STATE OF MAINE
DEPARTMENT OF
ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PAUL MERCER
COMMISSIONER

August 1, 2018

Mr. Kenneth Davis
Town of East Machias
P.O. Box 117
East Machias, ME 04630-0117
emclerk@roadrunner.com

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit # ME0102156
Maine Waste Discharge License (WDL) Application # W006521-6B-F-R
**Final Permit**

Dear Mr. Davis:

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 document and its attached conditions carefully. Compliance with this permit/license will protect water quality.

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

If you have any questions regarding the matter, please feel free to call me at 287-7693. Your Department compliance inspector copied below is also a resource that can assist you with compliance. Please do not hesitate to contact them with any questions.

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

Sincerely,

Gregg Wood
Division of Water Quality Management
Bureau of Water Quality

Enc.
cc: Clarissa Trasko, DEP/EMRO Lori Mitchell, DEP/CMRO
Sandy Mojica, USEPA, Marelyn Vega, USEPA Olga Vergara, USEPA

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

DEPARTMENT ORDER

**IN THE MATTER OF**

| | | |
|---|---|---|
| TOWN EAST MACHIAS | ) | MAINE POLLUTANT DISCHARGE |
| EAST MACHIAS, WASHINGTON COUNTY, MAINE | ) | ELIMINATION SYSTEM PERMIT |
| PUBLICLY OWNED TREATMENT WORKS | ) | AND |
| ME0102156 | ) | WASTE DISCHARGE LICENSE |
| W006521-6B-F-R **APPROVAL** | ) | **RENEWAL** |

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

## APPLICATION SUMMARY

On November 4, 2015, the Department accepted as complete for processing an application from the Town of East Machias for the renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit ME0102156/Maine Waste Discharge License (WDL) W006521-6B-D-R, which was issued by the Department on September 2, 2010, and expired on September 2, 2015. The permit authorized the discharge of up to 22,585 gallons per day collectively, of secondary treated sanitary wastewater, from 17 sand filter systems. Sixteen of the systems are chlorinated for disinfection, while one outfall (#005) utilizes ultraviolet light as its primary method of disinfection with chlorination as a secondary disinfection system. Outfall #004 (Washington Academy) was replaced with a subsurface system during the summer of 2010, and Outfall #018 was discontinued all together. Two outfalls (#002, and #011) discharge to Meadow Brook and two outfalls (#015, and #019) discharge to an unnamed brook near the Cutler Road. Both of these brooks are tributaries of the East Machias River and are classified as Class B waters in East Machias, Maine. The East Machias River in the area of the discharges is both freshwater and also subject to tidal influences and is classified as Class B and SB waters, respectively.

It is noted that the Department made three permit revisions since issuing the 9/2/10 permit. On September 23, 2010, the permit was modified to correct a typographical error in Special Condition Table A.4. On October 22, 2010, the permit was modified to correct a typographical error and the omission of Footnote #5 and appropriate cross-reference in Special Conditions Tables A.1, A.2, A.3, and A.4. It also corrected the footnote reference on table A.4. On January 8, 2013, the permit was modified to reduce mercury monitoring requirements to once per year.

## PERMIT SUMMARY

This permitting action is carrying forward all the terms and conditions of the September 2, 2010, permitting action and subsequent modifications except that:

1. This permitting action is eliminating the waiver to achieve 85 percent removal of both biochemical oxygen demand and total suspended solids when the influent strength is less than 200 mg/L as there was no legal basis for such a waiver.

**PERMIT SUMMARY (cont'd)**

2. This permitting action is establishing a requirement for the permittee to conduct an Industrial Waste Survey (IWS) any time a new industrial user proposes to discharge within its jurisdiction; an existing user proposes to make a significant change in its discharge; or at an alternative minimum, once every permit cycle, and submit the results to the Department.

3. This permitting action is revising the time frame in which fecal coliform bacteria limits are in effect from year-round to seasonal (May 15 – September 30).

4. Pursuant to 40 CFR 122.44(i)(2), this permitting action is establishing a once per year monitoring frequency for a subset of outfalls for the parameters limited in this permit to represent Outfalls 002, 006 – 017, and 019.

5. Eliminating Outfall #013 (14 Willow Street) from the permit as the owner of the property has opted out of the municipal system. As a result, the discharge is now considered an overboard discharge pursuant to the definitions found at 06-096 CMR Chapter 594(1)(F) and must be permitted as such.

6. Establishing Special Condition H, *Septic Tank Maintenance*, to ensure septic tanks are routinely inspected and pumped of solids.

**CONCLUSIONS**

Based on the findings summarized in the attached and incorporated Fact Sheet dated June 26, 2018, and subject to the special and standard conditions that follow, 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 natural 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

**CONCLUSIONS (cont'd)**

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

4. The discharges will be subject to effluent limitations that require application of best practicable treatment as defined in *Conditions of licenses* 38 M.R.S. § 414-A(1)(D).

**ACTION**

THEREFORE, the Department APPROVES the above noted application of the TOWN OF EAST MACHIAS to collectively discharge a monthly average total flow of up to 22,585 gallons per day of secondary treated sanitary wastewater to Meadow Brook (Class B), an unnamed brook (Class B), to non-tidal portions of the East Machias River (Class B) and to tidal portions of the East Machias River (Class SB), in East Machias, Maine. The discharges must be subject to the attached conditions and all applicable standards and regulations including:

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

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

3. This permit becomes effective upon the date of signature below and expires at midnight five (5) years 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 June 9, 2018).

DONE AND DATED AT AUGUSTA, MAINE, THIS 31 DAY OF July 2018.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
For PAUL MERCER, Commissioner

Date of initial receipt of application November 2, 2015

Date of application acceptance November 4, 2015

Filed
AUG 0 1 2018
State of Maine
Board of Environmental Protection

Date filed with Board of Environmental Protection _____

This Order prepared by Irene Saumur, BUREAU OF WATER QUALITY

## SPECIAL CONDITIONS

### A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge secondary treated sanitary wastewater from **Outfall #001** to the East Machias River in East Machias. Such discharges are limited and must be monitored by the permittee as specified below[1]: Outfall #001 = '*Factory Road*', consists of six residences and the Elm Street School.

| Effluent Characteristic | Discharge Limitations | | | | | | Minimum Monitoring Requirements | |
|---|---|---|---|---|---|---|---|---|
| | Monthly Average | Weekly Average | Daily Maximum | Monthly Average | Weekly Average | Daily Maximum | Measurement Frequency | Sample Type |
| Flow (*) *[50050]* | 3,575 GPD *[07]* | --- | --- | --- | --- | --- | 1/Month *[01/30]* | Estimate *[ES]* |
| Biochemical Oxygen Demand$_5$ ($BOD_5$) *[00310]* | 1.0 lb/day *[26]* | 1.3 lbs/day *[26]* | 1.5 lbs/day *[26]* | 30 mg/L *[19]* | 45 mg/L *[19]* | 50 mg/L *[19]* | 1/Month *[01/30]* | Grab *[GR]* |
| $BOD_5$ % Removal[2] *[81010]* | --- | --- | --- | 85% *[23]* | --- | --- | 1/Month *[01/30]* | Calculate *[CA]* |
| Total Suspended Solids (TSS) *[00530]* | 1.0 lb/day *[26]* | 1.3 lbs/day *[26]* | 1.5 lbs/day *[26]* | 30 mg/L *[19]* | 45 mg/L *[19]* | 50 mg/L *[19]* | 1/Month *[01/30]* | Grab *[GR]* |
| TSS % Removal[2] *[81011]* | --- | --- | --- | 85% *[23]* | --- | --- | 1/Month *[01/30]* | Calculate *[CA]* |
| Fecal Coliform Bacteria[3,4] *[31616]* ***(May 15 – September 30)*** | --- | --- | --- | 15 col/100 ml *[13]* | --- | 50 col/100 ml *[13]* | 2/Month *[02/30]* | Grab *[GR]* |
| Total Residual Chlorine[5] *[50060]* | --- | --- | --- | --- | --- | 1.0 mg/L *[19]* | 1/Week *[01/07]* | Grab *[GR]* |
| pH (Std. Unit)[6] *[00400]* | --- | --- | --- | --- | --- | 6.0 – 9.0 SU *[12]* | 1/Month *[01/30]* | 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).**

(*) Note: Outfall #001 is located at Factory Road and serves 6 dwellings and one school. The flow rate shown above is the original estimated design flows for this outfall. Any additional sources(s) that would increase the original flow of the system is not permitted without prior approval by the Department. See Special Condition F, *Notification Requirements*, of this permit.

