



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

January 23, 2009

Mr. Robert Smith
Sebasco Harbor Resort, LLC
P.O. Box 75
Phippsburg, ME 04565

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit ME0021237
Maine Waste Discharge License (WDL) Application #W001010-5C-E-R
Sebasco Harbor Resort, LLC

Dear Mr. Smith:

Attached please find a copy of your **final** MEPDES permit and Maine WDL **renewal** which was approved by the Department of Environmental Protection. Please read the permit/license renewal 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 (207)287-7658 or by email: phyllis.a.rand@maine.gov.

Sincerely,

A handwritten signature in cursive script that reads "Phyllis Arnold Rand".

Phyllis Arnold Rand
Division of Water Quality Management
Bureau of Land and Water Quality

Electronic copy:

Bill Johnson, DEP/CMRO
Sandy Mojica, USEPA

File #1010

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

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
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PORTLAND
312 CANCO ROAD
PORTLAND, ME 04103
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PRESQUE ISLE
1235 CENTRAL DR., SKYWAY PK.
PRESQUE ISLE, ME 04769-2094
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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

SEBASCO HARBOR RESORT, LLC)	MAINE POLLUTANT DISCHARGE
PHIPPSBURG, SAGADAHOC COUNTY, MAINE)	ELIMINATION SYSTEM PERMIT
OVERBOARD DISCHARGE)	AND
ME0021237)	WASTE DISCHARGE LICENSE
W001010-5C-E-R)	RENEWAL
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 (“Department” hereinafter) has considered the application of SEBASCO HARBOR RESORT, LLC (“Sebasco Harbor” or, “permittee” hereinafter), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The permittee submitted an application to the Department to renew Waste Discharge License (WDL) #W001010-66-D-T issued to Sebasco Harbor on April 14, 1998, authorizing the year-round discharge of up to 20,000 gallons per day (GPD) of secondary treated sanitary wastewater to Sebasco Harbor, Class SB, in Phippsburg, Maine. A coding error for the Sebasco Harbor outfall, made during the previous licensing action, erroneously identified “Outfall #001” as “Outfall #002.” In order to maintain compliance data consistency, this permitting action is carrying forward “Outfall #002” as the identification of the outfall pipe for the Sebasco Harbor facility.

MODIFICATIONS

Sebasco Harbor, as part of its redevelopment plan, reconstructed sand filter beds #2 and #3, adding additional primary treatment capacity. Additionally, Sebasco Harbor has changed the sources of wastewater since the previous licensing action. The changes have not resulted in new sources of effluent, but represent a reconfiguration/reallocation of the residential discharges with a net decrease in wastewater. In particular, the 300-seat dining room previously serving two meals a day, a 30-seat lounge, and a 150-seat Clipper Restaurant/Snack Shop, is now the 124-seat Pilot House and the 120-seat Ledges Pub, both serving two meals a day, and two conference areas (180 and 140 seats), each serving one meal/day maximum. The guest and staff laundry are no longer connected to the OBD system. Camp Merritt was taken offline and connected to its own subsurface wastewater disposal system. Fairwinds has been taken offline and will be connected to an existing subsurface disposal field. The former 9-room Harbor Village was reconstructed as an 18-room facility, of which 8 rooms are connected to the sand filter system and ten are served by an in-ground system.

PERMIT SUMMARY

a. Regulatory - On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency (“EPA”) to administer the NPDES permit program in Maine, excluding areas of special interest to Maine Indian Tribes. From that point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) Permit Program and permit #ME0021237 will be utilized as the primary reference number for the Sebasco Harbor facility.

b. Terms and conditions

This permitting action is similar to the 4/14/98 licensing action in that it is:

1. Carrying forward the monthly average and daily maximum technology-based concentration limitations for biochemical oxygen demand (BOD₅) and total suspended solids (TSS);
2. Carrying forward the monthly average flow limitation of 20,000 gallons per day;
3. Carrying forward the daily maximum technology-based concentration limit for total residual chlorine.

This permitting action is different from the 4/14/98 permitting action in that it is:

1. Establishing weekly average technology-based concentration limits for BOD₅ and TSS;
2. Establishing monthly average, weekly average, and daily maximum technology-based mass limitations for BOD₅ and TSS;
3. Establishing a requirement for at least 85% removal of BOD₅ and TSS on a monthly basis;
4. Establishing a daily maximum technology-based concentration limitation of 0.3 mL/L for settleable solids;
5. Establishing a requirement for the permittee to develop and keep current, an Operation and Maintenance (O&M) Plan for the waste water treatment system and associated structures;
6. Modifying the flow sample type from “measured” to “calculate;”
7. Modifying the pH range limitation from 6.0 – 8.5 standard units (SU) to 6.0 – 9.0 SU.

CONCLUSIONS

BASED on the findings in the attached Draft Fact Sheet dated January 23, 2009, 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. The overboard discharge system was in continuing existence for the 12 months preceding June 1, 1987.
6. A non-discharging sub-surface waste water disposal system could be installed in compliance with the Maine Subsurface Waste Water Disposal Rules at the time the renewal application was accepted for processing by the Department but the Department has not offered the permittee funds to remove the discharge from the receiving water.
7. A publicly-owned sewer line is not located on or abutting land owned or controlled by the permittee or is not available for the permittee's use.
8. The discharge is not located within the boundaries of a sanitary district or sewer district.

