



DEPARTMENT ORDER

IN THE MATTER OF

VASSALBORO SANITARY DISTRICT)	MAINE POLLUTANT DISCHARGE
PUBLICLY OWNED TREATMENT WORKS)	ELIMINATION SYSTEM PERMIT
VASSALBORO, KENNEBEC COUNTY, MAINE)	AND
ME0102661)	WASTE DISCHARGE LICENSE
W008102-6A-H-M)	MINOR REVISION
CEMETERY STREET		
APPROVAL		

Pursuant to the provisions of the *Federal Water Pollution Control Act*, Title 33 USC, §1251, *Conditions of licenses*, 38 M.R.S. § 414-A, and applicable regulations, the Department of Environmental Protection (Department) is revising combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0102661/Maine Waste Discharge License (WDL) #W008102-6A-G-R issued by the Department on September 19, 2015 and granted to the Vassalboro Sanitary District (permittee/VSD), for a five-year term. With its supportive data, agency review comments, and other related materials on file and other related materials on file, the Department FINDS THE FOLLOWING FACTS:

REVISION

The permittee has requested that an article in Special Condition E, Schedule of Compliance-Phosphorus be revised from:

On or before September 1, 2019 [ICIS code 95799]–Complete substantial construction and place into operation the preferred option in accordance with the approved plans and schedule agreed upon by the Department and VSD.

to:

On or before September 1, 2020 [ICIS code 95799]–Complete substantial construction and place into operation the preferred option in accordance with the approved plans and schedule agreed upon by the Department and VSD.

The Department acknowledges this request and as such, is revising Special Condition E, Schedule of Compliance-Phosphorus to reflect the date requested by the permittee. Special Condition E, Schedule of Compliance-Phosphorus as revised is attached in this Minor Revision.

CONCLUSIONS

BASED on the findings on page 1 of this minor revision, and subject to the Conditions listed below, the Department makes the following conclusions:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, 38 M.R.S. §464(4)(F), will be met, in that:
 - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
 - (c) Where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and
 - (e) Where a discharge will result in lowering the existing water quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharge will be subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S. § 414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the revision to combination MEPDES permit #ME102661/WDL #W008102-6A-G-R which was issued by the Department on September 19, 2015, for a five-year term, to amend a date in an article of Special Condition E Schedule of Compliance-Phosphorus from September 1, 2019 to September 1, 2020, 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 to MEPDES permit ME0102661/WDL #W008102-6A-G-R last issued by the Department on September 19, 2015, for a five-year term.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. All terms and conditions of MEPDES permit ME0102661/WDL #W008102-6A-G-R last issued by the Department on September 19, 2015, for a five-year term, not modified by this minor revision remain in effect and enforceable.
4. This minor revision and the authorization to discharge become effective upon the date of signature below and expire at midnight on September 19, 2020. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this minor revision, the authorization to discharge and the terms and conditions of this minor revision and all modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (effective June 9, 2018)].

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DONE AND DATED AT AUGUSTA, MAINE, THIS 8 DAY OF October 2019.

BY: [Signature]
for Gerald Reid, Commissioner

Date of initial receipt of application: September 20, 2019

Date of application acceptance: September 23, 2019

Date filed with Board of Environmental Protection _____

This Order prepared by Rod Robert, BUREAU OF WATER QUALITY

Filed
OCT 09 2019
State of Maine Board of Environmental Protection

SPECIAL CONDITIONS

E. SCHEDULE OF COMPLIANCE—PHOSPHORUS

On or before October 1, 2015 [ICIS code 95799]—VSD must submit to the Department for Review and approval a final alternatives analysis for upgrading or replacement of its three treatment facilities so as to be in compliance with Total Phosphorus limits.

On or before December 31, 2015 [ICIS code 95799]—VSD must commence funding research so as to secure adequate funds for upgrading or replacing existing treatment facilities so as to be in compliance with Total Phosphorus effluent limitations.

On or before August 1, 2016 [ICIS code 95799]—VSD must submit results of funding search, and if VSD is unable to secure adequate funding for upgrading or replacing existing facilities. If despite its best efforts, VSD is unable to secure adequate funding for upgrading or replacing existing treatment facilities so as to be in compliance with Total Phosphorus, VSD may request an amendment to this permit to revise the timeline in this Schedule of Compliance.

On or before October 1, 2017 [ICIS code 95799]—VSD shall submit to the Department for review and approval the final design of the preferred option that includes final plans, and a schedule for upgrading or replacing the existing facilities so as to be in compliance with Total Phosphorus.

On or before September 1, 2020 [ICIS code 95799]—Complete substantial construction and place into operation the preferred option in accordance with the approved plans and schedule agreed upon by the Department and VSD.

Beginning on June 1, 2020 the monthly average phosphorous limitation of 0.33 lbs./day is in effect.