



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

December 28, 2006

Mr. Steve Beveridge
Public Works Director
City of Rockland
P.O. Box 10
Rockland Harbor, ME 04856

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0036323
Maine Waste Discharge License (WDL) Application #W-007939-5V-C-R
Final MEPDES permit and Maine WDL

Dear Mr. Beveridge:

Enclosed, please find a copy of your **final** MEPDES permit and Maine WDL 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 regarding the matter, please feel free to call me at 287-7659.

Sincerely,

File

Bill Hinkel
Division of Water Quality Management
Bureau of Land and Water Quality

Enclosure

cc: Denise Behr, DEP
Lori Mitchell, DEP
Sandy Lao, USEPA

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
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: (207) 760-3143



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

DEPARTMENT ORDER

IN THE MATTER OF

CITY OF ROCKLAND)	MAINE POLLUTANT DISCHARGE
WASTE SNOW DUMP)	ELIMINATION SYSTEM PERMIT
ROCKLAND, KNOX COUNTY)	AND
#ME0036323)	WASTE DISCHARGE LICENSE
#W007939-5V-C-R APPROVAL)	RENEWAL

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

APPLICATION SUMMARY

The City has applied to the Department for renewal of Waste Discharge License (WDL) #W007939-5V-B-R/ Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0036323, which was issued on February 19, 2002, and is scheduled to expire on February 19, 2007. The WDL approved the discharge of waste snow collected from roadways, sidewalks, and parking areas in the downtown Rockland area to Rockland Harbor at the Municipal Fish Pier, Class SC, in Rockland, Maine.

PERMIT SUMMARY

This permitting action is establishing a new requirement to implement best management practices (BMPs) for the discharge of waste snow to Rockland Harbor (Special Condition C). The permittee is required to employ BMPs to minimize contamination of waste snow with street litter and sand or sand-salt mixtures. This permit does not authorize the discharge of waste snow that is contaminated with oil, petroleum products, chemicals, hazardous wastes or substances, or solid waste (other than incidental street litter).

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated November 27, 2006, 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.A. §464(4)(F), will be met, in that:
 - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
 - (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 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 discharges will be subject to effluent limitations that require application of best practicable treatment as defined in Maine law, 38 M.R.S.A., §414-A(1)(D).
5. No practicable upland alternative location(s) exists for the disposal of waste snow collected by the City of Rockland.
6. The discharge will not have a significant impact on navigation.
7. The City will restrict the use of sand or sand-salt mixtures in those areas from which the snow will be collected for disposal in Rockland Harbor.
8. The City will employ best management practices to minimize contamination of waste snow by litter.
9. The City shall not discharge waste snow that is contaminated with oil, chemicals, hazardous wastes or substances, or solid waste (other than incidental street litter) such that the discharge violates Conditions 1 through 3 of this section.

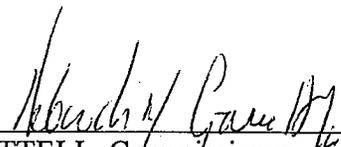
ACTION

THEREFORE, the Department APPROVES the above noted application of the CITY OF ROCKLAND to discharge an unspecified quantity of waste snow to Rockland Harbor at the Municipal Fish Pier, Class SC, in Rockland, 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, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. The expiration date of this permit is five (5) years from the date of signature below.

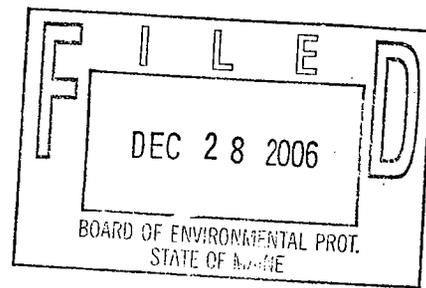
DONE AND DATED AT AUGUSTA, MAINE, THIS 28th DAY OF December, 2006.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 
DAVID P. LITTELL, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: November 22, 2006
Date of application acceptance: November 22, 2006



Date filed with Board of Environmental Protection: _____

This Order prepared by William F. Hinkel, BUREAU OF LAND & WATER QUALITY

W79395VC 12/27/06

SPECIAL CONDITIONS

A. NOTIFICATION REQUIREMENT

In accordance with Standard Condition D, the permittee shall notify the Department of the following.