ACTION

THEREFORE, the Department APPROVES the above noted application of SEBASCO HARBOR RESORT, LLC, to discharge a daily maximum flow of up to 20,000 gallons per day of secondary treated sanitary waste water to SEBASCO HARBOR, Class SB, in Phippsburg, 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. This permit expires five (5) years from the date of signature below.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: June 22, 2007

Date of application acceptance: July 6, 2007

This Order prepared by Phyllis Arnold Rand, BUREAU OF LAND & WATER QUALITY

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Beginning the effective date of this permit, the permittee is authorized to discharge secondary treated sanitary waste water from **Outfall #002** to Sebasco Harbor, Class SB. Such discharges shall be limited and monitored by the permittee as specified below⁽¹⁾:

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]	20,000 GPD [07]	---	Report (GPD) [07]	---	---	---	Weekly [01/07]	Calculate [CA]
BOD₅ [00310]	5.0 lbs/day [26]	7.5 lbs/day [26]	8.3 lbs/day [26]	30 mg/L [19]	45 mg/L [19]	50 mg/L [19]	2/Month [02/30]	Grab [GR]
BOD₅ Percent Removal⁽²⁾ [81010]	---	---	---	85% [23]	---	---	----	----
TSS [00530]	5.0 lbs/day [26]	7.5 lbs/day [26]	8.3 lbs/day [26]	30 mg/L [19]	45 mg/L [19]	50 mg/L [19]	2/Month [02/30]	Grab [GR]
TSS Percent Removal⁽²⁾ [81011]	---	---	---	85% [23]	---	---	----	----
Settleable Solids [00545]	---	---	---	---	---	0.3 mL/L [25]	---	---
Fecal Coliform Bacteria⁽³⁾ [31616] (May 15 - September 30)	---	---	---	15/100 mL ⁽⁴⁾ [13]	---	50/100 mL [13]	2/Month [02/30]	Grab [GR]
Total Residual Chlorine [50060]	---	---	---	---	---	1.0 mg/L [19]	Daily [01/01]	Grab [GR]
pH [00400]	---	---	---	---	---	6.0 – 9.0 SU [12]	---	---

Footnotes See Page 6 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

Footnotes

1. **Sampling** – Sampling shall be conducted after the last treatment process such that samples are representative of what is actually being discharged to the receiving waters. Sampling shall be conducted in accordance with federally approved methods for sampling, handling and preservation. Samples shall be analyzed by a laboratory certified by the State of Maine's Department of Human Services and in accordance with methods approved in Title 40, *Code of Federal Regulations* (CFR) Part 136. Samples that are sent to a waste water treatment plant 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).

All analytical test results shall be reported to the Department including results which are detected below the respective reporting limits (RL's) specified by the Department or as specified by other approved test methods. If a non-detect analytical test result is below the respective RL, the concentration result shall be reported as <Y where Y is the detection limit achieved by the laboratory for each respective parameter. Reporting a value of <Y that is greater than an established RL is not acceptable and will be rejected by the Department. For mass, if the analytical result is reported as <Y or if a detectable result is less than a RL, report a <X lbs/day, where X is the parameter specific limitation established in the permit.

2. **Percent Removal** – The treatment facility shall maintain a minimum of 85 percent removal of both BOD₅ and TSS for all flows receiving secondary treatment. If the permittee is required to calculate percent removals but does not have access to an influent sampling location, the permittee shall use an assumed influent value of 286 mg/L and measured effluent concentration values.
3. **Bacteria Limits** – Fecal coliform bacteria limits and monitoring requirements are in effect between May 15 and September 30 of each year. The Department reserves the right to require year-round disinfection on a year-round basis 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 shall be reported as such.

SPECIAL CONDITIONS

B. ANNUAL DISCHARGE FEES

Pursuant to Maine law, 38 M.R.S.A. §353-B, the permittee is required to pay an applicable annual fee for discharges authorized by this permit. Failure to pay an annual fee within 30 days of the billing date of a permit is sufficient grounds for accruing interest charges, penalties or revocation of the permit.

C. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent shall not contain a visible oil sheen, foam or floating solids at any time which would impair the usages 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 discharges shall not cause visible discoloration or turbidity in the receiving waters which would impair the usages designated by the classification of the receiving waters.
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.

D. DISINFECTION

If chlorination is used as the means of disinfection, an approved chlorine contact tank providing the proper detention time consistent with good engineering practice must be utilized followed by a dechlorination system if the imposed total residual chlorine (TRC) limit cannot be achieved by dissipation in the detention tank. The total residual chlorine in the effluent shall at no time cause any demonstrable harm to aquatic life in the receiving waters. The dose of chlorine applied shall provide a TRC concentration that will effectively reduce fecal coliform bacteria levels to or below those specified in Special Condition A, "*Effluent Limitation and Monitoring Requirements*," of this permit.

E. TREATMENT PLANT OPERATOR

The person who has the management responsibility over the treatment facility must hold a Maine **Grade I** (or higher) Waste Water Operator Certificate or must be a Maine Registered Professional Engineer pursuant to *Sewerage Treatment Operators*, Title 32 M.R.S.A., Sections 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

F. 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 July 6, 2007; 2) the terms and conditions of this permit; and 3) only from Outfall #002. Discharges of waste water from any other point source are not authorized under this permit, and shall be reported in accordance with Standard Condition B(5)(*Bypass*) of this permit.

G. NOTIFICATION REQUIREMENT

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

1. Any substantial change or proposed change in the volume or character of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants into the system at the time of permit issuance. For the purposes of this section, notice regarding substantial change shall 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.

H. SITE EVALUATION FOR TRANSFERRED AND RENEWED PERMITS

On or before January 21, 2011, or prior to permit transfer or transfer of the property occupying the permitted overboard discharge system, a site evaluation must be performed by a licensed site evaluator with experience in designing systems for the replacement of overboard discharge systems.

