



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

February 26, 2007

Mr. David Bartlett
Sunday River Ski Resort
P.O. Box 450
Bethel, Maine 04217

**RE: *Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0023361
Maine Waste Discharge License (WDL) Application #W007312-5C-E-R
Final MEPDES permit and Maine WDL***

Dear Mr. Bartlett:

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,

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

Enclosure

cc: Fred Gallant, DEP
Lori Mitchell, DEP
Sandy Lao, USEPA
File #W7312

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

SUNDAY RIVER SKI RESORT)	MAINE POLLUTANT DISCHARGE
BETHEL, OXFORD COUNTY)	ELIMINATION SYSTEM PERMIT
COMMERCIAL OVERBOARD DISCHARGE)	AND
#ME0023361)	WASTE DISCHARGE LICENSE
#W007312-5C-E-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 Maine Department of Environmental Protection (Department) has considered the application of SUNDAY RIVER SKI RESORT (SUNDAY RIVER), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

Sunday River has applied to the Department for a renewal of Waste Discharge License (WDL) #W007312-5C-D-R, which was issued on June 3, 1996, and expired on June 3, 2006. The 6/3/1996 WDL authorized the monthly average discharge of up to 0.240 million gallons per day (MGD) of secondary treated sanitary wastewater from a commercial ski resort facility to the Androscoggin River, Class B, in Bethel, Maine.

On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency (USEPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine, excluding areas of special interest to Maine Indian Tribes. From that point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) permit program, and permit #ME0023361 (same as NPDES permit number) will be utilized as the primary reference number for the Sunday River facility.

PERMIT SUMMARY

This permitting action is similar to the 6/3/1996 permitting action in that it is:

1. Carrying forward the monthly average discharge flow limit of 0.240 MGD and the daily maximum discharge flow limit of 0.306 MGD;
2. Carrying forward the technology-based, monthly average, weekly average and daily maximum concentration and mass limitations for biochemical oxygen demand (BOD₅) and total suspended solids (TSS);
3. Carrying forward the technology-based, daily maximum concentration limit of 1.0 mg/L for total residual chlorine (TRC); and
4. Carrying forward the minimum monitoring frequency requirements for discharge flow, BOD₅, and TSS.

This permitting action is different from the 6/3/1996 permitting action in that it is:

1. Establishing a requirement to achieve a minimum 30-day average of 85 percent removal for BOD₅ and TSS;
2. Establishing a daily maximum, technology-based concentration limitation of 0.3 ml/L for settleable solids;
3. Revising the seasonal monthly average and daily maximum concentration limits for *Escherichia coli* bacteria consistent with the Water Classification Program criteria for Class B waters;
4. Revising the pH range limit to 6.0 to 9.0 standard units (SU);
5. Establishing Special Condition I, *Chapter 530(2)(D)(4) Statement for Waived Toxics Testing*, an annual notification requirement for waived whole effluent toxicity (WET), priority pollutant, and analytical chemistry testing; and
6. Revising the minimum monitoring frequency requirements for settleable solids and TRC, and establishing a minimum monitoring frequency requirement for pH monitoring.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated February 22, 2007, 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 discharge 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 subsurface wastewater disposal system could not be installed in compliance with the Maine Subsurface Waste Water Disposal Rules at the time the renewal application was accepted by the Department.
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 the SUNDAY RIVER SKI RESORT to discharge a monthly average flow of up to 0.240 million gallons per day of secondary treated sanitary waste waters to the Androscoggin River, Class B, in Bethel, 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.

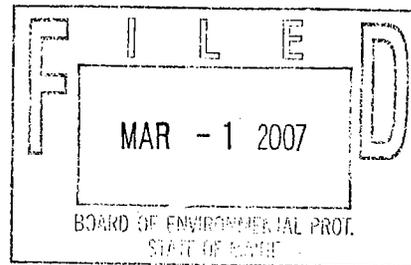
DONE AND DATED AT AUGUSTA, MAINE, THIS 28TH DAY OF February, 2007.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 
DAVID P. LITTELL, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: December 28, 2006
Date of application acceptance: January 19, 2007



Date filed with Board of Environmental Protection: _____

This Order prepared by William F. Hinkel, BUREAU OF LAND & WATER QUALITY
#ME0023361 / #W007312-5C-E-R February 22, 2007

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge **secondary treated sanitary and commercial waste waters from Outfall #001A** to the Androscoggin River at Bethel. Such discharges shall be limited and monitored by the permittee as specified below⁽¹⁾:

	<u>Monthly Average</u> as specified	<u>Weekly Average</u> as specified	<u>Daily Maximum</u> as specified	<u>Monthly Average</u> as specified	<u>Weekly Average</u> as specified	<u>Daily Maximum</u> as specified	<u>Measurement Frequency</u> as specified	<u>Sample Type</u> as specified
Flow <i>[50050]</i>	0.240 MGD <i>[03]</i>	---	0.306 MGD <i>[03]</i>	---	---	---	Continuous <i>[99/99]</i>	Recorder <i>[RC]</i>
BOD₅ <i>[00310]</i>	60 lbs./day <i>[26]</i>	90 lbs./day <i>[26]</i>	100 lbs./day <i>[26]</i>	30 mg/L <i>[19]</i>	45 mg/L <i>[19]</i>	50 mg/L <i>[19]</i>	1/Week <i>[01/07]</i>	24-Hour Composite <i>[24]</i>
BOD₅ Percent Removal⁽²⁾ <i>[81010]</i>	---	---	---	85% <i>[23]</i>	---	---	1/Month <i>[01/30]</i>	Calculate <i>[CA]</i>
TSS <i>[00530]</i>	60 lbs./day <i>[26]</i>	90 lbs./day <i>[26]</i>	100 lbs./day <i>[26]</i>	30 mg/L <i>[19]</i>	45 mg/L <i>[19]</i>	50 mg/L <i>[19]</i>	1/Week <i>[01/07]</i>	24-Hour Composite <i>[24]</i>
TSS Percent Removal⁽²⁾ <i>[81011]</i>	---	---	---	85% <i>[23]</i>	---	---	1/Month <i>[01/30]</i>	Calculate <i>[CA]</i>
Settleable Solids <i>[00545]</i>	---	---	---	---	---	0.3 ml/L <i>[25]</i>	5/Week <i>[05/07]</i>	Grab <i>[GR]</i>
<i>E. coli</i> Bacteria⁽³⁾ (May 15 – Sept. 30) <i>[31633]</i>	---	---	---	64/100 ml ⁽⁴⁾ <i>[13]</i>	---	427/100 ml <i>[13]</i>	1/Week <i>[01/07]</i>	Grab <i>[GR]</i>
Total Residual Chlorine <i>[50060]</i>	---	---	---	---	---	1.0 mg/L <i>[19]</i>	5/Week <i>[05/07]</i>	Grab <i>[GR]</i>
pH <i>[00400]</i>	---	---	---	---	---	6.0 – 9.0 SU <i>[12]</i>	5/Week <i>[05/07]</i>	Grab <i>[GR]</i>

The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports.

FOOTNOTES: See Pages 8 through 11 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

FOOTNOTES:

1. **Sampling** – Sampling and analysis must be conducted in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis shall be analyzed by a laboratory certified by the State of Maine's Department of Human Services.

All detectable analytical test results shall be reported to the Department including results which are detected below the respective reporting limits (RLs) 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. **BOD₅ and TSS Percent Removal** – The treatment facility shall maintain a minimum of 85 percent removal of biochemical oxygen demand and total suspended solids for all flows receiving secondary treatment. Compliance with the limitation is based on a twelve-month rolling average. Calendar monthly average percent removal values shall be calculated based on influent and effluent concentrations. The twelve-month rolling average calculation is based on the most recent twelve-month period when the influent concentrations are greater than or equal to 200 mg/L. The percent removal shall be waived when the twelve-month rolling average influent concentration is less than 200 mg/L.
3. **Bacteria Limits** – *E. coli* bacteria limits and monitoring requirements are seasonal and apply between May 15 and September 30 of each year. The Department reserves the right to require year-round bacteria limits to protect the health, safety and welfare of the public.
4. **Bacteria Reporting** – The monthly average *E. coli* 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 anniversary date of a license/permit is sufficient grounds for revocation of the license, permit or privilege under Maine law, 38 M.R.S.A. §341-D, subsection 3.

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 discharge shall not cause visible discoloration or turbidity in the receiving waters, which would impair the usages designated by the classification of the receiving waters.
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 *E. coli* bacteria levels to or below those specified in Special Condition A, *Effluent Limitation and Monitoring Requirements*, of this permit.

E. TREATMENT PLANT OPERATOR

The treatment facility must be operated by a person holding a minimum of a **Grade II** certificate (or Registered Maine Professional Engineer) pursuant to Title 32 M.R.S.A. §4171 *et seq.* 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.

F. AUTHORIZED DISCHARGES

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

SPECIAL CONDITIONS

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

Department of Environmental Protection
Southern Maine Regional Office
Bureau of Land and Water Quality
Division of Water Quality Management
312 Canco Road
Portland, Maine 04103

H. NOTIFICATION REQUIREMENTS

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

1. Any substantial change in the characteristics of pollutants being introduced into the waste water collection and treatment system by a source introducing pollutants to the system at the time of permit issuance.
2. For the purposes of this section, adequate notice shall include information on:
 - a. The quality of waste water introduced to the waste water collection and treatment system; and
 - b. Any anticipated impact of the change in the quality of the waste water to be discharged from the treatment system.

SPECIAL CONDITIONS

I. CHAPTER 530(2)(D)(4) STATEMENT FOR WAIVED TOXICS TESTING

On or before December 31st of each year of the effective term of this permit [*PCS Code 95799*], the permittee shall provide the Department with statements describing the following:

- (a) Changes in the number or types of non-domestic wastes contributed directly or indirectly to the wastewater treatment works that may increase the toxicity of the discharge;
- (b) Changes in the operation of the treatment works that may increase the toxicity of the discharge; and
- (c) Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge.

Further, the Department may require that annual testing be re-instituted if it determines that there have been changes in the character of the discharge or if annual certifications described above are not submitted.

J. SITE EVALUATION FOR TRANSFERRED AND RENEWED PERMITS

Prior to permit transfer or transfer of the property occupying the permitted overboard discharge system **or renewal of this permit**, a site evaluation must be performed by a licensed site evaluator who has experience in designing systems for the replacement of overboard discharge systems.

K. OPERATIONS AND 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 waste water 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 (excepting the current yet to be completed substantial upgrade), the permittee shall submit the updated O&M Plan to their Department inspector for review and comment.

SPECIAL CONDITIONS

L. WET WEATHER MANAGEMENT PLAN

The treatment facility staff shall maintain a Wet Weather Management Plan to direct the staff on how to operate the facility effectively during periods of high flow. The Department acknowledges that the existing collection system may deliver flows in excess of the monthly average design capacity of the treatment plant during periods of high infiltration and rainfall. A specific objective of the plan shall be to maximize the volume of wastewater receiving secondary treatment under all operating conditions. The revised plan shall include operating procedures for a range of intensities, address solids handling procedures (including septic waste and other high strength wastes if applicable) and provide written operating and maintenance procedures during the events.