**Footnotes: See Pages 8-9 of this permit for applicable footnotes.**

## SPECIAL CONDITIONS

## A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

2. The permittee is authorized to discharge secondary treated sanitary wastewater from **Outfall #003** to the East Machias River. Such discharges shall be limited and monitored by the permittee as specified below: Outfall #003 = '*Mill Park*', consists of 21 residences

| Effluent Characteristic | Discharge Limitations | | | | | | Minimum Monitoring Requirements | |
|---|---|---|---|---|---|---|---|---|
| | Monthly Average | Weekly Average | Daily Maximum | Monthly Average | Weekly Average | Daily Maximum | Measurement Frequency | Sample Type |
| Flow (*) *[50050]* | 3,800 GPD *[07]* | --- | --- | --- | --- | --- | 1/Month *[01/30]* | Estimate *[ES]* |
| Biochemical Oxygen Demand$_5$ ($BOD_5$) *[00310]* | 1.0 lb/day *[26]* | 1.4 lbs/day *[26]* | 1.6 lbs/day *[26]* | 30 mg/L *[19]* | 45 mg/L *[19]* | 50 mg/L *[19]* | 1/Month *[02/30]* | Grab *[GR]* |
| $BOD_5$ % Removal(2) *[81010]* | --- | --- | --- | 85% *[23]* | --- | --- | 1/Month *[01/30]* | Calculate *[CA]* |
| Total Suspended Solids (TSS) *[00530]* | 1.0 lb/day *[26]* | 1.4 lbs/day *[26]* | 1.6 lbs/day *[26]* | 30 mg/L *[19]* | 45 mg/L *[19]* | 50 mg/L *[19]* | 1/Month *[01/30]* | Grab *[GR]* |
| TSS % Removal(2) *[81011]* | --- | --- | --- | 85% *[23]* | --- | --- | 1/Month *[01/30]* | Calculate *[CA]* |
| Fecal Coliform Bacteria(3,4) *[31616]* ***(May 15 – September 30)*** | --- | --- | --- | 15 col/100 ml *[13]* | --- | 50 col/100 ml *[13]* | 2/Month *[02/30]* | Grab *[GR]* |
| Total Residual Chlorine(5) *[50060]* | --- | --- | --- | --- | --- | 0.3 mg/L *[19]* | 1/Week *[01/07]* | Grab *[GR]* |
| pH (Std. Unit)(6) *[00400]* | --- | --- | --- | --- | --- | 6.0 – 9.0 SU *[12]* | 1/Month *[01/30]* | 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).**

(*) Notes: Outfall 003 is located at Mill Park and serves 21 dwellings. The flow rate shown above is the original estimated design flows for this outfall. Any additional sources(s) that would increase the original flow of the system is not permitted without prior approval by the Department. See Special Condition F, *Notification Requirements*, of this permit.

Footnotes: **See Pages 8-9 of this permit for applicable footnotes.**

## SPECIAL CONDITIONS

### A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd) – OUTFALL #005

3. The permittee is authorized to discharge secondary treated sanitary wastewater from **Outfall #005** to the East Machias River. Such discharges shall be limited and monitored by the permittee as specified below: Outfall #005 = '*Ultraviolet*', consists of 16 residences, a church, Post Office and Fire Station.

| Effluent Characteristic | Discharge Limitations | | | | | | Minimum Monitoring Requirements | |
|---|---|---|---|---|---|---|---|---|
| | Monthly Average | Weekly Average | Daily Maximum | Monthly Average | Weekly Average | Daily Maximum | Measurement Frequency | Sample Type |
| Flow (*) *[50050]* | 6,900 GPD *[07]* | --- | --- | --- | --- | --- | 1/Month *[01/30]* | Estimate *[ES]* |
| Biochemical Oxygen Demand$_5$ ($BOD_5$) *[00310]* | 2.0 lbs/day *[26]* | 2.6 lbs/day *[26]* | 2.9 lbs/day *[26]* | 30 mg/L *[19]* | 45 mg/L *[19]* | 50 mg/L *[19]* | 1/Month *[02/30]* | Grab *[GR]* |
| $BOD_5$ % Removal (2) *[81010]* | --- | --- | --- | 85% *[23]* | --- | --- | 1/Month *[01/30]* | Calculate *[CA]* |
| Total Suspended Solids (TSS) *[00530]* | 2.0 lbs/day *[26]* | 2.6 lbs/day *[26]* | 2.9 lbs/day *[26]* | 30 mg/L *[19]* | 45 mg/L *[19]* | 50 mg/L *[19]* | 1/Month *[02/30]* | Grab *[GR]* |
| TSS % Removal (2) *[81011]* | --- | --- | --- | 85% *[23]* | --- | --- | 1/Month *[01/30]* | Calculate *[CA]* |
| Fecal Coliform Bacteria (3,4) *[31616]* ***(May 15 – September 30)*** | --- | --- | --- | 15 col/100 ml *[13]* | --- | 50 col/100 ml *[13]* | 2/Month *[02/30]* | Grab *[GR]* |
| Total Residual Chlorine (5) *[50060]* | --- | --- | --- | --- | --- | 1.0 mg/L *[19]* | 1/Week *[01/07]* | Grab *[GR]* |
| pH (Std. Unit) (6) *[00400]* | --- | --- | --- | --- | --- | 6.0 – 9.0 SU *[12]* | 1/Month *[01/30]* | Grab *[GR]* |
| Mercury (Total) (7) *[71900]* | --- | --- | --- | 5.7 ng/L *[3M]* | --- | 8.6 ng/L *[3M]* | 1/Year *[01/01]* | 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.

(*) Note: Outfall #005 is located on Main Street at the post office and serves 16 dwellings. The flow rate shown above is the original estimated design flows for this outfall. Any additional sources(s) that would increase the original intent of the system is not permitted without prior approval by the Department. See Special Condition F, *Notification Requirements*, of this permit.

**Footnotes: See Pages 8-9 of this permit for applicable footnotes.**

## SPECIAL CONDITIONS

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

4. The permittee is authorized to discharge secondary treated sanitary wastewater from Outfalls #002, #006 – #012, #014-#017 and #019, to the East Machias River. **The permittee is only required to monitor and report test results for Outfalls #006, #007, #015 and #017.** Such discharges shall be limited as specified below:

| Effluent Characteristic | Discharge Limitations | | | | | | Minimum Monitoring Requirements | |
|---|---|---|---|---|---|---|---|---|
| | Monthly Average | Weekly Average | Daily Maximum | Monthly Average | Weekly Average | Daily Maximum | Measurement Frequency | Sample Type |
| Flow(*) *[50050]* | Gallons/Day *[07]* *See table below* | --- | --- | --- | --- | --- | --- | Estimate *[ES]* |
| Biochemical Oxygen Demand$_5$ ($BOD_5$)*[00310]* | --- | --- | --- | 30 mg/L *[19]* | 45 mg/L *[19]* | 50 mg/L *[19]* | 1/Year *[01/01]* | Grab *[GR]* |
| Total Suspended Solids (TSS) *[00530]* | --- | --- | --- | 30 mg/L *[19]* | 45 mg/L *[19]* | 50 mg/L *[19]* | 1/Year *[01/01]* | Grab *[GR]* |
| Fecal Coliform Bacteria[3] ***(May 15 – September 30)*** *[31633]* | --- | --- | --- | 15/100 ml[4] *[13]* | --- | 50/100 ml *[13]* | 1/Year *[01/01]* | Grab *[GR]* |
| Total Residual Chlorine[5] *[00665]* | --- | --- | --- | --- | --- | 1.0 mg/L *[19]* | 1/Year *[01/01]* | Grab *[GR]* |
| pH[6] *[00400]* | --- | --- | --- | --- | --- | 6.0 – 9.0 SU *[12]* | 1/Year *[01/01]* | Grab *[GR]* |