The Department may not grant approval for **permit transfer** if the site evaluation concludes that a non-discharging wastewater disposal system designed in compliance with the Maine Subsurface Waste Water Disposal Rules administered by the Maine Department of Health and Human Services, Division of Environmental Health, can be installed as a replacement system for the overboard discharge.

The Department may not grant approval for a **permit renewal** if the site evaluation concludes that a non-discharging wastewater disposal system can be installed as a replacement system for the overboard discharge and the Department has offered the permittee funding for the renewal of the discharge.

SPECIAL CONDITIONS

I. OPERATION & MAINTENANCE (O&M) PLAN

This facility shall have a current written comprehensive Operation & Maintenance (O&M) Plan. The plan shall provide a systematic approach by which 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.

By December 31 of each year, or within 90 days of any process changes or minor equipment upgrades, the permittee shall 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 shall be kept on-site at all times and made available to Department and EPA personnel upon request.

Within 90 days of completion of new and/or substantial upgrades of the waste water treatment facility, the permittee shall submit an updated O&M Plan to their Department inspector for review and comment.

J. SEPTIC TANKS

1. Septic tanks and other treatment tanks shall be regularly inspected (at least once per calendar year) and maintained to ensure that they are providing best practicable treatment. The permittee shall maintain logs of inspections/maintenance that records the date, notes on observations, repairs conducted etc. The logs shall be maintained on site at all times and made available to Department personnel upon request.
2. Tank contents should be removed whenever the sludge and scum occupies one-third of the tank's liquid capacity or whenever levels approach maximum design capacity. Following pumping, the tanks shall be checked for damage at key joints and the inlet and outlet baffles, and repaired promptly if damaged. The permittee shall keep a pumping log including the date of pumping, quantity of material removed, name and number of licensed contractor, pumping frequency and other relevant observations.

K. MONITORING AND REPORTING

Monitoring results obtained during the previous month shall be summarized for each month and reported on separate Discharge Monitoring Report (DMR) forms provided by the Department and **postmarked on or before the thirteenth (13th) day of the month or hand-delivered to a Department Regional Office such that the DMR's are received by the Department on or before the fifteenth (15th) day of the month** following the completed reporting period.

SPECIAL CONDITIONS

K. MONITORING AND REPORTING (cont'd)

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

Overboard Discharge Inspector
Department of Environmental Protection
Bureau of Land and Water Quality
17 State House Station
Augusta, Maine 04333-0017

L. REOPENING OF PERMIT FOR MODIFICATIONS

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 effluent or ambient water quality monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

M. 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**

FACT SHEET

Date: January 23, 2009

MEPDES PERMIT: **ME0021237**
WASTE DISCHARGE LICENSE: **W001010-5C-E-R**

NAME AND ADDRESS OF APPLICANT:

**SEBASCO HARBOR RESORT, LLC
P.O. Box 75 Sebasco Estates
Phippsburg, Maine 04565**

COUNTY: **Sagadahoc County**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**Sebasco Harbor Resort, LLC
29 Kenyon Road
Phippsburg, Maine**

RECEIVING WATER / CLASSIFICATION: **Sebasco Harbor/Class SB**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Robert Smith
(207) 389-1161
bsmith@sebasco.com**

1. APPLICATION SUMMARY

- a. Application: The applicant submitted an application to the Department to renew Waste Discharge License (WDL) #W001010-66-D-T issued to Sebasco Harbor on April 14, 1998, authorizing the year-round discharge of up to 20,000 gallons per day (GPD) of secondary treated sanitary wastewater to Sebasco Harbor, Class SB, in Phippsburg, Maine. A coding error for the Sebasco Harbor outfall, made during the previous licensing action, erroneously identified "Outfall #001" as "Outfall #002." In order to maintain compliance data consistency, this permitting action is carrying forward "Outfall #002" as the identification of the outfall pipe for the Sebasco Harbor facility. See **Attachment A** of this Fact Sheet for a location map.

1. APPLICATION SUMMARY (cont'd)

- b. Source description: Waste water is generated at the year-round 575-acre Sebasco Harbor Resort facility having a total of 104 employees (1,560 GPD), 103 bedrooms (10,300 GPD) and 808 available seats for conferences and dining (8,080 GPD).
- c. Waste water treatment: The waste water treatment facility is operated by a contract operator. The waste water treatment system consists of septic tanks, sand filters and a chlorination system. The treated waste water is discharged just westerly of the resort and into Sebasco Harbor via a 6-inch outfall pipe with no diffuser. The outfall depth below mean low water is 6 feet.
- d. Replacement Options: In May of 2003, the Maine State Legislature adopted several amendments to the licensing of overboard discharges and the Department revised its rule, Chapter 596, *Overboard Discharges: Licensing and Abandonment*, accordingly. One of the amendments in the revised rule requires OBD owners who are applying to the Department to renew their OBD licenses to hire a licensed site evaluator (LSE) to determine whether or not it is technologically feasible to replace the existing waste water treatment system prior to license renewal and install a replacement system within 180 days if grant money is offered by the Department. In a letter dated June 22, 2007, a qualified LSE/PE determined that the Sebasco Harbor OBD system can be replaced with a subsurface alternative. Sebasco Harbor is in the process of phasing in a large, single-engineered leach field to service the resort and provide for possible expansion. The anticipated date of completion of the new subsurface disposal system is the end of the year 2012.
- e. Modifications: Sebasco Harbor, as part of its redevelopment plan, reconstructed sand filter beds #2 and #3, adding additional primary treatment capacity. Additionally, Sebasco Harbor has changed the sources of wastewater since the previous licensing action. The changes have not resulted in new sources of effluent, but represent a reconfiguration and reallocation of the residential discharges with a net decrease in wastewater. In particular, the 300-seat dining room previously serving two meals a day, a 30-seat lounge, and a 150-seat Clipper Restaurant/Snack Shop, is now the 124-seat Pilot House and the 120-seat Ledges Pub, both serving two meals a day and two conference areas (180 and 140 seats), each serving one meal/day maximum. The guest and staff laundry are no longer connected to the OBD system. Camp Merritt was taken offline and connected to its own subsurface wastewater disposal system. Fairwinds has been taken offline and will be connected to an existing subsurface disposal field. The former 9-room Harbor Village was reconstructed as an 18-room facility, of which 8 rooms are connected to the sand filter and ten are served by an in-ground system.

