



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAWN R. GALLAGHER
COMMISSIONER

Mr. Paul Jacques
CES Inc.
P.O. Box 639
Brewer, ME. 04412

November 4, 2005

RE: Maine Waste Discharge License #W008223-5T-A-N
Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0102695
Final Permit/License

Dear Mr. Jacques:

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

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

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

Sincerely,

Gregg Wood
Division of Water Resource Regulation
Bureau of Land and Water Quality

Enc.

cc: Clarissa Trasko, DEP/EMRO

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688
RAY BLDG., HOSPITAL ST.

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

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

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: 764-1507



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

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF MILFORD)	MAINE POLLUTANT DISCHARGE
MILFORD, PENOBSCOT COUNTY, MAINE)	ELIMINATION SYSTEM PERMIT
COMBINED SEWER OVERFLOW)	AND
#W008223-5T-A-N)	WASTE DISCHARGE LICENSE
ME0102695)	NEW
		APPROVAL

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, Section 1251, et seq. and Maine Law 38 M.R.S.A., Section 414-A et seq., and applicable regulations, the Department of Environmental Protection (the Department) has considered the application of the TOWN OF MILFORD (Town hereinafter) with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The permittee has applied for a new combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0102695/Waste Discharge License (WDL) #W008223-5T-A-N, (permit hereinafter). The permittee is seeking authorization to discharge an unspecified quantity of untreated sanitary waste water combined with storm water runoff from a manhole structure (referred to as the Bangor Hydro Electric CSO) to the Penobscot River, Class B in Milford, Maine.

PERMIT SUMMARY

On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency (USEPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine, excluding areas of special interest to Maine Indian Tribes. On October 30, 2003, after consultation with the U.S. Department of Justice, the USEPA extended Maine's NPDES program delegation to all but two tribally-owned discharges. The extent of Maine's delegated authority is under appeal at the time of this permitting action. The program has been referred to as the MEPDES program and permit #ME0102695 will be utilized as the primary reference number for the Town of Milford's MEPDES permit.

This permitting action requires the permittee to monitor the flow and number of overflow events at the combined sewer overflow (CSO) structure, periodically update the Town's CSO Master Plan and submit annually report progress to eliminate the CSO.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated November 3, 2005, 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 MRSA Section 464(4)(F), will be met, in that:
 - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
 - (c) The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and
 - (e) Where a discharge will result in lowering the existing 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.

ACTION

THEREFORE, the Department APPROVES the above noted application of the TOWN OF MILFORD to discharge an unspecified quantity of untreated sanitary waste waters combined with storm water runoff from the Bangor Hydro Electric CSO to the Penobscot River, Class B, in Milford, Maine, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

1. "Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits," revised July 1, 2001, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This permit expires five (5) years from the date of signature.

DONE AND DATED AT AUGUSTA, MAINE, THIS 4TH DAY OF November, 2005.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____

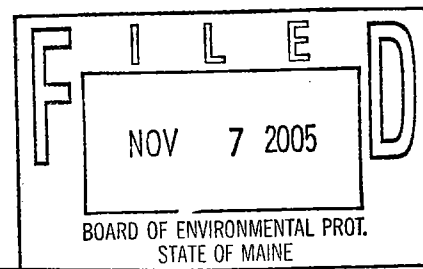
Dawn Gallagher, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application _____ July 26, 2005 _____.

Date of application acceptance _____ July 27, 2005 _____.

Date filed with Board of Environmental Protection _____



This order prepared by Gregg Wood, Bureau of Land and Water Quality.