**Flow Limits(*)**

| Outfall | Location/Source Generation | Limit |
|---|---|---|
| 002 | Rt 1 S (town property)/ 2 homes/1business | 1,000 |
| 006 | Rt. 1 old pharmacy/ 10 homes, 1 business | 1,450 |
| 007 | Rt 1 at Scotts Hill Rd/5 homes | 1,100 |
| 008 | Rt 1 N (town)/3 homes | 900 |
| 009 | River Road/1 barber shop | 100 |

| Outfall | Location/Source Generation | Limit |
|---|---|---|
| 010 | Rt 1 Scotts Hill-Hammond/1 home, store, cabins | 1,200 |
| 011 | Rt 1 Lincoln Co/1 home, 1 business | 320 |
| 012 | Rt 1 Vandergrift/1 home | 300 |
| 014 | Rt 1 Clark/1 home | 300 |
| 015 | River Rd Murphy/1 home | 300 |

| Outfall | Location/Source Generation | Limit |
|---|---|---|
| 016 | River Rd Archibald/1 home | 300 |
| 017 | Rt 1 Doucette/1 home | 380 |
| 018 | Discontinued | --- |
| 019 | Wiswell Rd/1 home | 360 |

**NOTES:** The flow rates shown above are the original estimated design flows for these outfall. Any additional sources(s) that would increase the original intent of the systems are not permitted without prior approval by the Department. See Special Condition F, *Notification Requirements*, of this permit.

**See Pages 8-9 of this permit for applicable footnotes.**

## SPECIAL CONDITIONS

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

### FOOTNOTES

1. **Sampling** – The permittee must conduct all effluent sampling and analysis in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis must be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services. Samples that are sent to another POTW licensed pursuant to Waste discharge licenses, 38 M.R.S.A. § 413 are subject to the provisions and restrictions of Maine Comprehensive and Limited Environmental Laboratory Certification Rules, 10-144 CMR 263 (last amended February 13, 2000). If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report.

2. **Percent Removal** – The permittee must achieve a minimum of 85 percent removal of both total suspended solids and biochemical oxygen demand for all flows receiving secondary treatment. The percent removal is calculated based on monthly average influent and effluent concentration values. This permitting action is establishing authorization for the permittee to assume an influent BOD5 and TSS concentration value of 286 mg/L for purposes of calculating the monthly percent removal value until such time that the infrastructure is modified or replaced such that collection of a representative raw influent sample is practical.

3. **Bacteria Limits** – Fecal coliform bacteria limits and monitoring requirements are in effect seasonally, between May 15th and September 30th of each year. The Department reserves the right to require year-round disinfection to protect the health, safety, and welfare of the public.

4. **Bacteria Reporting** – The monthly average fecal coliform bacteria limitation is a geometric mean limitation and sample results must be reported as such.

5. **TRC Monitoring** – 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. For Outfall #005, TRC monitoring requirements are in effect only when chlorine is used as a disinfectant due to failure of the UV system.

6. **pH Range Limitation** – The effluent values for pH must be maintained within the limits of 6.0 to 9.0 unless the publicly owned treatment works demonstrates that: (1) Inorganic chemicals are not added to the waste stream as part of the treatment process; and (2) contributions from industrial sources do not cause the pH of the effluent to be less than 6.0 or greater than 9.0. The permittee must provide oral notification of any exceedance within 24 hours from the time the permittee becomes aware of the circumstances. The permittee must submit a written explanation of the exceedance within 5 days of the time the permittee becomes aware of the exceedance. If the pH exceedance is believed to be attributed to natural causes then the permittee must provide information to support that claim with the exceedance report.

## SPECIAL CONDITIONS

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

7. **Mercury** – Mercury sampling (1/Year) for Outfall #005 only, is required to determine compliance with interim limitations established pursuant to *Interim Effluent Limitations and Controls for the Discharge of Mercury,* 06-096 CMR 519 (last amended October 6, 2001) must be conducted in accordance with EPA's "clean sampling techniques" found in EPA Method 1669, Sampling Ambient Water For Trace Metals At EPA Water Quality Criteria Levels. All mercury analyses must be conducted in accordance with EPA Method 1631E, Determination of Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Fluorescence Spectrometry. See **Attachment A**, *Effluent Mercury Test Report,* of this permit for the Department's form for reporting mercury test results. Compliance with the monthly average limitation established in Special Condition A.1 of this permit will be based on the cumulative arithmetic mean of all mercury tests results that were conducted utilizing sampling Methods 1669 and analysis Method 1631E on file with the Department for this facility.

### B. NARRATIVE EFFLUENT LIMITATIONS

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

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

3. The permittee must not discharge wastewater that causes visible discoloration or turbidity in the receiving waters that causes those waters to be unsuitable for the designated uses and characteristics ascribed to their class.

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

## SPECIAL CONDITIONS

### D. LIMITATIONS FOR INDUSTRIAL USERS

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

### E. AUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on November 4, 2015; 2) the terms and conditions of this permit; and 3) only from Outfall #001 through Outfall #003, Outfall #005, Outfall #006 through Outfall #012, Outfall #014 through Outfall #017 and Outfall #019. Discharges of wastewater from any other point sources 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.

### F. NOTIFICATION REQUIREMENT

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

1. Any introduction of pollutants into the wastewater collection and treatment system from an indirect discharger in a primary industrial category discharging process wastewater; and

2. Any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants to the system at the time of permit issuance.

3. For the purposes of this section, notice regarding substantial change must include information on:

   a. the quality and quantity of wastewater introduced to the wastewater collection and treatment system; and

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

## SPECIAL CONDITIONS

### G. OPERATIONS AND 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. This plan must include a process by which the Town ca legally mandate proper operation and maintenance of all septic tanks, chlorine contact chambers and residential pump stations.

**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.

### H. SEPTIC TANK MAINTENANCE

To ensure that the individual septic tanks are providing best practicable treatment and achieving desired percent removal levels for $BOD_5$ and TSS, the permittee is required to maintain a revolving inspection and maintenance schedule for pumping out the solids in all the septic tanks.

All septic tanks and other treatment tanks must be inspected at least once during the five-year term of this permit and solids removed at least every three years or when sludge/scum/solid accumulations reach one-third (1/3) of the volume of the working liquid capacity to ensure that they are providing best practicable treatment.

The permittee will be responsible for maintaining a log that documents the date of inspections, comments as to the solids contents and scum layers observed during each inspection as well as the quantity of septage removed from each septic tank should pumping be deemed necessary. The logs must be kept current and available to the Department and EPA for inspection during business hours.

## SPECIAL CONDITIONS

### I. 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 B** of the permit for an acceptable certification form to satisfy this Special Condition.

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

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

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

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

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

e. Increases in the type or volume of transported (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.

### J. MONITORING AND REPORTING

Electronic Reporting

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

Electronic Discharge Monitoring Reports (DMRs) submitted using the USEPA NetDMR system, must be;

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

Documentation submitted in support of the electronic DMR may be attached to the electronic DMR. Documentation submitted electronically to the Department in support of the electronic DMR must be submitted no later than midnight on the 15th day of the month following the completed reporting period.