Once the Wet Weather Management Plan has been approved, the permittee shall review their plan at least annually and record any necessary changes to keep the plan up to date. The Department may require review and update of the plan as it is determined to be necessary.

M. 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.

N. 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
MAINE WASTE DISCHARGE LICENSE**

FACT SHEET

DATE: FEBRUARY 22, 2007

**PERMIT NUMBER: #ME0023361
WASTE DISCHARGE LICENSE: #W007312-5C-E-R**

NAME AND ADDRESS OF APPLICANT:

**SUNDAY RIVER SKI RESORT
P.O. BOX 450
BETHEL, MAINE 04217**

COUNTY: OXFORD

NAME AND ADDRESS WHERE DISCHARGE(S) OCCUR(S):

**SUNDAY RIVER SKI RESORT
155 ACCESS ROAD
BETHEL, MAINE 04217**

RECEIVING WATER/CLASSIFICATION: ANDROSCOGGIN RIVER/CLASS B

**COGNIZANT OFFICIAL AND TELEPHONE NUMBER: MR. DAVID BARTLETT
(207) 824-5183**

1. APPLICATION SUMMARY

Application: Sunday River Ski Resort (Sunday River) has applied to the department of Environmental Protection (Department) for a renewal of Waste Discharge License (WDL) #W007312-5C-D-R, which was issued on June 3, 1996, and expired on June 3, 2006. The 6/3/1996 WDL authorized the monthly average discharge of up to 0.240 million gallons per day (MGD) of secondary treated sanitary wastewater from a commercial ski resort facility to the Androscoggin River, Class B, in Bethel, Maine.

2. PERMIT SUMMARY

- a. **Regulatory:** On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency (USEPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine, excluding areas of special interest to Maine Indian Tribes. On October 30, 2003, after consultation with the U.S. Department of Justice, the USEPA extended Maine's NPDES program delegation to all but tribally owned lands. In those areas, the Department maintains the authority to issue WDLs pursuant to Maine law. The extent of Maine's delegated authority is under appeal at the time of this permitting action. From that point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) program and permit #ME0023361 (same as NPDES permit number) will be utilized as the primary reference number for Sunday River's MEPDES permit. NPDES permit #ME0023361, last issued by the USEPA on May 10, 1994, will be replaced by the final MEPDES permit upon issuance. Once the MEPDES permit has been issued, all terms and conditions of the NPDES become null and void.
- b. **Terms and Conditions:** **This permitting action is similar to the 6/3/1996 permitting action in that it is:**
1. Carrying forward the monthly average discharge flow limit of 0.240 MGD and the daily maximum discharge flow limit of 0.306 MGD;
 2. Carrying forward the technology-based, monthly average, weekly average and daily maximum concentration and mass limitations for biochemical oxygen demand (BOD₅) and total suspended solids (TSS);
 3. Carrying forward the technology-based, daily maximum concentration limit of 1.0 mg/L for total residual chlorine (TRC); and
 4. Carrying forward the minimum monitoring frequency requirements for discharge flow, BOD₅, and TSS.

This permitting action is different from the 6/3/1996 permitting action in that it is:

1. Establishing a requirement to achieve a minimum 30-day average of 85 percent removal for BOD₅ and TSS;
2. Establishing a daily maximum, technology-based concentration limitation of 0.3 ml/L for settleable solids;
3. Revising the seasonal monthly average and daily maximum concentration limits for *Escherichia coli* bacteria consistent with the Water Classification Program criteria for Class B waters;
4. Revising the pH range limit to 6.0 to 9.0 standard units (SU);

2. PERMIT SUMMARY (cont'd)

5. Establishing Special Condition I, *Chapter 530(2)(D)(4) Statement for Waived Toxics Testing*, an annual notification requirement for waived whole effluent toxicity (WET), priority pollutant, and analytical chemistry testing; and
 6. Revising the minimum monitoring frequency requirements for settleable solids and TRC, and establishing a minimum monitoring frequency requirement for pH monitoring.
- b. History: This section provides a summary of significant licensing/permitting actions and milestones that have been completed for the Sunday River Wastewater Treatment Facility.

May 10, 1994 – The USEPA issued National Pollutant Discharge Elimination System (NPDES) permit #ME0023361 to Sunday River for a five-year term. The 5/10/1994 NPDES permit superseded the initial NPDES permit issued on December 31, 1987.

January 12, 2001 – The Department received authorization from the USEPA to administer the NPDES permit program in Maine, excluding areas of special interest to Maine Indian Tribes.

June 3, 1996 – The Department issued WDL #W007312-5C-D-R to Sunday River for a ten-year term. The 6/3/1996 permit superseded WDL #W007312-67-C-R issued on August 14, 1990, WDL Modification #W007312-67-B-M issued on February 14, 1989, and WDL #W007312-41-A-N issued on April 8, 1987.

December 28, 2006 – Sunday River submitted a General Application to the Department for renewal of the 6/3/1996 MEPDES permit. The application was accepted for processing on January 19, 2007 and was assigned WDL #W007312-5C-E-R / MEPDES #ME0023361.

- c. Source Description: The Sunday River Skiway Corporation (SRSC) owns and operates a recreational ski resort complex in Newry, Maine. The ski resort consists of hotels, condominiums, single family dwellings, restaurants, base lodges, and light commercial establishments. Wastewater generated by these sources is treated at the Sunday River Wastewater Treatment Facility. A map created by the Department showing the location of the resort, treatment facility, and receiving water is included as Fact Sheet Attachment A. Based on information contained in the record, the treatment system was designed to treat an average of 0.240 million gallons of wastewater per day generated by existing and proposed developments at the resort. There are no significant industrial users connected to and no combined sewer overflow (CSO) points associated with the collection system. Based on information contained in the record, the Sunday River facility utilizes a conventional gravity sewer collection system with 8 pump stations.