W82235TA

11/3/05

SPECIAL CONDITIONS

A. CONDITIONS FOR COMBINED SEWER OVERFLOW (CSO)

1. Pursuant to Chapter 570 of Department Rules (Combined Sewer Overflow Abatement), the permittee is authorized to discharge combined storm water and sanitary waste water from the following CSO subject to the conditions and requirements contained herein:

<u>Outfall #</u>	<u>Location</u>	<u>Receiving Water & Class</u>
001	Bangor Hydro Electric CSO	Penobscot River, Class B

2. Prohibited Discharges
 - a) The discharge of dry weather flows is prohibited. All such discharges shall be reported to the Department in accordance with Standard Condition D (1) of this permit.
 - b) No discharge shall occur as a result of mechanical failure, improper design or inadequate operation or maintenance.
 - c) No discharges shall occur at flow rates below the maximum design capacity of the wastewater treatment facility, pumping stations or sewerage system.
3. Narrative Effluent Limitations
 - a) The effluent shall not contain a visible oil sheen, settled substances, foam, or floating solids at any time that impair the characteristics and designated uses ascribed to the classification of the receiving waters.
 - b) The effluent shall not contain materials in concentrations or combinations that are hazardous or toxic to aquatic life; or which would impair the usage designated by the classification of the receiving waters.
 - c) The discharge shall not cause visible discoloration or turbidity in the receiving waters which would impair the usages designated by the classification of the receiving waters.
 - d) Notwithstanding specific conditions of this permit, the effluent by itself or in combination with other discharges shall not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

SPECIAL CONDITIONS

A. CONDITIONS FOR COMBINED SEWER OVERFLOW (CSO) (cont'd)

4. CSO Long Term Control Plan (see Sections 2 & 3 of Chapter 570 Department Rules)

The permittee shall implement CSO control projects in accordance with an approved CSO Master Plan entitled Town of Milford Sanitary Sewer Overflow Report, February 2003 prepared by Civil Engineering Services (CES) and the amendment letter and schedule contained in a CES letter dated August 22, 2005, to the Department. The permittee shall:

By December 31, 2007, (PCS Code 04599) the permittee shall complete the project referred to as the County Road/Route#2 Conveyance Project. This project as currently proposed will re-route of the collection system around the last manhole at the Bangor Hydro Electric CSO and abate CSO flows.

By June 30, 2010, (PCS Code 06699), if CSO flows have been eliminated, the permittee shall submit a report analyzing the effectiveness of the abatement projects. If CSO flows have not been eliminated, the permittee shall submit an updated CSO Master Plan and abatement schedule for review and approval by the Department.

To modify the dates and or projects specified above (but not dates in the Master Plan), the permittee must file an application with the Department to formally modify this permit. The work items identified in the abatement schedule may be amended from time to time based upon approval by the Department. The permittee must notify the Department in writing prior to any proposed changes to the implementation schedule.

5. Nine Minimum Controls (NMC) (see Section 5 Chapter 570 of Department Rules, copy attached)

The permittee shall implement and follow the Nine Minimum Control documentation. Work performed on the Nine Minimum Controls during the year shall be included in the annual CSO Progress Report (see below).

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

The permittee shall conduct flow monitoring according to a Department approved *Compliance Monitoring Program* on Outfall 001, as part of the CSO Master Plan.

Annual flow volumes for Outfall 001 shall be determined by actual flow monitoring.

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

SPECIAL CONDITIONS

A. CONDITIONS FOR COMBINED SEWER OVERFLOW (CSO) (cont'd)

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

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

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

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

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

8. Signs

The permittee shall maintain an identification sign at the CSO location as notification to the public that intermittent discharges of untreated sanitary wastewater occur. The sign must be located at or near the outfall and be easily readable by the public. The sign shall be a minimum of 12" x 18" in size with white lettering against a green background and shall contain the following information:

**TOWN OF MILFORD
WET WEATHER
SEWAGE DISCHARGE
BANGOR HYDRO ELECTRIC OUTFALL**

SPECIAL CONDITIONS

A. CONDITIONS FOR COMBINED SEWER OVERFLOW (CSO) (cont'd)

9. Definitions

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

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

B. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from Outfall 001. Discharges of waste water from any other point source are not authorized under this permit, but shall be reported in accordance with Standard Condition B(5)(*Bypass*) of this permit.