## SPECIAL CONDITIONS

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

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

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

### K. REOPENING OF PERMIT FOR MODIFICATION

In accordance with 38 M.R.S. § 414-A(5) and upon evaluation of the tests results or monitoring requirements specified in Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at any time and with notice to the permittee, modify this permit to: 1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded, (2) require additional 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(s), or part thereof, of this permit is declared to be unlawful by a reviewing court, the remainder of the permit must remain in full force and effect, and must be construed and enforced in all aspects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court.

# ATTACHMENT A

Maine Department of Environmental Protection

# Effluent Mercury Test Report

Name of Facility: _____ Federal Permit # ME _____

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

## SAMPLE COLLECTION INFORMATION

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

Sampling Location:

Weather Conditions: _____

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

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

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

## ANALYTICAL RESULT FOR EFFLUENT MERCURY

Name of Laboratory: _____

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

Please Enter Effluent Limits for your facility

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

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

## CERTIFICATION

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

By: _____ Date: _____

Title: _____

PLEASE MAIL THIS FORM TO YOUR ASSIGNED INSPECTOR

# ATTACHMENT B

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHAPTER 530.2(D)(4) CERTIFICATION

MEPDES#_____Facility Name_____

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

COMMENTS:

Name (printed): _____

Signature:_____Date: _____

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

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

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

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

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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CONTENTS



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## A. GENERAL PROVISIONS

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

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

(a) They are not

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## B. OPERATION AND MAINTENACE OF FACILITIES

### 1. General facility requirements.

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

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

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

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

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

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

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

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

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

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

**5. Bypasses.**

(a) Definitions.

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

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

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

(c) Notice.

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

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

(d) Prohibition of bypass.

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

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

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

**6. Upsets.**

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

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

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

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

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

## C. MONITORING AND RECORDS

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

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

**3. Monitoring and records.**

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

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

(c) Records of monitoring information shall include:

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

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

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

## D. REPORTING REQUIREMENTS

**1. Reporting requirements.**

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

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

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

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

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

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

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

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

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

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

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

(f) Twenty-four hour reporting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**5. Publicly owned treatment works.**

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

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

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

## E. OTHER REQUIREMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Maximum daily discharge limitation** means the highest allowable daily discharge.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**PROPOSED DRAFT FACT SHEET**

DATE: **June 26, 2018**

PERMIT NUMBER: **ME0102156**

WASTE DISCHARGE LICENSE: **W006521-6B-F-R**

NAME AND ADDRESS OF APPLICANT:

**TOWN OF EAST MACHIAS**
**P.O. Box 117**
**East Machias, ME. 04630**

COUNTY: **Washington**

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

**WASTEWATER TREATMENT FACILITY**
**Route 1**
**East Machias, ME. 04630**

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

COGNIZANT OFFICIAL CONTACT INFORMATION:

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## 1. APPLICATION SUMMARY

On November 4, 2015, the Department accepted as complete for processing an application from the Town of East Machias for the renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit ME0102156/Maine Waste Discharge License (WDL) W006521-6B-D-R, which was issued by the Department on September 2, 2010, and expired on September 2, 2015. The permit authorized the discharge of up to 22,585 gallons per day collectively, of secondary treated sanitary wastewater, from 17 sand filter systems. Sixteen of the systems are chlorinated for disinfection, while one outfall (#005) utilizes ultraviolet disinfection. Outfall #004 (Washington Academy) was replaced with a subsurface system during the summer of 2010, and Outfall #018 was discontinued all together. Two outfalls (#002, and #011) discharge to Meadow Brook and two outfalls (#015, and #019) discharge to an unnamed brook near the Cutler Road. Both of these brooks are tributaries of the East Machias River and are classified as Class B waters in East Machias, Maine. See **Attachment A** of this Fact Sheet for a map showing the location of the waste water treatment systems.

## 1. APPLICATION SUMMARY (cont'd)

The East Machias River in the area of the discharges is freshwater and also subject to tidal influences and is classified as Class B and SB waters, respectively.

It is noted that the Department made three permit revisions since issuing the 9/2/10 permit. On September 23, 2010, the permit was modified to correct a typographical error in Special Condition Table A.4. On October 22, 2010, the permit was modified to correct a typographical error and the omission of Footnote #5 and appropriate cross-reference in Special Conditions Tables A.1, A.2, A.3, and A.4. It also corrected the footnote reference on table A.4. On January 8, 2013, the permit was modified to reduce mercury monitoring requirements to once per year.

## 2. PERMIT SUMMARY

a. Terms and Conditions:

This permitting action is carrying forward all the terms and conditions of the October 22, 2010, permitting action and subsequent modifications except that:

1. This permitting action is eliminating the waiver to achieve 85 percent removal of both biochemical oxygen demand and total suspended solids when the influent strength is less than 200 mg/L as there was no legal basis for such a waiver.

2. This permitting action is establishing a requirement for the permittee to conduct an Industrial Waste Survey (IWS) any time a new industrial user proposes to discharge within its jurisdiction; an existing user proposes to make a significant change in its discharge; or at an alternative minimum, once every permit cycle, and submit the results to the Department.

3. This permitting action is revising the time frame in which fecal coliform bacteria limits are in effect from year-round to seasonal (May 15 – September 30).

4. Pursuant to 40 CFR 122.44(i)(2), this permitting action is establishing a once per year monitoring frequency for a subset of outfalls for the parameters limited in this permit to represent Outfalls 002, 006 – 017, and 019.

5. Eliminating Outfall #013 (currently Mr. Kevin Look) from the permit as the owner of the property has opted out of the municipal system. As a result, the discharge is now considered an overboard discharge pursuant to the definitions found at 06-096 CMR Chapter 594(1)(F) and must be permitted as such.

## 2. PERMIT SUMMARY

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

*September 24, 1986* – The Department issued WDL #W006521-45-A-N. The license expired on September 24, 1991.

*October 3, 1986* – The EPA issued NPDES permit #ME0102156, establishing limitations and monitoring requirements for all nineteen outfall locations.

*February 15, 1995* – The Department issued a letter to the Town that exempted the facilities from the *Surface Water Toxics Control Program* (Chapter 530.5).

*March 28, 1997* – The Department issued a Notice of Violation (NOV) to the Town for failure to (i) submit effluent data on licensed point source discharges, (ii) properly disinfect several discharges, and (iii) submit an annual summary report as required. The issues outlined in the NOV were subsequently addressed by the Town to the satisfaction of the Department.

*May 23, 2000* – Pursuant to 38 M.R.S. § 420 and *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519, the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL permit #W006521-5L-B-R by establishing interim monthly average and daily maximum effluent concentration limits of 56.3 parts per trillion (ppt) and 84.5 ppt, respectively, and a minimum monitoring frequency requirement of 2 tests per year for mercury.

*December 8, 2000* – The Department issued WDL #W006521-5L-B-R that renewed authorization to discharge secondarily treated wastewater as described in WDL #W006521-45-A-N.

*The December 2, 2002* – amendment corrected the interim limits calculated in the May 23, 2000 *Notice of Interim Limits*. The December 2, 2002, amendment established a corrected average concentration of 5.74 ppt, and 8.6 ppt.

*October 5, 2005* – The Department issued WDL #W006521-5L-C-R for a five-year period.

*September 2, 2010* – The Department issued WDL #W006521-6B-D-R for a five year period.

*November 4, 2016* – The Town of East Machias submitted a timely and complete General Application to the Department for renewal of the September 2, 2010, permit (including subsequent minor revisions and permit modifications). The application was accepted for processing on November 4, 2015, and was assigned WDL #W006521-6B-F-R / MEPDES ME0102156.