2. PERMIT SUMMARY (cont'd)

The previous license authorized Sunday River to receive a maximum of 2,000 gallons per day and a maximum of 30,000 gallons per month of septage wastes into the treatment system. Sunday River has not applied to the Department for authorization to receive or introduce into the treatment process septage wastes.

- d. Wastewater Treatment: The Sunday River Wastewater Treatment Facility provides a secondary level of wastewater treatment via three facultative lagoons operated in series. Each lagoon has a capacity of approximately 3.5 million gallons. A 3-inch Parshall flume is utilized for influent flow measurement. Treated effluent is seasonally disinfected with chlorine for compliance with the *E. coli* bacteria limits established for Class B waters and is conveyed to the Androscoggin River at Bethel via an approximately 3-mile long outfall pipe designated Outfall #001A in this permitting action.
- e. Replacement Options: Sunday River has submitted documentation with the January 19, 2007 General Application indicating that replacement of the overboard discharge system with a subsurface wastewater disposal system is not feasible at this location. The site evaluation report completed by Buck Site Evaluators of West Paris, Maine, states that at the permitted flow of 240,000 gallons per day, the facility would require 19 acres of disposal field area. The licensed site evaluator determined that there is only approximately one-third of the necessary 19-acres of land area available for subsurface disposal. The site evaluation report states that suitable land area is limited due to the highly sloped soils characteristic of the mountain development, setbacks from water lines, public wells, streams, structures, and property lines. The report also states that the excessive hydraulic loading coming down the mountain slopes across the entire mountain range has the potential to wash out the disposal fields and impact down-gradient surface water resources. Therefore, the Department concurs with Sunday River that there are no viable subsurface disposal options available at this time.

3. CONDITIONS OF PERMIT

Maine law, 38 M.R.S.A. §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., §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., §467(1)(A)(1) classifies the Androscoggin River, main stem, from the Maine-New Hampshire boundary to its confluence with the Ellis River, which includes the reach at the point of Sunday River's discharge, as a Class B waterway. Maine law, 38 M.R.S.A., §465(3), describes the standards for Class B waters.

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2004 Integrated Water Quality Monitoring and Assessment Report, prepared pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists a 31.0-mile reach of the Androscoggin River, main stem, above Rumford Point (Hydrologic Unit Code #ME0104000202/Waterbody ID #421R), which includes the receiving water at the point of discharge, as, "*Category 4-B-1: Rivers and Streams Impaired by Pollutants, Pollution Control Requirements Reasonably Expected to Result in Attainment.*" Impairment in this context refers to a statewide fish consumption advisory due to the presence of dioxin. The Department has no information at this time that the discharge from the Sunday River Wastewater Treatment Facility contains dioxin in quantities or concentrations that will cause or contribute to the failure of the receiving water to meet the designated uses of its ascribed classification.

In addition, the Report lists all freshwaters in Maine as "*Category 5-C: Waters Impaired by Atmospheric Deposition.*" Impairment in this context refers to the designated use of recreational fishing due to elevated levels of mercury in some fish caused by atmospheric deposition. As a result, the State has established a fish consumption advisory for all freshwaters in Maine. Pursuant to Maine law, 38 M.R.S.A. §420 sub-section (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.*" Further, Department rule, 06-096 CMR, Chapter 519, *Interim Effluent Limitations and Controls for the Discharge of Mercury*, states, "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". The Sunday River Wastewater Treatment Facility is an overboard discharge system and is therefore categorically excluded from the requirements of Maine law, 38 M.R.S.A. §420 and Department rule Chapter 519. The Department has no information at this time regarding effluent levels of mercury discharged from the Sunday River Wastewater Treatment Facility.

It is noted that while the discharge from Sunday River occurs miles above the Gulf Island Pond Dam in Lewiston/Auburn, Maine, the Report identifies a 4.0-mile reach of the Androscoggin River, main stem, four miles upstream of the Gulf Island Dam (HUC #ME0104000208/Waterbody ID #424R) as, "*Category 5-A: Rivers and Streams Impaired by Pollutants Other Than Those Listed in 5-B Through 5-D (TMDL Required).*" Two segments of the Androscoggin River are on Maine's 303(d) list as bodies of water that do not attain Class C water quality standards. According to the total maximum daily load (TMDL) entitled, *Androscoggin River Total Maximum Daily Load Gulf Island Pond, Livermore Falls Impoundment, May, 2005*, prepared by the Department, Gulf Island Pond (GIP) does not attain Class C minimum and monthly average dissolved oxygen (DO) criteria in a four-mile segment

5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

directly above Gulf Island Dam, primarily in deeper areas of the water column from 30 to 80 feet of depth. In addition, algae blooms occur from excessive amounts of phosphorus discharged to the river flowing into the pond preventing attainment of the designated uses of water contact recreation. In addition to GIP, the Livermore Falls impoundment just below the International Paper (IP) mill in Jay, Maine does not attain Class C aquatic life criteria, as indicated by recent water quality evaluations utilizing macro-invertebrate sampling and the use of a linear discriminate modeling.