C. PUMP STATION EMERGENCY BYPASSES

Discharges from emergency bypass structures in pump stations are not authorized by this permit. **On or before March 1, 2006**, (*PCS Code CS001*) the permittee shall submit to the Department for review and approval, a monitoring plan to determine the frequency and quantity (via measurement or estimation) of wastewater if discharged from the bypass structures of the pump stations listed below. Discharges from the following pump stations shall be reported in accordance with Standard Condition B(5), *Bypasses*, and Special Condition B, *Unauthorized Discharges*, of this permit. **On or before October 1, 2006**, (*PCS Code 53399*) the permittee shall install/implement and have fully operational, the Department approved measure(s) to monitor any discharges from the bypass structures.

<u>Outfall #</u>	<u>Location</u>	<u>Receiving Water & Classification</u>
002	County Road Pump Station	Drainage Swale, Not classified
003	Bradley Road Pump Station	Penobscot River, Class B

SPECIAL CONDITIONS

D. REOPENING OF PERMIT FOR MODIFICATIONS

Upon evaluation of test results required by this permit, new site specific information or any other pertinent information gathered during the term of this permit, the Department may, at anytime 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.

E. SEVERABILITY

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

AND

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: November 3, 2005

PERMIT NUMBER: **ME0102695**

LICENSE NUMBER: **W008223-5T-A-N**

NAME AND ADDRESS OF APPLICANT:

**Town of Milford
P.O Box 336
Milford, ME 04461-0639**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**Davenport Street
Milford, ME. 04461**

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

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. James Hancock
Town Manager
(207) 827-2072
Email: milfordjiml@adelphia.net**

1. APPLICATION SUMMARY

The permittee has applied for a new combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0102695/Waste Discharge License (WDL) #W008223-5T-A-N, (permit hereinafter). The permittee is seeking authorization to discharge an unspecified quantity of untreated sanitary waste water combined with storm water runoff from a manhole structure (referred to as the Bangor Hydro Electric CSO) to the Penobscot River, Class B in Milford, Maine.

2. PERMIT SUMMARY

- a. Regulatory: On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency (USEPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine, excluding areas of special interest to Maine Indian Tribes. On October 30, 2003, after consultation with the U.S. Department of Justice, the USEPA extended Maine's NPDES program delegation to all but two tribally-owned discharges. The extent of Maine's delegated authority is under appeal at the time of this permitting action. The program has been referred to as the MEPDES program and permit #ME0102695 will be utilized as the primary reference number for the Town of Milford MEPDES permit.
- b. Terms and Conditions: This permitting action requires the permittee to monitor the flow and number of overflow events at the combined sewer overflow (CSO) structure, periodically update the Town's CSO Master Plan and annually submit report progress to eliminate the CSO. See Attachment A of the permit.
- c. Source Description – The Town of Milford has an existing sanitary sewer collection system which collects sanitary waste waters generated by residential and commercial entities in the Town of Milford. Sanitary waste waters are conveyed the Town of Old Town's waste water treatment facility that is regulated by this Department via MEPDES permit #ME0100471. The Town of Milford's sanitary collection system is approximately 40,000 feet long with four pump stations. All waste water collected flow through one of two main lines which combine on Main Street prior to crossing the bridge from Milford to French Island. One line comes from the Bradley Road pump station and the other is considered the west side interceptor line and collects waste water from the downtown area, westerly side residences and the northerly area of the Town along Route #2. The combined flow is metered through a flume located on French Island just after the bridge between the Town of Milford and French Island.
- d. History – The most recent regulatory actions include the following:
 - July 1992* – The James Sewall Company prepared and submitted a draft report to the Department entitled, Town of Milford, Combined Sewer Overflow Master Plan, Draft, Assessment Report, July 1992.
 - February 2003* – Civil Engineering Services, Inc. prepared and submitted to the Department a report entitled, Town of Milford, Sanitary Sewer Overflow Report, February 2003.
 - July 26, 2005* – The Town of Milford submitted an application to the Department for a combination MEPDES permit/WDL for discharges from the CSO referred to as the Bangor Hydro Electric CSO.
 - August 22, 2005* – On behalf of the Town of Milford, consulting firm Civil Engineering Services (CES) submitted an amended CSO Master Plan that was reviewed and approved by the Department.