## 2. PERMIT SUMMARY (cont'd)

c. Source Description: The permittee's wastewater disposal system is comprised of 36 residential subsurface disposal systems, 43 residential sand filters and 4 cluster sand filter systems. The sand filter systems discharge from 17 points throughout the system. Previously permitted Outfalls #004 and #018 have been discontinued. The town has title, right or interest (TRI) to maintain and service all privately owned sandfilters that are authorized to discharge under this permit. For the purposes of the privately-owned systems, the town is required to add chlorine tablets, inspect the condition of each of the systems, ensure that they are operated properly and cause them to be maintained by private owners as necessary. In the event a homeowner refuses to make a repair in a timely manner, the town has the right to complete this repair and bill each private owner under its Ordinance.

There are no combined sewer overflows associated with the permittee. The permittee is not authorized to treat or receive septage from local septage haulers. Site location maps showing the location of the treatment system and the receiving waters is included as **Attachment A** of this Fact Sheet.

d. Wastewater Treatment: The wastewater treatment system consists of small-diameter gravity sewers and pumping systems that convey wastewater onto conventional sand filters, beds or chamber disposal systems after treatment in septic tanks. The town of East Machias owns three of the sandfilter systems while all other sand filter systems are privately owned. Septic tank solids are periodically collected as required by the town's ordinance and disposed of at a permitted treatment facility for further processing. The treated wastewater from the sand filters is directed through subsurface piping and conveyed to tablet chlorination systems for disinfection in 16 out of the 17 systems. The system associated with Outfall #005 utilizes ultraviolet light technology as the primary method of disinfection. Outfall #005 also has a secondary method of disinfection via chlorination/dechlorination. The effluent is then discharged to the receiving water via four-inch diameter PVC pipes for the 16 chlorinated systems and a six-inch diameter pipe for discharge outfall #005. Outfall #004 (Washington Academy) was replaced with a subsurface system in the summer of 2010.

## 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 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 *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 (last amended July 29, 2012), and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

## 4. RECEIVING WATER QUALITY STANDARDS

*Classification of Major River Basins*, 38 M.R.S. §467(3)(A)(2)/(B)(1) and *Classifications of Estuarine and Marine Waters*, 38 M.R.S. §469, classify the East Machias River and its tributaries at the point of discharge as Class B and Class SB waters, respectively. *Standards for classification of estuarine and marine waters*, 38 M.R.S. §465-B(2) and §465-B(3), describes the standards for Class B and SB waters, respectively.

## 5. RECEIVING WATER QUALITY CONDITIONS

*The State of Maine 2014 Integrated Water Quality Monitoring and Assessment Report*, prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists this segment of the East Machias River (AU_ID ME0105000204_509R) "Category 2: Rivers and Streams Attaining Some Designated Uses - Insufficient Information for Other Uses."

The Report lists all of Maine's fresh waters as, "Category 4-A: Waters Impaired by Atmospheric Deposition of Mercury." Impairment in this context refers to a statewide fish consumption advisory due to elevated levels of mercury in some fish tissues. The Report states, "All freshwaters are listed in Category 4-A (TMDL Completed) due to USEPA approval of a Regional Mercury TMDL.

Maine has a fish consumption advisory for fish taken from all freshwaters due to mercury. Many waters, and many fish from any given water, do not exceed the action level for mercury. However, because it is impossible for someone consuming a fish to know whether the mercury level exceeds the action level, the Maine Department of Health and Human Services decided to establish a statewide advisory for all freshwater fish that recommends limits on consumption. Maine has already instituted statewide programs for removal and reduction of mercury sources." Pursuant to 38 M.R.S. § 420(1-B)(B), "a facility is not in violation of the ambient criteria for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413 subsection 11." The Department has established interim monthly average and daily maximum mercury concentration limits and reporting requirements for this facility pursuant to 06-096 CMR 519.

The Department has no information at this time that the discharge from the Town of East Machias, as permitted, will cause or contribute to the failure of the receiving water to meet the designated uses of its ascribed classification.

## 6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

a. Flow: The previous permitting action established, and this permitting action is carrying forward, a collective monthly average discharge flow limit of 22,585 gallons per day (GPD) based on the dry weather design capacity for the treatment facilities. Each outfall has been assigned its own limitation based upon its design capacity.

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

The Department reviewed 60 Discharge Monitoring Reports (DMRs) that were submitted for the period of September 2011 – December 2015. A review of data indicates the following:

**Flow (DMR=60)**

| Outfall # | Value | Limit (gpd) | Range (gpd) | Mean (gpd) |
|---|---|---|---|---|
| 001 | Monthly Average | 3,575 | 1,500 – 3,575 | 2962 |
| 002 | Monthly Average | 1,000 | --- | --- |
| 003 | Monthly Average | 3,800 | 1,500–3,800 | 3,105 |
| 005 | Monthly Average | 6,900 | 2,000–6,900 | 5,288 |
| 006 | Monthly Average | 1,450 | --- | --- |
| 007 | Monthly Average | 1,100 | --- | --- |
| 008 | Monthly Average | 900 | --- | --- |
| 009 | Monthly Average | 100 | --- | --- |
| 010 | Monthly Average | 1,200 | --- | --- |
| 011 | Monthly Average | 320 | --- | --- |
| 012 | Monthly Average | 300 | --- | --- |
| 013 | Monthly Average | 300 | --- | --- |
| 014 | Monthly Average | 300 | --- | --- |
| 015 | Monthly Average | 300 | --- | --- |
| 016 | Monthly Average | 300 | --- | --- |
| 017 | Monthly Average | 380 | --- | --- |
| 019 | Monthly Average | 360 | --- | --- |

b. Dilution Factors: The Department established applicable dilution factors for the discharge in accordance with freshwater protocols established in *Surface Water Toxics Control Program*, 06-096 CMR 530 (last amended March 21, 2012). This permitting action is calculating dilution factors associated with the discharge flow limit of 0.022585 (MGD) as follows.

Mod. Acute: ¼ Q10 = 3.93 cfs $\Rightarrow \frac{(3.93 \text{ cfs})(0.6464) + 0.022585 \text{ MGD}}{0.022585 \text{ MGD}} = 113.2:1$

Acute: 1Q10 = 15.7 cfs $\Rightarrow \frac{(15.7 \text{ cfs})(0.6464) + 0.022585 \text{ MGD}}{0.022585 \text{ MGD}} = 450:1$

Chronic: 7Q10 = 17.7 cfs $\Rightarrow \frac{(17.7 \text{ cfs})(0.6464) + 0.022585 \text{ MGD}}{0.022585 \text{ MGD}} = 508:1$

Harmonic Mean[1] = 53.1 $\Rightarrow \frac{(53.1 \text{ cfs})(0.6464) + 0.022585 \text{ MGD}}{0.022585 \text{ MGD}} = 1,521:1$

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

**Footnote:**

[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 U.S. EPA publication, *"Technical Support Document for Water Quality-Based Toxics Control"* (Office of Water; EPA/505/2-90-001, page 88), and represents an estimation of harmonic mean flow on which human health dilutions are based in a riverine 7Q10 flow situation.

06-096 CMR 530(4)(B)(1) states that analyses using numeric acute criteria for aquatic life must be based on ¼ of the 1Q10 stream design flow to prevent substantial acute toxicity within any mixing zone. The regulation goes on to say that where it can be demonstrated that a discharge achieves rapid and complete mixing with the receiving water by way of an efficient diffuser or other effective method, analyses may use a greater proportion of the stream design, up to including all of it.

c. Biochemical Oxygen Demand ($BOD_5$) and Total Suspended Solids (TSS): For Outfalls #001, #003, and #005 (three largest outfall locations) the previous permitting action established, and this permitting action is carrying forward, monthly average and weekly average technology-based effluent limits of 30 mg/L and 45 mg/L, respectively, for $BOD_5$ and TSS pursuant to the secondary treatment regulation at 40 CFR 133.102 and 06-096 CMR 525(3)(III). The previous permit also established a daily maximum technology-based effluent limit of 50 mg/L for both $BOD_5$ and TSS based on a Department best professional judgment (BPJ) of best practicable treatment (BPT) for secondary treated wastewater.

