



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

December 22, 2006

Mr. Patrick Cloutier
South Portland Water Pollution Control Facility
P. O. Box 9422
South Portland, Maine 04116-9422

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100633
Maine Waste Discharge License (WDL) Application #W001370-5M-G-M
Final Permit/License Modification

Dear Mr. Cloutier:

Enclosed please find a copy of your **final** MEPDES permit and Maine WDL **modification** which was approved by the Department of Environmental Protection. Please read the permit/license modification 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 287-7693.

Sincerely,

Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality

Enc.

cc: Stuart Rose, DEP/SMRO
John True, DEP/CMRO
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

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:

Secondary and Primary Treated Waste Waters:

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 discharges [including the five (5) combined sewer overflows (CSOs)] will be subject to effluent limitations that require application of best practicable treatment.

ACTION

THEREFORE, the Department APPROVES the application of the CITY OF SOUTH PORTLAND, to modify the date of submission of an updated CSO Master Plan from November 30, 2006 to December 31, 2007. The discharges up to a monthly average flow of 9.3 million gallons per day (MGD) of secondary treated sanitary waste waters and an unspecified quantity of excess combined sanitary and storm water receiving primary treatment only from a municipal waste water treatment facility and untreated combined sanitary and storm water from five(5) combined sewer overflow (CSO) outfalls to five different Class C and Class SC receiving waters in South Portland shall 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 2, 2001, copy attached to MEPDES permit #ME0100633/WDL #W001370-5M-F-R issued by the Department on April 23, 2004.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. All terms and conditions in MEPDES permit #ME0100633/WDL #W001370-5M-F-R issued by the Department on April 23, 2004, not modified by this permitting action, remain in effect and enforceable.
4. **This permit modification expires on April 23, 2009**, concurrent with MEPDES permit #ME0100633/WDL #W001370-5M-F-R issued by the Department on April 23, 2004.

DONE AND DATED AT AUGUSTA, MAINE, THIS 22 DAY OF December, 2006.

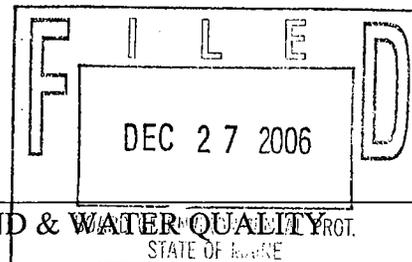
COMMISSIONER OF ENVIRONMENTAL PROTECTION

BY: [Signature]
DAVID P. LITTELL, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application November 20, 2006

Date of application acceptance November 22, 2006



Date filed with Board of Environmental Protection _____

This Order prepared by GREGG WOOD, BUREAU OF LAND & WATER QUALITY PROT.

SPECIAL CONDITIONS

L. COMBINED SEWER OVERFLOWS (CSO's)

Pursuant to Chapter 570 of Department Rules, *Combined Sewer Overflow Abatement*, the permittee is authorized to discharge from the following locations of combined sewer overflows (CSO's) (stormwater and sanitary wastewater) subject to the conditions and requirements herein.

1. CSO locations

<u>Outfall No./Name</u>	<u>Outfall Location</u>	<u>Receiving Water and Class</u>
005 Cash Corner	Main Street/Cash Corner	Calvery Pond, Class C
006 Broadway/Evans	Evans & Broadway	Barberry Ck/Fore R., Class C/SC
018 Front Street	Front Street Pump Station	Portland Harbor, Class SC
019 West High Street	W. High Street Pump Sta.	Portland Harbor, Class SC
024 Elm Street	Turners Island	Fore River, Class SC

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 capacities 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.

SPECIAL CONDITIONS

L. COMBINED SEWER OVERFLOWS (CSO's)

c) The discharge shall not impart color, turbidity, toxicity, radioactivity or other properties that cause the receiving waters to be unsuitable for the designated uses and other characteristics ascribed to their class.

4. CSO Master 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 and abatement schedule. The CSO Master Plan entitled *South Portland, Maine, Combined Sewer Overflow Facilities Plan*, dated October 1, 1993 was original approved by the Department on September 29, 1994.

Key milestones approved in most recent abatement schedule that the permittee is required to comply with are:

By December 31, 2007 (PCS Code 06699), the permittee shall submit an updated CSO Master Plan and abatement schedule for review and approval by the Department. All abatement work approved by the Department shall be completed pursuant to the implementation schedule in the Master Plan.

To modify the date and or project specified above (but not dates within 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)

The permittee shall implement and follow the Nine Minimum Control documentation as approved by EPA on May 29, 1997. 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 block testing or flow monitoring according to an approved *Compliance Monitoring Program* on all CSO points, as part of the CSO Master Plan. Annual flow volumes for all CSO locations shall be determined by actual flow monitoring, or by estimation using a model such as EPA's Storm Water Management Model (SWMM).

SPECIAL CONDITIONS

L. COMBINED SEWER OVERFLOWS (CSO's)

Results shall be submitted annually as part of the annual *CSO Progress Report* (see below), and shall include annual precipitation, CSO volumes (actual or estimated) and any block test data required. Any abnormalities during CSO monitoring shall also be reported. The results shall be reported on the Department form "*CSO Activity and Volumes*" (Attachment B of the 4/23/04 MEPDES permit) or similar format and submitted to the Department on diskette.