The TMDL identifies discharges from paper mills located in Berlin, New Hampshire, Rumford, Maine, and Jay, Maine as the major sources of most of the pollutants affecting GIP water quality. Municipal point sources are located in Berlin, New Hampshire, Gorham, New Hampshire, Bethel, Maine, Rumford-Mexico, Maine, and Livermore Falls, Maine. The MEPDES permits issued to the above listed facilities implement the conclusions and recommendations of the 2005 TMDL.

Component analysis and river modeling indicate that the municipal sources of total phosphorous and orthophosphate from the Berlin, Gorham, Bethel and Rumford-Mexico POTWs have a *de-minimis* contribution to algae growth in Gulf Island Pond. However, all municipal point sources are included in the TMDL. The component analysis of phosphorus loads discharged in 2004 indicates that paper mills are still the largest source of phosphorus and account for about 70% of the total phosphorous and 80% of the orthophosphate entering the pond. Gulf Island Dam contributes to non-attainment of DO criteria and the growth of algae blooms by creating an environment of low water movement and low vertical mixing within the water column. Modeling also indicates that the presence of the dam accounts for about 20% of the algae levels in Gulf Island Pond with the TMDL implemented. Non-attainment of Class C DO criteria in deeper portions of the pond is predicted by the water quality model, even if point source discharges are eliminated, due to sediment oxygen demand from natural and non-point sources of pollution. There are limited opportunities for the control of significant amounts of non-point source pollution given the relatively undeveloped nature of this large watershed.

Based on component analysis and river modeling, the Department concludes that the Sunday River Wastewater Treatment Facility is not a significant source causing or contributing to non-attainment of the receiving waters.

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, 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 commercial overboard discharge such as Sunday River, the volume or quantity of waste water that is discharged does not exceed;
 - (a) the limit imposed by the previous license
 - (b) the volume equal to the actual or estimated volume produced by the facility connected to the overboard discharge system during the 12 months prior to June 1, 1987.
 - (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.

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

- b. Flow: The previous licensing action established, and this permitting action is carrying forward, a monthly average discharge flow limitation of 0.240 MGD based on the monthly average dry weather design capacity of the facility. This flow limitations was initially established in WDL #W007312-41-A-N issued on April 8, 1987, and NPDES permit #ME0023361 issued on December 31, 1987, and was based on the wastewater flow projections for existing and proposed build-out of the facility. The Department's record for this facility includes a document entitled, "Sunday River Ski Area Wastewater Flow Projections to Support Application for Wastewater Discharge License December 11, 1986." The previous licensing action established a daily maximum (peak flow) discharge flow limitation of 0.306 MGD, which is being carried forward in this permitting action to assist in compliance evaluations.

A review of the monthly average flow data as reported on the Discharge Monitoring Reports submitted to the Department for the period October 2003 – September 2006 indicates the monthly average flow has ranged from 0.0157 MGD to 0.1772 MGD with an arithmetic mean of 0.0783 MGD (n=31). The highest daily maximum flow value reported for said time period is 0.2135 MGD.

It is noted that the monthly average discharge flow limitation established in this permit is equivalent to that established in the previous NPDES permit issued on May 10, 1994 (5/10/94 NPDES permit).

- c. Dilution Factors: Dilution factors associated with the permitted discharge flow of 0.283 MGD from the facility were derived in accordance with Department rule, 06-096 CMR, Chapter 530 Section 4.A Surface Water Toxics Control Program and were calculated as follows:

$$\text{Acute } \frac{1}{4} \text{ 1Q10} = 398 \text{ cfs} \quad \Rightarrow \frac{(398 \text{ cfs})(0.6464) + 0.240 \text{ MGD}}{0.240 \text{ MGD}} = 1,073:1$$

$$\text{Acute: 1Q10} = 1,593 \text{ cfs} \quad \Rightarrow \frac{(1,593 \text{ cfs})(0.6464) + 0.240 \text{ MGD}}{0.240 \text{ MGD}} = 4,291:1$$

$$\text{Chronic: 7Q10} = 1,593 \text{ cfs} \quad \Rightarrow \frac{(1,593 \text{ cfs})(0.6464) + 0.240 \text{ MGD}}{0.240 \text{ MGD}} = 4,291:1$$

$$\text{Harmonic Mean} = 2,129 \text{ cfs} \quad \Rightarrow \frac{(2,129 \text{ cfs})(0.6464) + 0.240 \text{ MGD}}{0.240 \text{ MGD}} = 5,735:1$$

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

Department rule Chapter 530 Section 4.B.1, which states,

Analyses using numerical acute criteria for aquatic life must be based on 1/4 of the 1Q10 stream design flow to prevent substantial acute toxicity within any mixing zone and to ensure a zone of passage of at least 3/4 of the cross-sectional area of any stream as required by Chapter 581. Where it can be demonstrated that a discharge achieves rapid and complete mixing with the receiving water by way of an efficient diffuser or other effective method, analyses may use a greater proportion of the stream design flow, up to and including all of it, as long as the required zone of passage is maintained.

- d. Biochemical Oxygen Demand (BOD₅) and Total Suspended Solids (TSS): The previous licensing action established, and this permitting action is carrying forward, technology-based monthly and weekly average BOD₅ and TSS concentration limits of 30 mg/L and 45 mg/L, respectively, based on secondary treatment requirements of Department rule, 06-096 CMR, Chapter 525(3)(III). The previous licensing action established, and this permitting action is carrying forward, technology-based daily maximum BOD₅ and TSS concentration limits of 50 mg/L based on a Department best professional judgment (BPJ) of best practicable treatment (BPT).