Example calculations, Outfall #001:

The mass-based limits were calculated as follows:

Monthly Average Mass Limit: (30 mg/L)(8.34 lbs./gallon)( 0.003575 MGD)=0.89 lbs./day~1.0 lbs.
Weekly Average Mass Limit: (45 mg/L)(8.34 lbs./gallon)( 0.003575MGD)=1.34 lbs./day~1.0 lbs.
Daily Maximum Mass Limit: (50 mg/L)(8.34 lbs./gallon)( 0.003575 MGD)=1.49 lbs./day~1.5 lbs.

This permitting action is carrying forward a requirement for a minimum of 85% removal of $BOD_5$ & TSS pursuant to 06-096 CMR 525(3)(III)(a&b)(3). The permittee has not demonstrated that it qualifies for special considerations pursuant to 06-096 CMR 525(3)(IV) to maintain a waiver from the 85% removal requirement when influent concentration is less than 200 mg/L, which was established in the previous permit. Therefore, this permitting action is establishing the requirement for a minimum of 85% removal of BOD5 and TSS pursuant to Chapter 525(3)(III)(a)(3) and (b)(3) of the Department's rules.

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

The Town's waste water treatment system does not have an influent sampling port location that is representative of raw waste water conditions. According to the USEPA's Onsite Wastewater Treatment Systems Manual, dated February 2002, table 3-7 entitled "*Constituent Mass Loadings and Concentrations in Typical Residential Wastewater*" a reasonable influent value for BOD5 and TSS may be assumed to be 286 mg/L. This permitting action is establishing the authorization for the permittee to assume an influent BOD5 and TSS concentration value of 286 mg/L for purposes of calculating the monthly percent removal value until such time that the infrastructure is modified or replaced such that collection of a representative raw influent sample is practical

**Mass Limits, $BOD_5$ and TSS**

| Outfall | Flow Limit MGD | Monthly Average | Weekly Average | Daily Max |
|---|---|---|---|---|
| 001 | 0.003575 | 1.0 | 1.0 | 1.5 |
| 002 | 0.003800 | 1.0 | 1.0 | 1.6 |
| 003 | 0.006900 | 2.0 | 2.6 | 2.9 |

The Department reviewed 60 DMRs that were submitted for outfall 001, 003, and 005 for the period October 2010 – December 2015 for $BOD_5$. A review of data indicates the following:

**$BOD_5$ Mass (DMRs=60)**

| Value | Outfall | Limit (lbs./day) | Range (lbs/day) | Mean (lbs/day) |
|---|---|---|---|---|
| Monthly Average | 001 | 30 | 0.00 – 0.30 | 0.06 |
| Weekly Average | 001 | 45 | 0.00 – 0.30 | 0.06 |
| Daily Maximum | 001 | 50 | 0.00 – 0.30 | 0.11 |
| Monthly Average | 003 | 30 | 0.00 – 0.20 | 0.47 |
| Weekly Average | 003 | 45 | 0.00 – 0.20 | 0.05 |
| Daily Average | 003 | 50 | 0.00 – 0.20 | 0.09 |
| Monthly Average | 005 | 30 | 0.00 – 0.50 | 0.08 |
| Weekly Average | 005 | 45 | 0.00 – 0.50 | 0.08 |
| Daily Average | 005 | 50 | 0.00 – 0.50 | 0.14 |

**$BOD_5$ Concentration (DMRs=60)**

| Value | Outfall | Limit (mg/L) | Range (mg/L) | Mean (mg/L) |
|---|---|---|---|---|
| Monthly Average | 001 | 30 | 1.00 – 9.00 | 2.78 |
| Weekly Average | 001 | 45 | 1.00 – 9.00 | 2.78 |
| Daily Maximum | 001 | 50 | 1.00 – 9.00 | 2.78 |
| Monthly Average | 003 | 30 | 1.00 – 11.00 | 2.54 |
| Weekly Average | 003 | 45 | 1.00 – 11.00 | 2.54 |
| Daily Average | 003 | 50 | 1.00 – 11.00 | 2.54 |
| Monthly Average | 005 | 30 | 1.00 – 16.00 | 3.47 |
| Weekly Average | 005 | 45 | 1.00 – 16.00 | 3.47 |
| Daily Average | 005 | 50 | 1.00 – 16.00 | 3.47 |

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

The Department reviewed 60 DMRs that were submitted for the period October 2010 – December 2015, for TSS. A review of data indicates the following:

**TSS Mass (DMRs=60)**

| Value | Outfall | Limit (lbs./day) | Range (lbs/day) | Mean (lbs/day) |
|---|---|---|---|---|
| Monthly Average | 001 | 30 | 0.00 – 1.00 | 0.20 |
| Weekly Average | 001 | 45 | 0.00 – 1.00 | 0.20 |
| Daily Maximum | 001 | 50 | 0.05 – 1.00 | 0.21 |
| Monthly Average | 003 | 30 | 0.00 – 1.90 | 0.18 |
| Weekly Average | 003 | 45 | 0.00 – 1.90 | 0.18 |
| Daily Average | 003 | 50 | 0.00 – 1.90 | 0.20 |
| Monthly Average | 005 | 30 | 0.00 – 1.50 | 0.29 |
| Weekly Average | 005 | 45 | 0.00 – 1.50 | 0.31 |
| Daily Average | 005 | 50 | 0.00 – 2.10 | 0.33 |

**TSS Concentration (DMRs=60)**

| Value | Outfall | Limit (mg/L) | Range (mg/L) | Mean (mg/L) |
|---|---|---|---|---|
| Monthly Average | 001 | 30 | 2.00 – 49.00 | 8.98 |
| Weekly Average | 001 | 45 | 2.00 – 49.00 | 8.98 |
| Daily Maximum | 001 | 50 | 2.00 – 49.00 | 8.89 |
| Monthly Average | 003 | 30 | 0.03 – 59.00 | 6.75 |
| Weekly Average | 003 | 45 | 0.03 – 59.00 | 6.75 |
| Daily Average | 003 | 50 | 0.03 – 59.00 | 6.75 |
| Monthly Average | 005 | 30 | 1.00 – 26.00 | 7.01 |
| Weekly Average | 005 | 45 | 1.00 – 26.00 | 7.30 |
| Daily Average | 005 | 50 | 1.00 – 36.00 | 7.57 |

e. Fecal Coliform Bacteria: The previous permitting action established, and this permitting action carrying forward, monthly average and daily maximum concentration limits of 15 colonies/100 ml and 50 colonies/100 ml, respectively, for Outfalls #001, #003, and #005, for fecal bacteria, which are consistent with the National Shellfish Sanitation Program.