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. Additions of New Wastewater (see Section 8 Chapter 570 of Department Rules)

Chapter 570 Section 8 lists requirements relating to any proposed addition of wastewater to the combined sewer system. Documentation of the new wastewater additions to the system and associated mitigating measures shall be included in the annual *CSO Progress Report* (see below). Reports must contain the volumes and characteristics of the wastewater added or authorized for addition and descriptions of the sewer system improvements and estimated effectiveness.

8. Annual CSO Progress Reports (see Section 7 of Chapter 570 of Department Rules) **By March 1 (PCS Code 33101)**, of each year 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 Water Quality Management
17 State House Station
Augusta, Maine 04333
e-mail: CSOCoordinator@state.me.us

SPECIAL CONDITIONS

L. COMBINED SEWER OVERFLOWS (CSO's)

9. Signs

If not already installed, the permittee shall install and maintain an identification sign at each 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:

**CITY OF SOUTH PORTLAND
WET WEATHER
SEWAGE DISCHARGE
CSO # AND NAME**

10. Definitions

For the purposes of this permitting action, 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.

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

FACT SHEET

Date: **Novembr 27, 2006**

PERMIT NUMBER: **ME0100633**
LICENSE NUMBER: **W001370-5M-G-M**

NAME AND ADDRESS OF APPLICANT:

**CITY OF SOUTH PORTLAND
P.O. Box 9422
South Portland, Maine 04116-9422**

COUNTY: **Cumberland County**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**South Portland Water Pollution Control Facility
111 Waterman Street
South Portland, Maine 04116-9422**

RECEIVING WATER/CLASSIFICATION: **Fore River/Class SC**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Patrick Cloutier, Director
Water Resource Protection
(207) 767-7675**

1. APPLICATION SUMMARY

The City has applied to the Department for modification of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0100633/Waste Discharge License (WDL) #W001370-5M-F-R (permit hereinafter) which was issued by the Department on April 23, 2004 and is due to expire on April 23, 2009. The 4/23/04 permit authorized the discharge of up to a monthly average flow of 9.3 million gallons per day (MGD) of secondary treated sanitary waste waters and an unspecified quantity of excess combined sanitary and storm water receiving primary treatment only from a municipal waste water treatment facility to the Fore River, Class SC, in South Portland, Maine. The 4/23/04 permit also authorized the discharge of untreated combined sanitary and storm water from eight (8) combined sewer overflow (CSO) outfalls to six (6) different receiving waters that are classified as either Class C or Class SC pursuant to Maine law.

2. MODIFICATION REQUESTED

The permittee has requested the Department change the date for the submission of an updated CSO Master Plan in Special Condition L(4) of the 4/23/04 permit from November 30, 2006 to December 31, 2007.

The application for said modification contains the following text justifying the request:

"Since 1990, the City has been following its CSO Master Plan to eventually eliminate the 15 CSO's that were in existence when the CSO abatement program was begun. After an approximate \$15 million in expenditures the City has pared the list of active CSOs down to five (5). The permit required plan submittal has to be submitted in December 2007 because of the delays the city experienced in the Pleasantdale Separation project."

For a more in-depth discussion on the Pleasantdale Separation project delays, see the 11/20/06 application for permit modification submitted to the Department.

3. PERMIT MODIFICATIONS

The Department concurs with the permittee that the date for submission of an updated CSO Master Plan should be moved to December 31, 2007. As a result;

- a. This permitting action is granting the permittee's requested to change the date for the submission of an updated CSO Master Plan in Special Condition L(4) of the 4/23/04 permit from November 30, 2006 to December 31, 2007.
- b. Eliminating authorization to discharge from CSO Outfall #004 (Long Creek), CSO Outfall #021 (Main Street Pump Station) and CSO Outfall #028 (Clifford Street) in Special Condition L(1) of the 4/23/04 permit as the discharge points have been eliminated since issuance of said permit.

4. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

The Department acknowledges that elimination of the CSO's in the collection system and the secondary bypass (primary treated only) of sanitary waste water are costly long term projects. As the City's sewer collection system is upgraded and maintained in accordance with the most current abatement schedule in the City's CSO Master Plan and Nine Minimum Controls, there should be reductions in the frequency and volume of CSO activities and in the waste water receiving primary treatment only at the treatment plant over time. The Department expects these reductions to show an improvement in the ambient water quality of the Fore River and other receiving waters impacted by CSO discharges. A more in-depth review of the water quality and impairment issue for the Fore River estuary is scheduled for

4. DISCHARGE IMPACT ON RECEIVING WATER QUALITY (cont'd)

calendar year 2012 when a total maximum daily load (TMDL) is scheduled to be performed by the Department. Based on information to date, the Department of Environmental Protection has determined the existing water uses will be maintained and protected provided the permittee complies with the terms and condition established herein and the 4/23/04 MEPDES permit.

5. PUBLIC COMMENTS

Public notice of this application was made in the Portland Press Herald newspaper on or about November 17, 2006. 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.

6. DEPARTMENT CONTACTS

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

Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017

Telephone: (207) 287-7693

7. RESPONSE TO COMMENTS

During the period of November 27, 2006, through the issuance date of the permit/license, the Department solicited comments on the proposed draft permit/license modification for the permittee's waste water treatment facility. The Department did not receive any comments from state or federal agencies or interested parties but did receive written comments from the permittee in a letter dated December 15, 2006. None of the comments by the permittee resulted in any substantive change(s) in the terms and or conditions of the permit. Therefore, the Department has not prepared a Response to Comments.