Summary of effluent BOD₅ and TSS concentration discharge:

The BOD₅ data as reported on the Discharge Monitoring Reports submitted to the Department for the period October 2003 – September 2006 indicates the monthly average effluent BOD₅ concentration has ranged from 2.0 mg/L to 52.4 mg/L with an arithmetic mean of 11.5 mg/L (n=30) and the daily maximum effluent BOD₅ concentration has ranged from 2.0 mg/L to 85 mg/L with an arithmetic mean of 19.1 mg/L (n=30).

The TSS data as reported on the Discharge Monitoring Reports submitted to the Department for the period October 2003 – September 2006 indicates the monthly average effluent TSS concentration has ranged from 1.0 mg/L to 30.2 mg/L with an arithmetic mean of 9.0 mg/L (n=30) and the daily maximum effluent TSS concentration has ranged from 1.0 mg/L to 48 mg/L with an arithmetic mean of 15.7 mg/L (n=30).

Department rule 06-096 CMR Chapter 523(6)(f) states that all pollutants limited in permits shall have limitations, standards or prohibitions expressed in terms of mass. The previous permitting action established, and this permitting action is carrying forward, monthly average, weekly average, and daily maximum mass limits based on calculations using the average design flow for the facility of 0.240 MGD and the appropriate concentration limits as follows:

Monthly Average Mass Limit: $(30 \text{ mg/L})(8.34 \text{ lbs./gallon})(0.240 \text{ MGD}) = 60 \text{ lbs./day}$
Weekly Average Mass Limit: $(45 \text{ mg/L})(8.34 \text{ lbs./day})(0.240 \text{ MGD}) = 90 \text{ lbs./day}$
Daily Maximum Mass Limit: $(50 \text{ mg/L})(8.34 \text{ lbs./day})(0.240 \text{ MGD}) = 100 \text{ lbs./day}$

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

Summary of effluent BOD₅ and TSS mass discharge:

The BOD₅ data as reported on the Discharge Monitoring Reports submitted to the Department for the period October 2003 – September 2006 indicates the monthly average effluent BOD₅ mass has ranged from 0.6 lbs./day to 29.7 lbs./day with an arithmetic mean of 9.2 lbs./day (n=30) the daily maximum effluent BOD₅ mass has ranged from 0.02 lbs./day to 43.2 lbs./day with an arithmetic mean of 13.7 lbs./day (n=30).

The TSS data as reported on the Discharge Monitoring Reports submitted to the Department for the period October 2003 – September 2006 indicates the monthly average effluent TSS mass has ranged from 0.4 lbs./day to 20.0 lbs./day with an arithmetic mean of 7.9 lbs./day (n=30) and the daily maximum effluent TSS mass has ranged from 0.5 lbs./day to 40.0 lbs./day with an arithmetic mean of 12.3 lbs./day (n=30).

This permitting action is establishing a requirement to achieve a minimum 30-day average removal of 85 percent for BOD₅ and TSS pursuant to Department rule, 06-096 CMR Chapter 525(3)(III)(a&b)(3). Compliance with the limitation is based on a twelve-month rolling average. Calendar monthly average percent removal values shall be calculated based on influent and effluent concentrations. The twelve-month rolling average calculation is based on the most recent twelve-month period when the influent concentrations are greater than or equal to 200 mg/L. The percent removal shall be waived when the twelve-month rolling average influent concentration is less than 200 mg/L.

The previous licensing action established, and this permitting action is carrying forward, a minimum monitoring frequency requirement of once per week for BOD₅ and TSS based on best professional judgment.

It is noted that the monthly average, weekly average and daily maximum concentration and mass limitations established in this permit for BOD₅ and TSS are equivalent to those established in the 5/10/94 NPDES permit.

- e. Settleable Solids: The previous licensing action established a daily maximum concentration reporting requirement for settleable solids. The Department has since reconsidered the limits for settleable solids and has concluded that a daily maximum concentration limit of 0.3 ml/L provides sufficient information to assess whether the treatment facility is providing best practicable treatment (BPT) for secondary treated wastewater. Therefore, this permitting action is establishing a technology-based daily maximum concentration limit of 0.3 ml/L for settleable solids and is revising the minimum monitoring frequency requirement from once per day to five times per week based on best professional judgment.

A review of the daily maximum settleable solids data as reported on the Discharge Monitoring Reports submitted to the Department for the period October 2003 – September 2006 indicates the daily maximum settleable solids concentration discharge has been 0.1 ml/L or below 100% of the time during said reporting period (n=31).

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

It is noted that the daily maximum concentration limitation established in this permit for settleable solids is equivalent to that established in the 5/10/94 NPDES permit. The 5/10/94 NPDES permit established a weekly average concentration limit of 0.1 ml/L, which the Department has concluded is not necessary to carry forward in addition to the daily maximum technology-based limit.

- f. Escherichia coli Bacteria: The pervious licensing action *erroneously* established seasonal (May 15–September 30) monthly average and daily maximum concentration limits for *E. coli* bacteria of 142 colonies/100 ml (geometric mean) and 949 colonies/100 ml (instantaneous level), respectively. These limits were established in error because these are the limitations for *Class C* waters. The *E. coli* bacteria limitations for *Class B* waters, which are based on the State of Maine Water Classification Program criteria for Class B waters found at 38 M.R.S.A. §465(3)(B), are a monthly average of 64 colonies/100 ml (geometric mean) and a daily maximum of 427 colonies/100 ml (instantaneous level). The 5/10/94 NPDES permit correctly established the monthly average and daily maximum Class B bacteria limits. Therefore, this permitting action is revising the limits established in the previous WDL to the monthly average and daily maximum Class B standards specified above. This permitting action is carrying forward the minimum monitoring frequency requirement of once per week for *E. coli* bacteria based on best professional judgment. Although *E. coli* bacteria limits are seasonal and apply between May 15 and September 30 of each year, the Department reserves the right to impose year-round bacteria limits if deemed necessary to protect the health, safety and welfare of the public.