2. PERMIT SUMMARY

- a. Regulatory - On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency ("EPA") to administer the NPDES permit program in

2. PERMIT SUMMARY (cont'd)

Maine, excluding areas of special interest to Maine Indian Tribes. From that point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) permit program and permit #ME0021237 will be utilized as the primary reference number for the Sebasco Harbor facility.

b. Terms and conditions

This permitting action is similar to the 4/14/98 licensing action in that it is:

1. Carrying forward the monthly average and daily maximum technology-based concentration limitations for biochemical oxygen demand (BOD₅) and total suspended solids (TSS);
2. Carrying forward the monthly average flow limitation of 20,000 gallons per day.
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This permitting action is different from the 4/14/98 permitting action in that it is:

1. Establishing weekly average technology-based concentration limits for BOD₅ and TSS;
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3. Establishing a requirement for at least 85% removal of BOD₅ and TSS on a monthly basis;
4. Establishing a daily maximum technology-based concentration limitation of 0.3 mL/L for settleable solids;
5. Establishing a requirement for the permittee to develop and keep current, an Operations and Maintenance (O&M) plan for the waste water treatment system and associated structures;
6. Modifying the flow sample type from "measured" to "calculate;"
7. Modifying the pH range limitation from 6.0 – 8.5 standard units (SU) to 6.0 – 9.0 SU.

2. PERMIT SUMMARY (cont'd)

- c. History – The most current/relevant regulatory actions regarding the discharge from the permittee include:

11/08/1988– The Department issued WDL #W001010-41 A-R for a ten-year term. The WDL authorized the discharge of up to 20,000 gpd of secondary treated wastewater.

04/02/1992– The Department issued WDL #W001010-66-B-R for a ten-year term. The WDL authorized the discharge of up to 20,000 gpd of secondary treated wastewater.

04/29/1997– The Department issued WDL #W001010-66-C-R for a ten-year term. The WDL authorized the discharge of up to 20,000 gpd of secondary treated wastewater. This license was transferred to Sebasco Harbor Resort, LLC on 4/19/98 and assigned new WDL #00100-66-D-T.

04/14/1998 – The Department issued WDL #W001010-66-D-T for a ten-year term. The WDL authorized the discharge of up to 20,000 gpd of secondary treated wastewater.

06/22/2007 – The applicant submitted a timely application to the Department for renewal of WDL #W001010-66-D-T.

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 classifies the Sebasco Harbor at the point of discharge as a Class SB waterbody. Maine law, 38 M.R.S.A. §465-B(2) contains the standards for Class SB waterbodies.

5. RECEIVING WATER QUALITY CONDITIONS

The 2008 Integrated Water Quality Monitoring and Assessment Report published by the Department pursuant to Section 305(b) of the Federal Water Pollution Control Act, lists the Lower New Meadows River (Harpwell to Phippsburg) waters as *Estuarine and Marine Waters Impaired Only by Bacteria, TMDL Required*. Impairment in this context is in regard to

5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

the designated use of harvesting of shellfish which is prohibited due to overboard discharges and boats. Currently, the Maine Department of Marine Resources (“Maine DMR”) shellfish harvesting Area 19-C, Lower New Meadows River (Harpwell to Phippsburg), is closed to the harvesting of shellfish. The Maine DMR closed or restricted Area 19-C on May 30, 2008 based on ambient water quality data that, at that time, indicated the area did not meet or marginally met the standards in the National Shellfish Sanitation Program. In addition, the Maine DMR closes areas by default in the vicinity of outfall pipes associated with treated sanitary waste water discharges in the event of a failure of the disinfection system. Therefore, Area 19-C remains closed as of the date of this permitting action. See **Attachment B** of this Fact Sheet for a map of Area 19-C.

Compliance with the seasonal fecal coliform bacteria limits in this permitting action will ensure that the discharge from the Sebasco Harbor facility will not cause or contribute to the shellfish harvesting closure. The Department has no information at this time that the discharge from the Sebasco Harbor facility is causing or contributing to the impairment status of the receiving waterbody as monthly Discharge Monitoring Report data for the period 11/17/04 – 11/17/08 indicate the permittee has been in substantial compliance with the permit limitations for fecal coliform bacteria.

The 2008 305(b) report also lists all estuarine and marine waters in a category entitled, *Category 5-D: Estuarine and Marine Waters Impaired by Legacy Pollutants*. The waters are listed as partially supporting fishing (“shellfish consumption) due to elevated levels of PCBs and other persistent, bioaccumulating substances in lobster tomalley.