1. Substantial expansion of the areas from which snow is collected for disposal.
2. Substantial increases in development in the areas from which snow is collected for disposal, including new commercial or industrial developments.
3. Any substantial change in the volume of waste snow or snow dump area. For the purposes of this section, notice regarding substantial change shall include information on:
 - a. the quality and quantity of waste snow introduced to the snow dump; and
 - b. any anticipated impact caused by the change in the quantity or quality of the waste snow to be discharged from the snow dump area.
4. Any substantial change in snow dumping activities that may affect navigation.

B. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from the Municipal Fish Pier. Discharges of waste snow from any other point source are not authorized under this permit.

C. CONDITIONS FOR THE DISCHARGE OF WASTE SNOW

1. The discharge shall not cause a visible oil sheen, foam, or floating solids, other than ice or snow, at any time, or which would impair the usage designated by the classification of the receiving waters.
2. The effluent shall not contain materials in concentrations or combinations, which are hazardous or toxic to aquatic life, or which would impair the usages designated by the classification of the receiving waters.
3. The discharge shall not impart color, taste, turbidity, toxicity, radioactivity or other properties, which cause those waters to be unsuitable for the designated uses and characteristics ascribed to their class.
4. Notwithstanding specific conditions of this permit, the effluent must 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.
5. The discharge of snow shall not cause impoundment of the receiving waters or alter its flow and snow shall not be allowed to accumulate on the inter-tidal areas or wetland.

SPECIAL CONDITIONS

C. CONDITIONS FOR THE DISCHARGE OF WASTE SNOW (cont'd)

6. The discharge of snow shall only occur at the Municipal Fish Pier, or any other site approved by the Department.
7. Only snow which is removed from areas where the use of sand or sand/salt mixtures is restricted may be discharged. All waste snow collected for disposal via discharge must be removed from the collection area within 72 hours following the end of a snow event.
8. Snow, which is visibly contaminated with oil, chemicals, hazardous wastes or substances, or solid waste (other than incidental street litter) shall not be discharged. Snow collected from areas affected by chemical spills or other circumstances which may result in the presence of toxic compounds in toxic amounts shall not be discharged.
9. The permittee shall conduct weekly litter removal of the areas from which waste snow will be discharged.

D. RECORD OF ACTIVITIES FOR WASTE SNOW DUMPS

The permittee shall maintain a record for snow removal and disposal activities which includes information on:

1. Changes in development or snow removal practices that may affect the quality or quantity of waste snow discharged.
2. The approximate quantity (gallons, cubic yards or other measure) of waste snow discharged overboard per day.
3. Reports or observations of floating materials, deposits, changes to navigation or other circumstances that result from the discharge of waste snow from the approved site.
4. Best Management Practices (BMPs) conducted to minimize the discharge of pollutants, such as street litter and debris.

The Record Log and copies of BMPs shall be kept on-site at all times and made available to Department and USEPA personnel upon request.

SPECIAL CONDITIONS

E. REOPENING OF PERMIT FOR MODIFICATION

Upon evaluation of the tests results in the Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at 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.

F. 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
WASTE DISCHARGE LICENSE**

**PROPOSED DRAFT
FACT SHEET**

Date: **NOVEMBER 27, 2006**

MEPDES PERMIT: #ME0036323
WASTE DISCHARGE LICENSE: #W007939-5V-C-R

NAME AND ADDRESS OF APPLICANT:

**CITY OF ROCKLAND
270 PLEASANT STREET
ROCKLAND, MAINE 04841**

COUNTY: **KNOX**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**ROCKLAND HARBOR AT THE MUNICIPAL FISH PIER
ROCKLAND, MAINE 04841**

RECEIVING WATER/CLASSIFICATION: **ROCKLAND HARBOR/CLASS SC**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **MR. GREG BLACKWELL, DIRECTOR
PUBLIC WORKS DEPARTMENT
(207) 594-0320**

1. APPLICATION SUMMARY

Application: The City of Rockland (City) has applied to the Department of Environmental Protection (Department) for renewal of Waste Discharge License (WDL) #W007939-5V-B-R/ Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0036323, which was issued on February 19, 2002, and is scheduled to expire on February 19, 2007. The WDL approved the discharge of waste snow collected from roadways, sidewalks, and parking areas in the downtown Rockland area to Rockland Harbor at the Municipal Fish Pier, Class SC, in Rockland, Maine.

