-7727 OR 1-800-232-4733).

Kohl Kanwit Commissioner's Designee – Director, Bureau of Public Health <u>1:25 PM</u> (Effective Time)

OFFICES AT 2 BEECH ST., BAKER BUILDING, HALLOWELL, MAINE http://www.Maine.gov/dmr

PHONE: (207) 624-6550

FAX: (207) 624-6024



OFFICES AT 2 BEECH ST., BAKER BUILDING, HALLOWELL, MAINE http://www.Maine.gov/dmr

FAX: (207) 624-6024

ATTACHMENT E

WET TEST REPORT

Data for tests conducted for the period



Page1

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State of Malne - Department of Environmental Protection

CAPE ELIZABETH		NPDES= ME0102121		Effluent Limit: Acute $(\%) = 5.74$	it Limit: Acute $(\%) = 5.747$ Chronic $(\%) = 1.337$		
	Species	Test	Percent	Sample date	Critical %	Exception	RP
	MYSID SHRIMP	A_NOEL	100	03/20/2013	5.747		
	MYSID SHRIMP	A_NOEL	100	08/17/2015	5.747		
	SEA URCHIN	C_NOEL	50	03/20/2013	1.337		
	SEA URCHIN	C_NOEL	50	08/17/2015	1.337		

ATTACHMENT F

FACILITY PRIORITY POLLUTANT DATA REPORT

6/24/2016

Data Date Range: 24/Jun/2011-24/Jun/2016

Showing only those values not reported as a less than result



Facility name: CA	PE ELIZABETH	Permit	Number: ME0102121	
Parameter:	ALUMINUM	Test date	Result (ug/l)	Lsthan
		07/06/2011	65.000	N
		03/20/2013	28.000	N
		08/17/2015	30.000	N
		01/24/2016	66.000	N
Parameter:	AMMONIA	Test date	Result (ug/l)	Lsthan
		07/06/2011	770.000	N
		03/20/2013	2000.000	N
		08/17/2015	2600.000	N
		01/24/2016	650.000	N
Parameter:	ARSENIC	Test date	Result (ug/l)	Lsthan
		01/24/2016	7.300	N
Parameter:	COPPER	Test date	Result (ug/l)	Lsthan
		07/06/2011	23.000	N
		03/20/2013	26.000	N
		08/17/2015	18.000	Ν
		01/24/2016	19.000	N
Parameter:	LEAD	Test date	Result (ug/l)	Lsthan
		07/06/2011	3.000	N
		03/20/2013	2.000	N
		08/17/2015	12.000	N
Parameter:	MERCURY	Test date	Result (ug/l)	Lsthan
		07/05/2011	0.003	N
		09/23/2011	0.001	N
		12/12/2011	0.005	N
		03/09/2012	0.030	N
		03/23/2012	0.003	N
		04/12/2012	0.026	N
		03/27/2013	0.002	Ν
		05/07/2014	0.003	N
		06/22/2015	0.001	N
Parameter:	SALINITY	Test date	Result (ug/l)	Lsthan
		03/20/2013	3.000	N
Parameter:	TOC	Test date	Result (ug/l)	Lsthan
		07/06/2011	9500.000	N
		03/20/2013	6600.000	N
		08/17/2015	10300.000	N
Parameter:	TSS	Test date	Result (ug/l)	Lsthan
		07/06/2011	8200.000	N
		03/20/2013	3300.000	N
		08/17/2015	4000.000	N
Parameter:	ZINC	Test date	Result (ug/l)	Lsthan
		07/06/2011	78.000	N
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State of Maine - Department of Environmental Protection

	Data Date Range: Showing only ti	AND LETTON		
Facility name:	CAPE ELIZABETH	Permit Number: ME0102121		
		01/24/2016	110.000	N

State of Maine - Department of Environmental Protection

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