Department rule Chapter 519, *Interim Effluent Limitations and Controls for the Discharge of Mercury*, establishes controls on the discharge of mercury to the surface waters of the State through interim effluent limits and implementation of pollution prevention plans. However, Section 1(A)(1) of the Chapter 519 rule states in part:

“This rule applies to all persons licensed or permitted pursuant to 38 MRSA §413 to discharge pollutants to the surface waters of the State except as described below. For the purposes of this rule, the term licensee also means permittee.

Categorical exclusions. This rule does not apply to the following categories of licensees: combined sewer overflows, snow dumps, pesticide applications, and over board discharges licensed pursuant to 38 MRSA §413.[emphasis added] Except, however, specific members of these categories may be required by the department to comply with this rule on a case by case basis...”

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

- a. Best Practicable Treatment (BPT) - Overboard discharges may be permitted only where no technologically proven alternative exists. Overboard discharge treatment systems must be capable of meeting secondary treatment standards as described in CMR Chapter 525,

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

Section 3 and Chapter 596 section 9, unless the Department finds that alternate limits are appropriate. After accepting a renewal application as complete for processing, the Department shall approve an overboard waste discharge license only if all of the following criteria are met:

- (1) A publicly owned sewer line is not located on or abutting land owned or controlled by the applicant or is not available for the applicant's use.
- (2) A subsurface wastewater disposal system cannot be installed in compliance with the Subsurface Rules, 10-144 CMR 241, on land owned or controlled by the applicant. Or, a subsurface wastewater disposal system can be installed on land owned or controlled by the applicant and the applicant is eligible for grant funding pursuant to 38 M.R.S.A § 411-A but no funding is available.
- (3) The discharge is not located within the boundaries of a sanitary or sewer district and the district has not agreed to service and maintain a holding tank at an annual fee that does not exceed those fees charged to other similar users of the district's services who are physically connected to the sewers of the district.
- (4) For a school, the volume or quantity of waste water that is discharged does not exceed;
 - (a) the limit imposed by the previous license.
 - (b) the actual or estimated flow at the time of current application if a license volume increase is necessary.
- (5) The receiving water is not:
 - (a) A Class GPA, AA, A, or SA water;
 - (b) A tributary to Class GPA water; or
 - (c) A waterbody with a drainage area of less than 10 square miles,
- (6) The discharge meets the requirements of *Maine's Pollution Control Laws* 38 M.R.S.A. §414-A, and *Maine's Water Classification Laws* 38 M.R.S.A. §§ 464 to 469.
- (7) The discharge receives best practicable treatment consistent with requirements in Section 9 of Department rule Chapter 596.

The discharge from the Sebasco Harbor facility has met all the above criteria. It is noted the application for license renewal contained a letter dated June 22, 2007, from a LSE who indentified a parcel of land owned by Sebasco Harbor that is suitable for a replacement system; however, the Department has not offered the permittee funding to remove the

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

discharge. Therefore, the discharge may remain until Sebasco Harbor is offered funding to remove it; however, Sebasco Harbor indicated in a letter dated 6/22/07 that they are developing plans to replace the system by the end of 2012.

- b. Flow: The previous licensing action established a monthly average flow limitation of 20,000 gallons per day (GPD) and a weekly measurement frequency, both of which are being carried forward in this permitting action. The permittee calculates effluent flows based on the Maine Subsurface Wastewater Disposal Rules, 144 CMR 241; therefore, this permitting action is modifying the flow sample type from “measured” to “calculated.” The Discharge Monitoring Report shows the permittee’s monthly average flow range for the period 11/17/2004 – 11/17/2008 was 13,344 GPD – 27,582 GPD with an average maximum flow of 16,625 GPD.
- c. Dilution Factors – Department rule 06-096 CMR, Chapter 530, *Surface Water Toxics Control Program*, §4(A)(2) states,

(2) For estuaries where tidal flow is dominant and marine discharges, dilution factors are calculated as follows. These methods may be supplemented with additional information such as current studies or dye studies.

(a) For discharges to the ocean, dilution must be calculated as near-field or initial dilution, or that dilution available as the effluent plume rises from the point of discharge to its trapping level, at mean low water level and slack tide for the acute exposure analysis, and at mean tide for the chronic exposure analysis using appropriate models determined by the Department such as MERGE, CORMIX or another predictive model.

(b) For discharges to estuaries, dilution must be calculated using a method such as MERGE, CORMIX or another predictive model determined by the Department to be appropriate for the site conditions.

(c) In the case of discharges to estuaries where tidal flow is dominant and marine waters, the human health criteria must be analyzed using a dilution equal to three times the chronic dilution factor.

With a permitted flow of 20,000 GPD, the location and configuration of the outfall structure, the Department has made a best professional judgment that dilution factors are follows:

Acute = 188:1

Chronic = 548:1

Harmonic Mean⁽¹⁾ = 1644:1

6. EFFLUENT LIMITATIONS & 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 USEPA 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.

- d. Biochemical Oxygen Demand (BOD₅) and Total Suspended Solids (TSS): The previous licensing action established technology-based monthly average and daily maximum BOD₅ and TSS concentration limits of 30 mg/L and 50 mg/L, respectively. The monthly average concentration limit is based on secondary treatment requirements as defined in Department rule, 06-096 CMR Chapter 525(3)(III) and for the daily maximum concentration limit of 50 mg/L, the basis of which is a best professional judgment by the Department of best practicable treatment (BPT). This permitting action is establishing a weekly average technology-based concentration limit of 45 mg/L based on secondary treatment requirements as defined in Department rule, 06-096 CMR Chapter 525(3)(III).