The Department reviewed 59 DMRs that were submitted for the period October 2010 – September 2015. A review of this data for this time period indicates the following:

**Fecal Coliform Bacteria (DMRs=59)**

| Value | Outfall # | Limit (col/100 ml) | Range (col/100 ml) | Mean (col/100 ml) |
|---|---|---|---|---|
| Monthly Average | 001 | 15 | 1 – 30 | 7 |
| Daily Maximum | 001 | 50 | 1 – 93 | 20 |
| Monthly Average | 003 | 15 | 1 – 2,000 | 40 |
| Daily Maximum | 003 | 50 | 1 – 2,000 | 74 |

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

| | | | | |
|---|---|---|---|---|
| Monthly Average | 005 | 15 | 1 – 1,183 | 26 |
| Daily Maximum | 005 | 50 | 1 – 2,000 | 70 |

The previous permit imposed fecal coliform bacteria limitations on a year-round basis. After discussions with Maine Department of Marine Resources, this permit is eliminating the year-round limitations and establishing seasonal (may 15 – September 30) which is consistent with the season established in Maine law, 38 M.R.S. §465(3)(B).

f. Total Residual Chlorine (TRC): Limitations on TRC are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. Department permitting actions impose the more stringent of either a water quality-based or best practicable treatment-based limit. With acute and chronic dilution factors associated with the discharge water quality-based concentration thresholds the discharge from all 16 sandfilter systems may be calculated as follows:

| Acute (A) Criterion | Chronic (C) Criterion | A & C Dilution Factors | Calculated Acute Threshold | Calculated Chronic Threshold |
|---|---|---|---|---|
| 0.019 mg/L | 0.011 mg/L | 450:1(A)<br>508:1 (C) | 8.55 mg/L | 5.59 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. The BPT-based standard of 1.0 mg/L is more stringent than the calculated acute water quality-based threshold of 8.55 mg/L and is therefore being carried forward for each outfall in this permitting action except for Outfall #003 where the limit is 0.3 mg/L and Outfall #005 which uses ultraviolet disinfection. The Department has identified Outfall #003 as being located in the section of the East Machias River most potentially sensitive to over chlorination due to the physical nature of the river at this location and the volume of discharge; therefore, the December 2000 permitting action required effluent dechlorination for Outfall #003.

For facilities that must dechlorinate their effluent in order to consistently achieve compliance with water quality based thresholds, the Department has established a daily maximum BPT limit of 0.3 mg/L unless calculated water quality based limits are lower than 0.3 mg/L. In the case of Outfall #003, the calculated acute water quality based threshold of 8.55 mg/L is higher than 0.3 mg/L. Therefore, the BPT limitation of 0.3 mg/L is being carried forward in this permitting action.

The Department reviewed 60 DMRs that were submitted for the period October 2010 – September 2015. A review of data indicates the following:

**Total Residual Chlorine (DMRs=60)**

| Value | Outfall # | Limit (mg/L) | Range (mg/L) | Mean (mg/L) |
|---|---|---|---|---|
| Daily Maximum | 001 | 1.0 | 0.19 – 1.86 | 0.33 |
| Daily Maximum | 003 | 0.3 | 0.00 – 0.10 | 0.27 |

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

This permitting action is carrying forward the TRC minimum monitoring frequency of 1/Week for Outfalls #001 and #003.

g. pH: The previous permitting action established, and this permitting action is carrying forward, a technology-based pH limit of 6.0 – 9.0 standard units (SU), which is based on 06-096 CMR 525(3)(III)(c), and a minimum monitoring frequency requirement of 1/Month. This permitting action is carrying forward the limitation and the monitoring frequency requirement of 1/Month.

The Department reviewed 60 DMRs that were submitted for the period June 2010 – May 2015. A review of data indicates the following:

**pH (DMRs=60)**

| Value | Outfall # | Limit (SU) | Range (SU) | Maximum (SU) |
|---|---|---|---|---|
| Daily Maximum | 001 | 6.0 – 9.0 | 5.50 – 7.60 | 7.60 |
| Daily Maximum | 003 | 6.0 – 9.0 | 3.70 – 6.90 | 6.90 |
| Daily Maximum | 005 | 6.0 – 9.0 | 5.50 – 8.00 | 8.00 |

h. Mercury: Pursuant to *Certain deposits and discharges prohibited*, Maine law, 38 M.R.S. § 420 and *Waste Discharge Licenses*, 38 M.R.S. § 413 and *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001), the Department issued a Notice of Interim Limits for the Discharge of Mercury to the permittee on August 28, 2000, thereby administratively modifying MEPDES ME0102156/WDL W006521-6B-F-R by establishing interim average and daily maximum effluent concentration limits of 5.74 parts per trillion (ppt) and 8.6, respectively, and a minimum monitoring frequency requirement of two (2) tests per year for mercury. 38 M.R.S. § 420(1-B)(B)(1) provides that a facility is not in violation of the AWQC for mercury if the facility is in compliance with an interim discharge limit established by the Department. A review of the Department's data base for the period of years 2010 – 2015 indicates the permittee has been in compliance with the interim limits for mercury as results have been reported as follows:

**Mercury (DMRs=6)**

| Value | Limit (ng/L) | Range (ng/L) | Mean (ng/L) |
|---|---|---|---|
| Average | 5.74 | 1.00 – 1.53 | 1.26 |
| Daily Maximum | 8.6 | | |

Pursuant to 38 M.R.S. § 420(1-B)(F), the Department issued a minor revision on February 6, 2012 to the August 2, 2010, permit thereby revising the minimum monitoring frequency requirement from twice per year to once per year given the permittee has maintained at least 5 years of mercury testing data. Pursuant to 38 M.R.S. § 420(1-B)(F), this permitting action is carrying forward the 1/Year monitoring frequency established in the February 6, 2012, permit modification.

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

i. Total Phosphorus: *Waste Discharge License Conditions*, 06-096 CMR 523 (effective January 12, 2001) specifies that water quality based limits are necessary when it has been determined that a discharge has a reasonable potential to cause or contribute to an excursion above any State water quality standard including State narrative criteria[1]. In addition, 06-096 CMR 523 specifies that water quality based limits may be based upon criterion derived from a proposed State criterion, or an explicit State policy or regulation interpreting its narrative water quality criterion, supplemented with other relevant information which may include: EPA's Water Quality Standards Handbook, October 1983, risk assessment data, exposure data, information about the pollutant from the Food and Drug Administration, and current EPA criteria documents[2].

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

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

The Town of East Machias has not submitted any total phosphorus effluent data to the Department. However, the Department does have effluent data from other sandfilter systems around the state. That Department has made a best professional judgment that a properly functioning sandfilter system discharges an effluent concentration of 0.5 mg/L of total phosphorus. For the background concentration in the East Machias River, the Department is using and assumed value for background total phosphorus concentration is 0.017 mg/L.

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

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

Using the following calculation, the Town does not exhibit a reasonable potential to exceed the EPA's Gold Book ambient water quality goal of 0.100 mg/L (100 µg/L) the Department's 06-096 CMR 583 draft goal of 0.030 mg/L (30 ug/L).

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

Qe = effluent flow i.e. facility design flow = 0.022 MGD
Ce = effluent pollutant concentration = 0.5 mg/L
Qs = 7Q10 flow of receiving water = 11.44 MGD
Cs = upstream concentration = 0.017 mg/L
Qr = receiving water flow (Qs + Qe) = (11.44 MGD + 0.022 MGD) =11.46 MGD
Cr = receiving water concentration

$$Cr = \frac{(0.022 \text{ MGD} \times 0.5 \text{ mg/L}) + (11.44 \text{ MGD} \times 0.017 \text{ mg/L})}{11.46 \text{ MGD}} = 0.018 \text{ mg/L}$$

$Cr = 0.018 \text{ mg/L} < 0.100 \text{ mg/L} \Rightarrow$ No, Reasonable Potential
$Cr = 0.018 \text{ mg/L} < 0.030 \text{ mg/L} \Rightarrow$ No, Reasonable Potential

The discharge from the Town will not result in a measurable increase in the ambient total phosphorous concentration of the East Machias River. **Therefore, no effluent limitations or monitoring requirements are being established in this permitting action.**

j. Total Nitrogen: 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. No facility-specific nitrogen data are available for the permittee and therefore an arithmetic mean value of all secondary treated municipal wastewater effluent for Maine marine discharges is being used. All data used in the calculation of this total nitrogen mean value, 17.2 mg/L (n=140), were compiled from studies coordinated by the Department. For reasonable potential evaluations, the Department considers 17.2 mg/L to be representative of total nitrogen discharge levels from the East Machias sanitary wastewater sand filter systems.

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.