2. PERMIT SUMMARY

- a. Terms and Conditions: This permitting action is establishing a new requirement to implement best management practices (BMPs) for the discharge of waste snow to Rockland Harbor (Special Condition C). The permittee is required to employ BMPs to minimize contamination of waste snow with street litter and sand or sand-salt mixtures. This permit does not authorize the discharge of waste snow that is contaminated with oil, petroleum products, chemicals, hazardous wastes or substances, or solid waste (other than incidental street litter).
- b. Facility History: This section provides a summary of significant licensing/permitting actions that have been completed for the City.

January 12, 2001 – The Department received authorization from the USEPA to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine, excluding areas of special interest to Maine Indian Tribes.

February 19, 2002 – The Department issued WDL #W007939-5V-B-R/MEPDES permit #ME0036323 to the City for the discharge of an unspecified quantity of waste snow collected from the downtown Rockland area to Rockland Harbor. The 2/19/02 permit is scheduled to expire on February 19, 2007, and superseded WDL # W007939-58-A-R issued on April 4, 1996 (earliest Order on file with the Department).

November 22, 2006 – The City submitted a timely and complete General Application to the Department for renewal of the 2/19/02 MEPDES permit. The application was accepted by the Department on November 22, 2006.

- c. Source Description: Snow is removed from a variety of municipal roadways, parking lots, and other areas and transported to the Municipal Fish Pier, which is identified on the map include as Attachment A of this Fact Sheet. There are approximately 15 miles of streets and roads as well as ancillary parking lots, walkways and other areas to be cleared in the City. The City stated in facsimile to the Department dated November 15, 2006, that, “The City does not at this time allow industrial or commercial discharge of snow into the Harbor from the Municipal Fish Pier; however, should a contractor be willing and able to meet DEP and City requirements, we would not prohibit this usage.” The snow is collected in dump trucks for transport to the Municipal Fish Pier.

The City reported that best management practices (BMPs) currently employed to minimize contamination of snow to be discharged include street sweeping (3 times/week from October through November of each year), waste receptacle and dog litter signage (receptacles emptied twice per week throughout winter); litter law enforcement and use of public works crews to removal large litter items.

2. PERMIT SUMMARY (cont'd)

The City provided a letter from the U.S. Coast Guard, dated November 2, 2006, which states, "It has been determined that there are no hazards to navigation related to snow dumping at the Rockland Municipal Fish Pier in Rockland Harbor." The City provided a letter from the Rockland Harbor Master, dated October 27, 2006, which states, "We have no record of adverse impact on navigation as a result of dumping snow into Rockland Harbor and I do not anticipate any in the future."

The permittee has evaluated the suitability of other City-owned land (a total of 30 parcels greater than 4 acres in size) for an upland snow dump and has determined them to be unsuitable or not practicable for one or more of the following reasons: watershed protection, wetland protection, insufficient area, lack of suitable vehicle access, interference with other existing site uses, or nuisance to neighboring lands.

- d. Wastewater Treatment: The City does not provide treatment of waste snow prior to overboard discharge. The City employs best management practices to minimize debris and sand in the waste snow collected for disposal. The waste snow is discharged to a tidal portion of Rockland Harbor below the normal low water line that is influenced by an approximately 11-foot vertical tidal cycle.

3. CONDITIONS OF PERMIT

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.

4. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A. §469(3)(C)(1) classifies the marine and estuarine waters of Rockland Harbor at the point of discharge as Class SC waters. Maine law, 38 M.R.S.A. §465-B(3) describes the standards for Class SC waters.

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2004 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 the estuarine and marine waters at Rockland as, “*Category 4-B-2: Estuarine and Marine Waters Impaired by Bacteria From Combined Sewer Overflows (TMDL Required Only if Control Plans are Insufficient)*” (Waterbody ID#722-40). The Report also lists the receiving waters as, “*Category 5-B-1: Estuarine and Marine Waters Impaired only by Bacteria (TMDL) Required*” (Waterbody ID #722-8) and lists sources causing impairment as discharges from sewage treatment plants, overboard discharge systems, boats, storm water, and non-point source pollution. The Department has not scheduled a total maximum daily load (TMDL) study for Rockland Harbor at this time. The Department will identify sources contributing to the non-attainment status of the receiving waters and will allocate waste loads to point source dischargers as necessary once a TMDL has been completed for this waterbody.

The City of Rockland has developed and implemented a Combined Sewer Overflow (CSO) master plan for the elimination of all CSO points associated with the Rockland wastewater treatment facility collection system. The Department acknowledges that elimination of all CSO points is a costly and long-term project. As the City’s treatment plant and sewer collection system are upgraded and maintained in according to the CSO Master Plan and Nine Minimum Controls, there should be reductions in the frequency and volume of CSO and primary treatment activities and, over time, improvement in the quality of the wastewater discharged to the receiving waters.