The previous licensing action did not establish mass limitations for BOD₅ and TSS. Department rule Chapter 523, *Waste Discharge License Conditions*, Section 6, *Calculating NPDES permit conditions*, sub-section f(1) states that, "all pollutants limited in permits shall have limitations, standards or prohibitions expressed in terms of mass...." Therefore, this permitting action is establishing monthly average, weekly average and daily maximum BOD₅ and TSS mass limitations based on calculations using the permittee's daily maximum permitted flow limitation of 20,000 GPD (0.020 MGD) and the applicable concentration limits as follows:

Monthly Average Mass Limit: (30 mg/L)(8.34 lbs/gallon)(0.020 MGD) = 5.0 lbs/day

Weekly Average Mass Limit: (45 mg/L)(8.34 lbs/gallon)(0.020 MGD) = 7.5 lbs/day

Daily Maximum Mass Limit: (50 mg/L)(8.34 lbs/gallon)(0.020 MGD) = 8.3 lbs/day

The previous licensing action established a minimum monitoring frequency requirement of 2/Month for BOD₅ and TSS that is being carried forward in this permitting action. A review of the discharge data as reported on the permittee's Discharge Monitoring Reports (DMR's) submitted to the Department for the period November 17, 2004 – November 17, 2008 (n=11) indicate the following:

BOD₅ Concentration

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	< 2 – 34	13
Daily Maximum	50	< 2 – 40	16

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

TSS concentration

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	2 – 36	19
Daily Maximum	50	2 – 90	30

Results reported as “less than” were considered to be present at the detection limit for averaging purposes.

This permitting action is also establishing a new 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.

- e. Settleable Solids: The previous licensing action did not establish monitoring requirements for settleable solids. The Department has since reconsidered its position on limitations for settleable solids for OBD’s and consistency with BPT limits established for all other MEPDES permits issued for similar discharges. In order to maintain consistency with similar permits, this permitting action is establishing a daily maximum settleable solids concentration limit of 0.3 mL/L but is not establishing a regular monitoring frequency; however, the limitations are in effect and enforceable at all times.
- f. Fecal coliform bacteria: The previous licensing action established a seasonal (May 15 – September 30) water quality-based monthly average fecal coliform concentration limit of 15 colonies/100 mL (geometric mean) and a daily maximum (instantaneous level) limit of 50 colonies/100 mL at a 2/Month monitoring frequency. The seasonal limitation is being carried forward in order to be consistent with the time frame in Maine law 38 M.R.S.A. §465-B(2). This permitting action is carrying forward the monthly average and daily maximum limitations in order to be consistent with the limits associated with the National Shellfish Sanitation Program.

A review of the monthly average and daily maximum fecal coliform data as reported on the DMR’s submitted for the period November 17, 2004 – November 17, 2008, indicate the monthly average (geometric mean) and daily maximum fecal coliform bacteria discharged ranged from 0 colonies/100 mL – 358 colonies/100 mL and 0 colonies/100 mL – 710 colonies/ 100 mL, respectively. The DMR data indicate the permittee has been in compliance with the geometric mean limitation 73% of the time. This permitting action is carrying forward the 2/Month fecal coliform monitoring requirement from the previous licensing action.

- g. Total Residual Chlorine (TRC): The previous licensing action established a daily maximum TRC technology-based concentration limit of 1.0 mg/L and a daily monitoring requirement between May 15 and September 30. Limitations on TRC are specified to ensure that ambient water quality standards are maintained at all times of the year and that BPT technology is being applied to the discharge. Department permitting actions impose the more stringent of either a water quality-based or BPT-based limit.

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

With dilution factors as determined in Section 7C of this fact sheet, end-of-pipe (EOP) water quality-based concentration thresholds for TRC may be calculated as follows:

Acute (A) Criterion	Chronic (C) Criterion	A & C Dilution Factors	Calculated Acute Limit	Calculated Chronic Limit
0.013 mg/L	0.0075 mg/L	188:1 (A) 548:1 (C)	2.4 mg/L	4.1 mg/L

Example Acute Limit Calculation: $(0.013 \text{ mg/L})(188) = 2.4 \text{ mg/L}$

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. For facilities that need to dechlorinate the discharge in order to meet water quality-based thresholds, the Department has established daily maximum and monthly average BPT limits of 0.3 mg/L and 0.1 mg/L, respectively. Based on the calculated acute and chronic total residual chlorine limits, the Sebasco Harbor facility is not required to dechlorinate the effluent prior to discharge in order to consistently achieve compliance with the calculated water quality-based thresholds.

A review of the daily maximum TRC data as reported on the DMR's submitted to the Department for the period 11/17/04 – 11/17/08 indicate the maximum TRC discharged ranged from 0.3 mg/L – 2.4 mg/L with an arithmetic mean (n=12) of 1.5 mg/L. The DMR data indicate the facility was out of compliance with the previous license limit of 1.0 mg/L 75% of the time. This permitting action is carrying forward the 1.0 mg/L technology-based daily maximum TRC concentration limitation and the daily TRC monitoring frequency requirement from the previous licensing action.

- h. **pH:** The previous licensing action established a pH range limit of 6.0 – 8.5 standard units (SU), considered by the Department at the time as BPT for secondary treated waste water, but did not establish any monitoring frequency requirements. Pursuant to Department rule found at Chapter 525(3)(III)(c), (promulgated subsequent to issuance of the previous licensing action) the pH range limitation is being revised to 6.0 – 9.0 SU, which is considered BPT for secondary treated domestic-type waste water. This permitting action is not establishing a regular monitoring frequency but the limitations are in effect and enforceable at all times.