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

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 using eelgrass as the indicator. Three known surveys have been completed within the Machias/East Machias River estuaries to document presence/absence of eelgrass. The first survey occurred in the 1970's by Timson of the Maine Geological Survey, and the second (1993) and third (2009) by the Maine Department of Marine Resources (DMR). The Timson survey extended upstream as far as the Willow Street. bridge and noted the presence of unvegetated intertidal and supratidal flats of varying substrate size, and high marsh adjacent to the Post Office discharge point. In the 1993 DMR survey, the nearest eelgrass was mapped at Randall Point in Machiasport, approximately 5 km downstream of the most downstream discharge point. In 2009, the DMR mapped approximately 18 acres of sparse eelgrass 2.5 km downstream of the same point. Although it is not known if the two aerial photography surveys extended as far upstream as the East Machias discharge points, it is unlikely that eelgrass of any substantial extent would exist in close proximity to the discharge points based on the low salinity of the ambient environment. Based on this mapping history and predicted absence of eelgrass in the vicinity of the outfall points, the use of 0.45 mg/L as a threshold value for dissolved oxygen as the indicator is appropriate for this estuary.

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 508:1. Far field dilutions are significantly higher than the near-field dilution, ranging from 10 – 1,000 times higher, depending on the location of the outfall pipe and nature of the receiving waterbody.

The permittee's wastewater treatment system discharges via 17 small diameter pipes into the East Machias River surrounding the marine Head of Tide. The East Machias River is a constricted estuary until merging with the Machias River approximately 3 km downstream, and eventually opening into the upper reaches of Machias Bay approximately 3 km below the confluence. Both the Machias and East Machias River estuaries are shallow systems with largely exposed mudflats on low tides. For these conditions, far-field dilutions are estimated to be a minimum of 2,444:1 during neap tides and a minimum of 2,918:1 during spring tides.

Using the most-protective far-field dilution factor at neap tide, the increase in total nitrogen concentration within the East Machias River estuary as a result of the discharge is estimated to be 0.006 mg/L.

Total nitrogen concentrations in effluent = 14.3 mg/L
Far-field dilution factor = 2444:1

In-stream concentration after dilution: $\frac{14.3 \text{ mg/L}}{2444} = 0.006 \text{mg/L}$

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

The Department and external partners have been collecting ambient total nitrogen data along Maine's coast. For the East Machias River estuary, no known ambient nitrogen data exist. However, the Department completed sampling just below Head of Tide on the adjacent Narraguagus River from July-September 2015, and based on correspondence with a local environmental chemist with experience on the freshwater portion of Downeast Rivers, the Narraguagus River can be considered chemically similar to the East Machias River. The Downeast Rivers can be classified as having nitrogen that is largely organically bound and thus not available for rapid uptake by phytoplankton and benthic macrophytes. The mean value for the Head of Tide site on the Narraguagus River is 0.47 mg/L (n = 4), and will be used as the ambient value for the East Machias River until further data collection can occur to increase sample size and gather estuary-specific data.

Based on the reasonable potential calculations above using facility-specific effluent and ambient data, 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 Town of Machias 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 B or Class SB classification.

## 8. PUBLIC COMMENTS

Public notice of this application was made in the *Machias Valley News Observer* newspaper on or about March 18, 2015. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits must have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses,* 06-096 CMR 522 (effective January 12, 2001).

## 9. DEPARTMENT CONTACTS

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

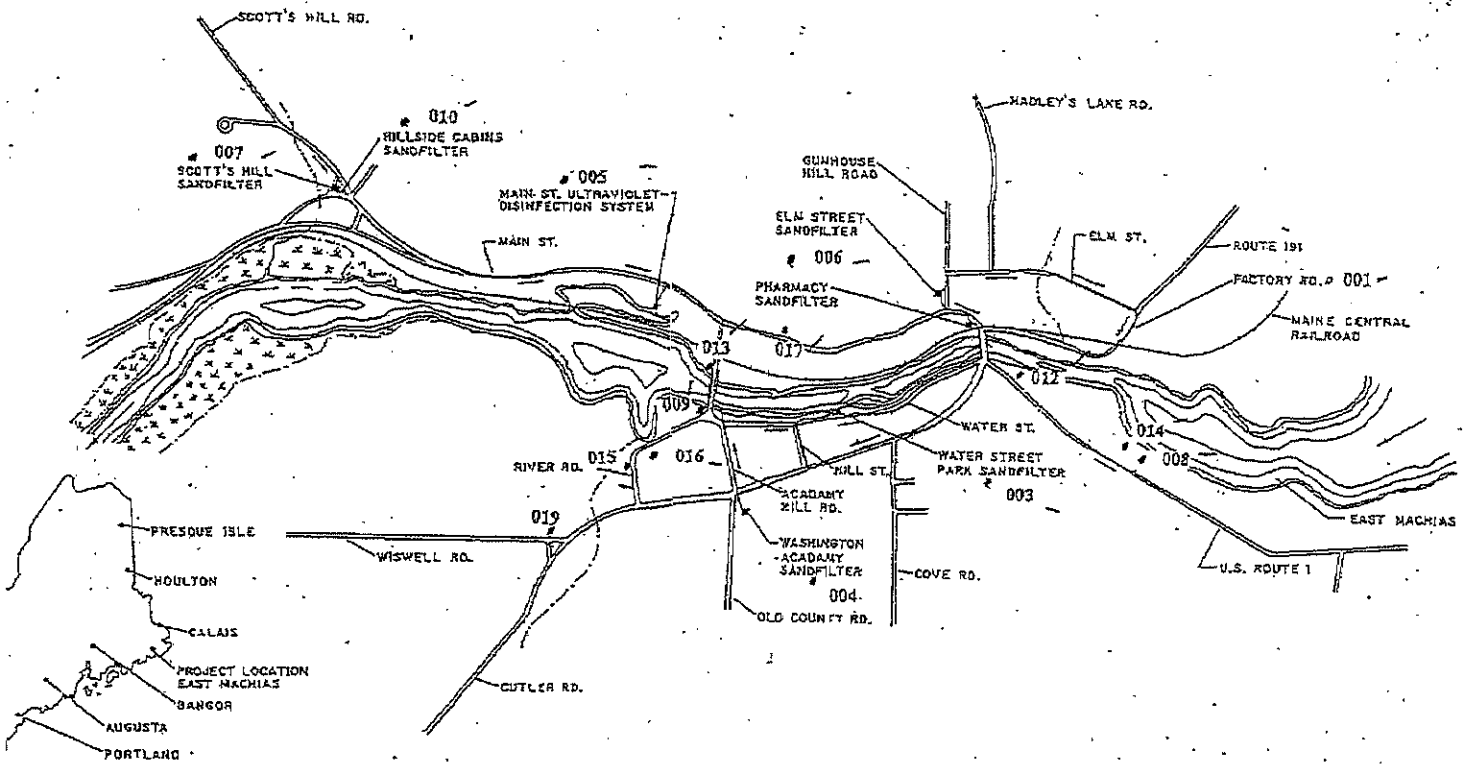
Gregg Wood
Division of Water Quality Management
Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 485-2404
e-mail: gregg.wood@maine.gov

## 10. RESPONSE TO COMMENTS

During the period of June 26, 2018, through the issuance date of the permit/license, the Department solicited comments on the proposed draft permit/license to be issued for the discharge(s) from the permittee's facility. The Department did not receive comments from the permittee, state or federal agencies or interested parties that resulted in any substantive change(s) in the terms and conditions of the permit. Therefore, the Department has not prepared a Response to Comments.

# ATTACHMENT A

APPENDIX A




002 and 011 locations are on map on reverse side

FIGURE 1-1
VICINITY AND
LOCATION MA

# DEP INFORMATION SHEET

## Appealing a Department Licensing Decision

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


**SUMMARY**

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

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

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


### I. ADMINISTRATIVE APPEALS TO THE BOARD

#### LEGAL REFERENCES

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

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

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

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

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

#### WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

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

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

## OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

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

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

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

## II. JUDICIAL APPEALS

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

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

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

### ADDITIONAL INFORMATION

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

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