A review of the monthly average and daily maximum data as reported on the Discharge Monitoring Reports submitted to the Department for the period May 2002 – September 2006 (months of May through September only) indicates the monthly (geometric mean) *E. coli* bacteria discharged has ranged from 0.0 colonies/100 ml to 3,600 colonies/100 ml with an arithmetic mean of 394 colonies/100 ml (n=13). The maximum *E. coli* bacteria discharged has ranged from 0.0 colonies/100 ml to 3,600 colonies/100 ml with an arithmetic mean of 584 colonies/100 ml (n=13).

- g. Total Residual Chlorine: The previous licensing action (and 5/10/94 NPDES permit) established a daily maximum technology-based concentration limit of 1.0 mg/L for TRC and a minimum monitoring frequency requirement of once per day. Limitations on TRC are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. Department licensing/permitting actions impose the more stringent of either a water quality-based or BPT based limit. End-of-pipe acute and chronic water quality based concentration thresholds may be calculated as follows:

Acute (A) Criterion	Chronic (C) Criterion	Modified A & C Dilution Factors	Calculated	
			Acute Threshold	Chronic Threshold
0.019 mg/L	0.011 mg/L	1,073:1 (Mod. A) 4,291:1 (C)	20.4 mg/L	47.2 mg/L

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

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. The technology-based limit of 1.0 mg/L is more stringent than either calculated water quality-based threshold above and is therefore being carried forward in this permitting action.

This permitting action is revising the minimum monitoring frequency from once per day to five times per week based on best professional judgment.

A review of the daily maximum data as reported on the Discharge Monitoring Reports submitted to the Department for the period December 2002 – June 2006 (months of May through September only corresponding to seasonal bacteria limits) indicates the maximum TRC discharged has ranged from 0.27 mg/L to 0.99 mg/L with an arithmetic mean of 0.76 mg/L (n=17). The DMR data indicate the facility has been in compliance with the daily maximum limitation 100% of the time during said reporting period.

- h. pH: The previous licensing action (and 5/10/94 NPDES permit) established a technology-based pH limit of 6.0 – 8.5 standard units considered by the Department at the time as BPT for secondary treated wastewater. Pursuant to a new Department rule found at Department rule 06-096 CMR Chapter 525(3)(III)(c), the pH range limitation is being revised to 6.0 – 9.0 SU, which is now considered BPT for secondary treated wastewater. This permitting action is revising the minimum monitoring frequency from once per day to five times per week based on best professional judgment.

The DMR data indicate the facility has been in compliance with the pH range limitation 100% of the time during the period of October 2003 – September 2006 (n=31).

- i. Whole Effluent Toxicity (WET), Priority Pollutant, and Analytical Chemistry Testing: Maine law, 38 M.R.S.A., §414-A and §420, prohibit the discharge of effluents containing substances in amounts that would cause the surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the USEPA. Department rule, 06-096 CMR Chapter 530, *Surface Water Toxics Control Program* sets forth effluent monitoring requirements and procedures to establish safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected and narrative and numeric water quality criteria are met. Department rule 06-096 CMR Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants*, sets forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

WET, priority pollutant and analytical chemistry testing, as required by Chapter 530, is included in this permit in order to characterize the effluent. WET monitoring is required to assess and protect against impacts upon water quality and designated uses caused by the aggregate effect of the discharge on specific aquatic organisms. Acute and chronic WET tests are performed on invertebrate water flea (*Ceriodaphnia dubia*) and vertebrate brook trout (*Salvelinus fontinalis*). Chemical-specific monitoring is required to assess the levels of individual toxic pollutants in the discharge, comparing each pollutant to acute,

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

chronic, and human health water quality criteria. Priority pollutant testing refers to the analysis for levels of priority pollutants listed in Department rule 06-096 CMR Chapter 525 Section 4.VI. Analytical chemistry refers to a suite of chemical tests for ammonia-nitrogen, total aluminum, total cadmium, total chromium, total copper, total hardness (fresh water only), total lead, total nickel, total silver, total zinc, total arsenic, total cyanide and total residual chlorine.

The previous licensing action did not establish WET, priority pollutant or analytical chemistry testing pursuant to the toxics rule in effect at that time, Chapter 530.5, on the basis that the facility qualified for an exemption due to the dilution factors associated with the discharge. On October 9, 2005, a new Department rule, Chapter 530, became effective and replaced the previous toxics rule, Chapter 530.5.

Department rule Chapter 530.2.A specifies dischargers subject to the requirements of this rule are as follows, "All licensed dischargers of industrial process wastewater or domestic wastes discharging to surface waters of the State...." Chapter 530 Section 2.B. categorizes dischargers subject to the toxics rule into one of four levels (Levels I through IV). Level IV dischargers are "Those dischargers having a chronic dilution factor of at least 500 to 1 and a permitted flow of less than 1 million gallons per day." The chronic dilution factor associated with the discharge from the Sunday River Wastewater Treatment Facility is 4,291 to 1 and the facility is authorized to discharge less than 1.0 MGD. Therefore, this facility is considered a Level IV facility for purposes of toxics testing. Chapter 530 Section 2.D provides, with certain conditions, that routine testing for Level IV dischargers is waived. The Department is making a best professional judgment that the Sunday River facility qualifies for waived routine toxics testing under the provisions of Department rule Chapter 530 based on available chronic dilution, permitted discharge flow rate, and lack of information to support that the discharge contains toxic pollutants in toxic amounts.