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As permitted, the Department has determined the existing water uses will be maintained and protected, and that the discharge as permitted will not cause or contribute to the failure of the water body to meet standards for Class SB waters.

8. PUBLIC COMMENTS

Public notice of this application was made in the *Times Record* newspaper on or about June 21, 2007. 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.

9. DEPARTMENT CONTACTS

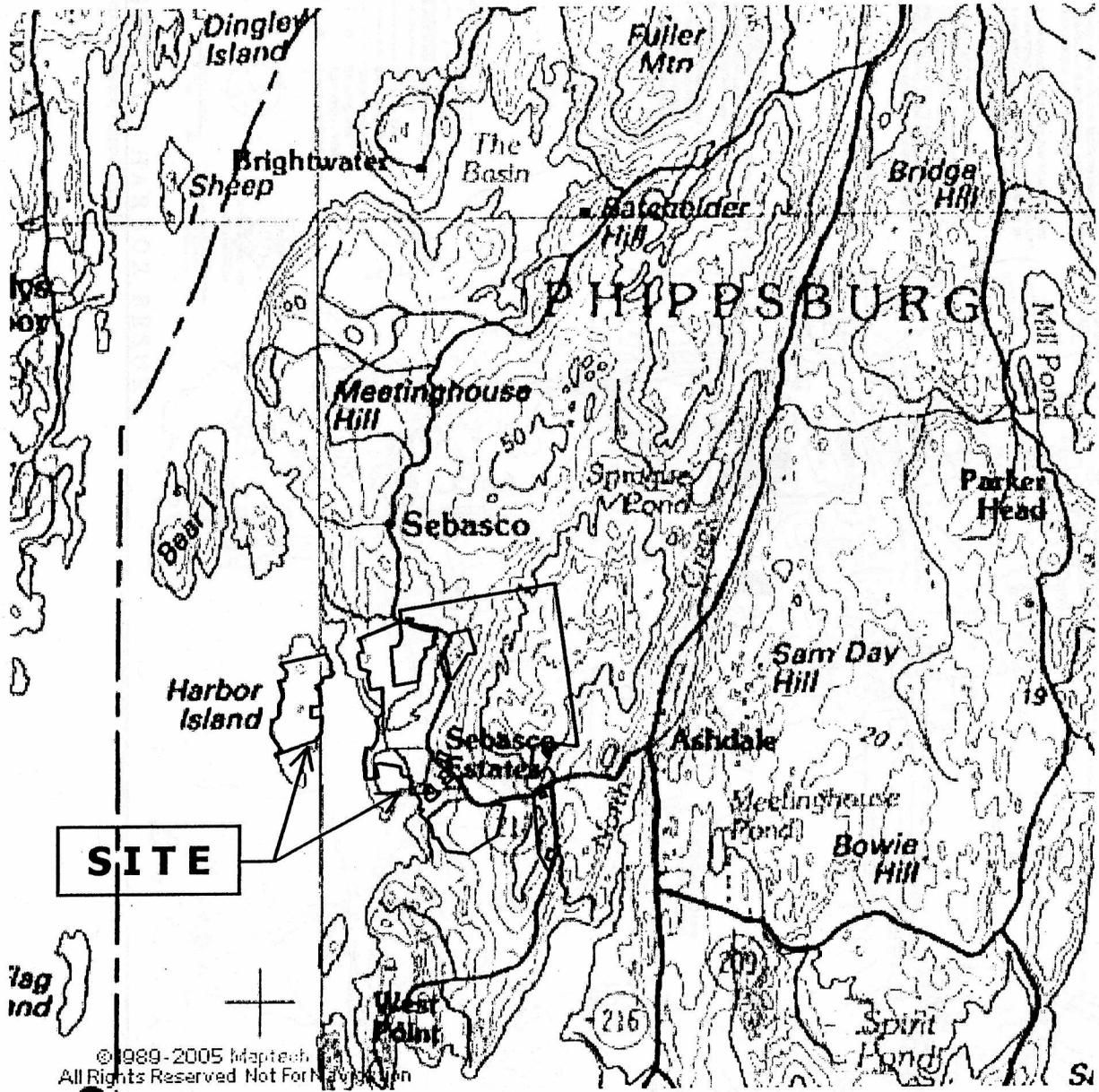
Additional information concerning this permitting action may be obtained from, and written comments sent to:

Phyllis Rand
Division of Water Quality Management
Bureau of Land & Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 287-7658
e-mail: Phyllis.A.Rand@maine.gov

10. RESPONSE TO COMMENTS

During the period of December 19, 2008, 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 Sebasco Harbor Resort, LLC. 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



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Site Location Map
Sebasco Harbor Resort
 Phippsburg, Maine

Scale: 1"=4000'±



MOHR & SEREDIN
Landscape Architects, Inc.

Exhibit 1

GENERAL NOTES:
 1. SANITARY LINE AND LEACH FIELD LOCATIONS TAKEN FROM HIE-200 RECORDS PROVIDED BY SEBASCO HARBOR RESORT AND ALBERT FRICK ASSOCIATES, GORHAM, MAINE.

2. DRAWING IS INTENDED FOR PLANNING AND PERMITTING PURPOSES ONLY. FIELD LOCATIONS SHOWN ON THIS DRAWING SHOULD BE VERIFIED PRIOR TO COMMENCEMENT OF ANY FUTURE CONSTRUCTION PROJECT.

3. WELL LOCATIONS AND WATER LINE LOCATIONS TAKEN FROM PLAN PROVIDED BY SEBASCO HARBOR RESORT, APRIL 2008. ALL FIELD LOCATIONS SHOWN ON THIS DRAWING SHOULD BE VERIFIED PRIOR TO COMMENCEMENT OF ANY FUTURE CONSTRUCTION PROJECT.