3. CONDITIONS OF PERMITS

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

Department Regulation Chapter 570, *Combined Sewer Overflow Abatement*, requires that a CSO Master Plan be submitted to the Department for review and approval. The Town of Milford has satisfied this requirement by the submission of a CSO Master Plan to the Department in 1992. The regulation also requires an implementation schedule for CSO abatement projects, the implementation of the Nine Minimum Controls, a compliance monitoring program, and submission of annual CSO progress reports.

4. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A., Section 467(7)(A)(5) classifies the Penobscot River at the point of discharge as a Class B waterway. Maine law, 38 M.R.S.A., Section 465(3) describes the classification standards for Class B waterways.

5. RECEIVING WATER QUALITY CONDITIONS

A document entitled *The State of Maine 2004 Integrated Water Quality Monitoring and Assessment Report*, prepared pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the segment of the Penobscot River at Old Town-Milford (assessment unit ME0102000509) in a section of the report entitled *Category 4-B-2: Rivers and Streams Impaired by Bacteria from Combined Sewer Overflows (TMDL Required Only If Control Plans Insufficient)*. The report indicates there are four CSO's within this segment of the river, three associated with the Town of Old Town's collection system and one associated with the Town of Milford's collection system. The Department has tentatively established calendar year 2014 for the TMDL if non-attainment of bacteria standards persists.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

This permitting action does not establish numeric effluent limitations for the discharges from the Bangor Hydro Electric CSO. However, in April, 1994, the EPA adopted a National Combined Sewer Overflow Control Policy that strives to: 1) Accurately characterize collection systems through sampling, monitoring and modeling; 2) Implement best management practices as described in its Nine Minimum Controls Strategy and 3) Develop a long term control plan often referred to as a Master Plan.

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

The Town of Milford is currently addressing the National Policy by: 1) characterizing the discharge through the installation of flow monitoring equipment to monitor the overflows; and 2) has completed the development of a CSO Master Plan entitled *Town of Milford Sanitary Sewer Overflow Report, February 2003* prepared by Civil Engineering Services (CES), submitted an amendment letter and schedule contained in a CES letter dated August 22, 2005, and submitted a Sanitary Sewer Overflow Report to abate the overflows, Special Condition A, *Conditions For Combined Sewer Overflow (CSO)*, of this permitting action requires the Town of Milford to continue to evaluate and take specific actions to eliminate the CSO.

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As permitted, the Department has determined the existing water uses will be maintained and protected. The Department acknowledges that total elimination of the CSO is a costly long term project. With the implementation of the CSO Master Plan and Nine Minimum Controls, the Department anticipates a significant reduction in CSO discharge events and improvements in the water quality in the Penobscot River affected by the CSO discharges.

8. PUBLIC COMMENTS

Public notice of this application was made in the Bangor Daily News newspaper on or about July 26, 2005. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing pursuant to Chapter 522 of the Department's rules.