Department rule Chapter 530 Section 2.D.4. states, "All dischargers having waived or reduced testing must file statements with the Department on or before December 31 of each year describing the following.

- (a) Changes in the number or types of non-domestic wastes contributed directly or indirectly to the wastewater treatment works that may increase the toxicity of the discharge;
- (b) Changes in the operation of the treatment works that may increase the toxicity of the discharge; and
- (c) Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge."

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

This permitting action is establishing a notification requirement as Special Condition I, *Chapter 530 Statement for Waived Toxics Testing*, pursuant to Chapter 530 Section 2.D.4. This permit provides for reconsideration of testing requirements, including the imposition of certain testing, in consideration of the nature of the wastewater discharged, existing wastewater treatment, and receiving water characteristics.

7. 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 the water body to meet standards for Class B classification.

8. PUBLIC COMMENTS

Public notice of this application was made in the *Bethel Citizen* newspaper on or about December 28, 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.

9. DEPARTMENT CONTACTS

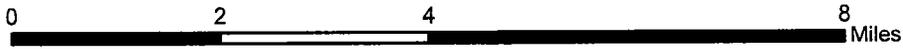
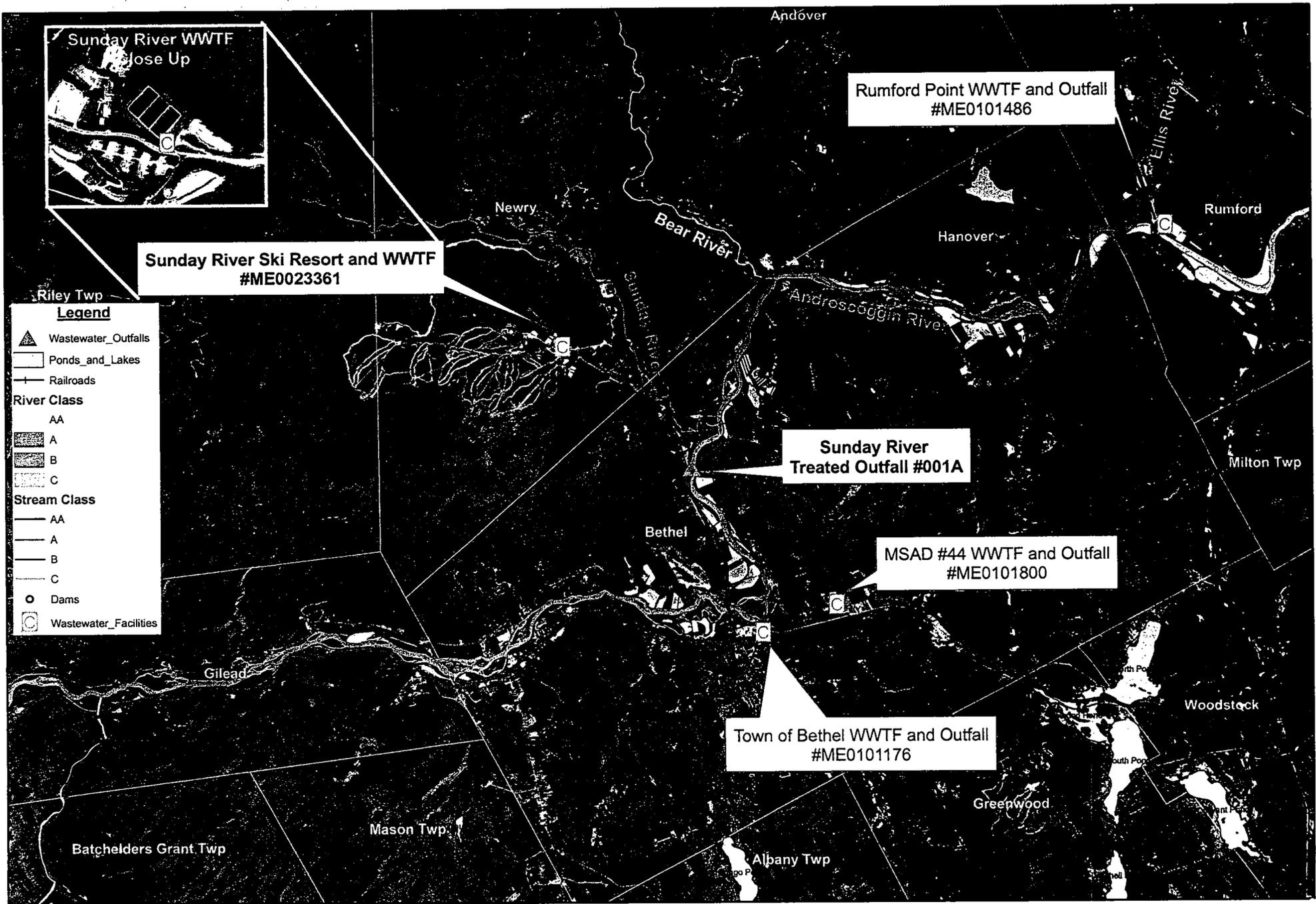
Additional information concerning this permitting action may be obtained from, and written comments sent to:

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10. RESPONSE TO COMMENTS

During the period of January 22, 2007 through February 21, 2007, the Department solicited comments on the proposed draft Maine Pollutant Discharge Elimination System Permit to be issued to the Sunday River Ski Resort for the proposed discharge. The Department received no significant comments on the proposed draft permit; therefore, a response to comments was not prepared.

ATTACHMENT A



Map created by MDEP
November 20, 2006



Sunday River Wastewater Treatment Facility at Bethel, Maine