OBD Outlet - 6" Outfall
 (Installed 1941)
 6 ± Beige/Algen
 Low Tide

Pump House

150 GPM Well

25 GPM Well

OBD Tank

Sand Filler Bed

Sand Filler System

Cooking Grease
 Dumpster (exterior)
 100 Gallon Diesel
 Tank (on wheels)
 Golf Course
 Storage Building

- Leach Field Locations
- A. Sand Boat Leach Field
 - B. Smith House Leach Field
 - C. Quietude/Dorm Leach Field
 - D. Rocky Crest
 - E. Capans Cottage Leach Field
 - F. Island View Leach Field
 - G. Seagull Leach Field
 - H. Island View Leach Field

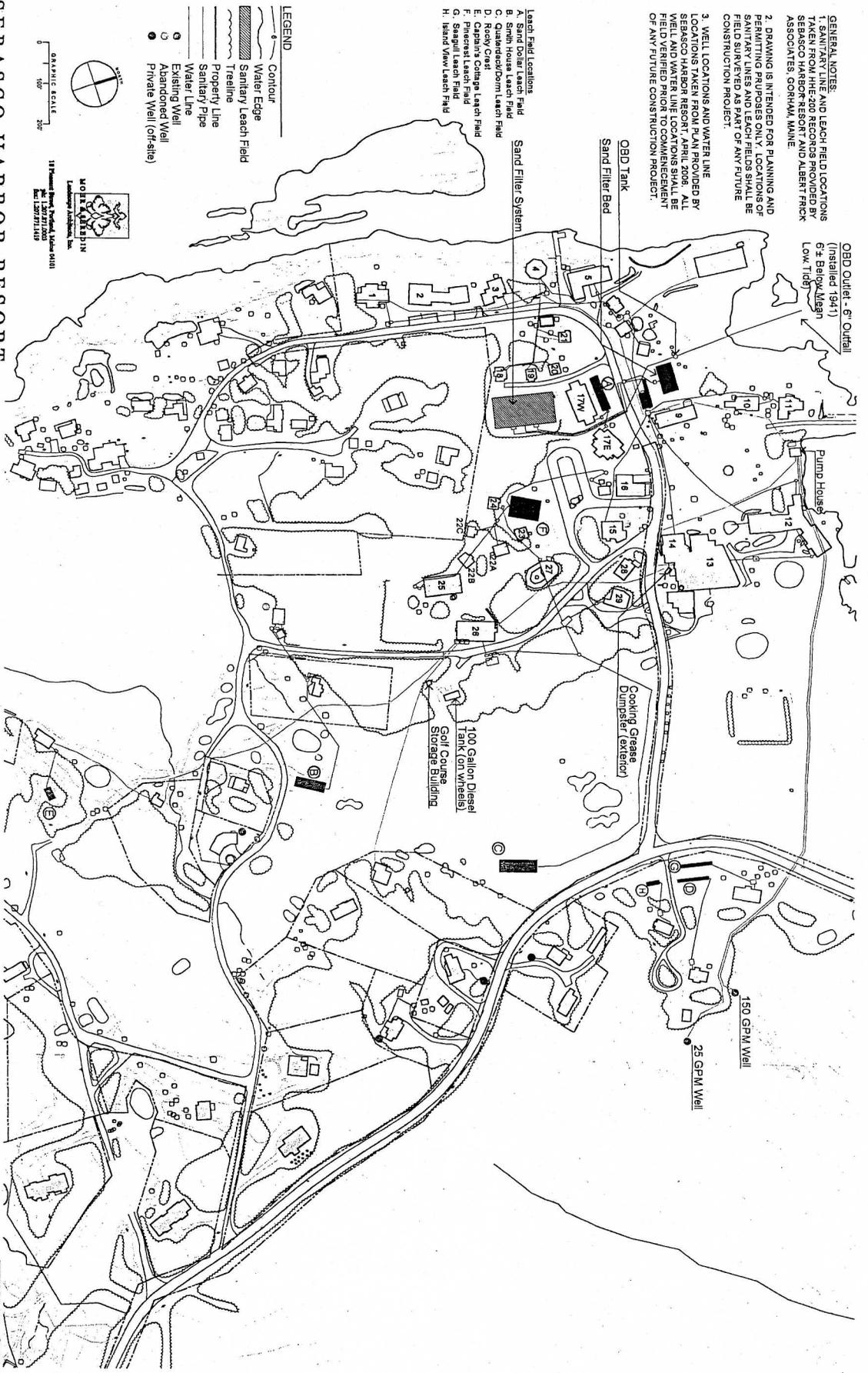
- LEGEND
- Contour
 - Water Edge
 - Sanitary Leach Field
 - Treeline
 - Property Line
 - Sanitary Pipe
 - Water Line
 - Existing Well
 - Abandoned Well
 - Private Well (off-site)

MOSE & ASSOCIATES
 Landmark Associates, Inc.
 115 Mountain Road, Portland, Maine 04101
 Tel: 1.207.771.7000
 Fax: 1.207.771.7100

GRAPHIC SCALE
 0 50' 100' 200'

SEBASCO HARBOR RESORT
 Sebasco Estates, Phippsburg, Maine

KEY MAP - OBD
 June 21, 2007



ATTACHMENT B



Maine Department of Marine Resources Pollution Area No. 19-C



Lower New Meadows River (Harpswell to Phippsburg) **May 30, 2008**