9. DEPARTMENT CONTACTS

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

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

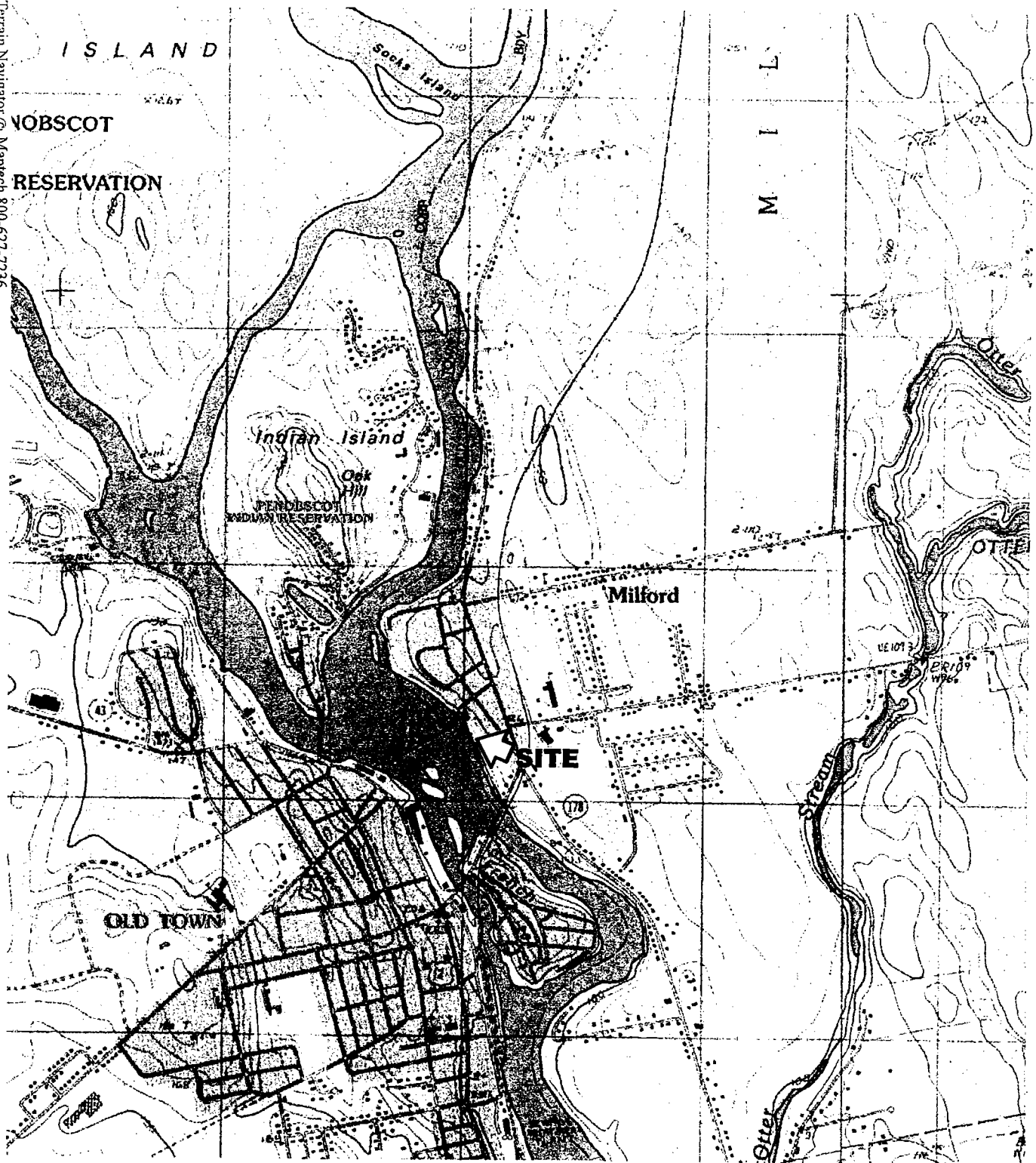
10. RESPONSE TO COMMENTS

During the period of October 3, 2005, 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 Town of Milford's combined sewer overflow. 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

Terrain Navigator © Maptech 800-627-7236

ISLAND
NOBSCOT
RESERVATION



SOURCE:
U.S.G.S. TOPOGRAPHIC QUADRANGLE
MILFORD, MAINE
@ 1: 24 000



ENGINEERS • SURVEYORS
465 So. Main Street P.O. Box 639 Brewer, ME 04412
Tel: 207-989-4824 FAX 207-989-4881

TOWN OF MILFORD MILFORD, MAINE LOCATION MAP

DATE: 1/14/05
Jn: 3589