In addition, all estuarine and marine waters of the State are listed as, “*Category 4-B-3: Estuarine and Marine Waters Impaired by Atmospheric Deposition of Mercury*” and “*Category 5-D: Estuarine and Maine Waters Impaired by Legacy Pollutants.*” Impairment in this context refers to the estuarine and marine waters partially supporting the designated use of fishing and harvesting of shellfish due to elevated levels of mercury, PCBs, dioxin, and other persistent bioaccumulating substances in tissues of some fish and in lobster tomalley. Pursuant to Maine law, 38 M.R.S.A. §420(1-B)(B), “*a facility is not in violation of the ambient criteria for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413 subsection 11.*” Department rule Chapter 519, *Interim Effluent Limitations and Controls for the Discharge of Mercury*, states, “[t]his rule does not apply to the following categories of licenses: combined sewer overflows, snow dumps, pesticide applications, and over board discharges licensed pursuant to 38 MRSA §413.” Therefore, the City’s snow dump is not subject to the imposition of mercury limitations.

The Maine Department of Marine Resources (DMR) assesses information on shellfish growing areas to ensure that shellfish harvested are safe for consumption. The DMR has authority to close shellfish harvesting areas wherever there is a pollution source, a potential pollution threat, or poor water quality. The DMR traditionally closes shellfish harvesting areas if there are known sources of discharges with unacceptable bacteria levels (instream thresholds established in the National Shellfish Sanitation Program) or maintains shellfish harvesting closure areas due to lack of updated information regarding ambient water quality conditions. In addition, the DMR prohibits shellfish harvesting in the immediate vicinity of all wastewater treatment outfall pipes as a precautionary measure in the event of a failure in the treatment plant’s disinfection system. Thus, shellfish

5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

harvesting area #C29 is closed to the harvesting of shellfish due to insufficient or limited ambient water quality data to determine that the area meets the standards in the National Shellfish Sanitation Program. The shellfish closure area is identified on the map included as Fact Sheet Attachment A. The Department is making the determination that compliance with the terms and conditions of this permit ensure that the discharge of waste snow by the City will not cause or contribute to the failure of the receiving waters to meet the standards of its designated classification.

6. 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 Rockland Harbor to meet standards for Class SC classification.

7. PUBLIC COMMENTS

Public notice of this application was made in the *Courier Gazette* newspaper on or about November 18, 2006. 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 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.

8. DEPARTMENT CONTACTS

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

William F. Hinkel
Division of Water Quality Management
Bureau of Land & Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 287-7659

9. RESPONSE TO COMMENTS

During the period of November 27, 2006 through the date of issuance of this permit, the Department solicited comments on the proposed draft permit for the discharge at the Municipal Fish Pier. 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.

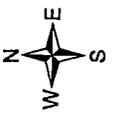
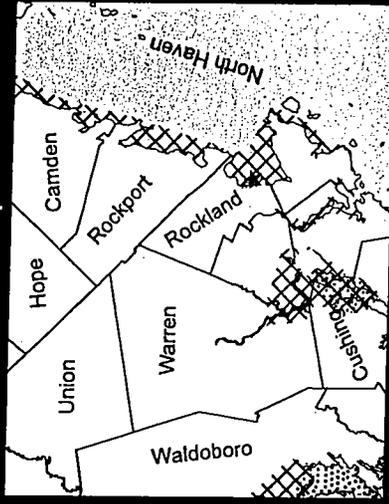
ATTACHMENT A

Legend

- Wastewater_Facilities
- Wastewater_Outfalls
- Coastal Waters
- Coastal Class
- SA
- SB
- SC
- Shellfish_Bed_Closures CLASS
- Approved (within another classification)
- Conditionally Approved
- Restricted
- Conditionally Restricted
- Prohibited
- Stream Class
- AA
- A
- B
- C

Rockland Harbor, Classes C
DMR Shellfish Closure Area C29

Regional Map Inset



Map created by Maine DEP
 October, 18, 2006



FMC
 Minor Outfalls

FMC (Seaweed Processor)

Rockland Wastewater Treatment Facility (WWTF)

Rockland WWTF Major Outfall

Rockland WWTF CSO #002

City of Rockland Snow Dump at City Fish Pier #ME0036323

0 250 500 1,000 Feet

Rockland, Maine

