



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI

DAVID P. LITTELL

GOVERNOR

COMMISSIONER

November 30, 2007

Mr. Gary Brooks
Veazie Sewer District
34 Hobson Avenue
Veazie, Maine 04401

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100706
Maine Waste Discharge License (WDL) Application # W-002754-5L-F-R
Final Permit/License

Dear Mr. Brooks:

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.*"

The Department would like to make you aware that your monthly Discharge Monitoring Report (DMR) forms may not reflect the revisions in this permitting action for several months after permit issuance, however, you are required to report applicable test results for parameters required by this permitting action that do not appear on the DMR. Please see the attached April 2003 O&M Newsletter article regarding this matter.

If you have any questions regarding the matter, please feel free to call me at (207) 287-6114 or contact me via email at Robert.D.Stratton@maine.gov.

Sincerely,

Robert D. Stratton
Division of Water Quality Management
Bureau of Land and Water Quality

Enc./cc: Tanya Hovell (MEDEP); Sandy Lao (USEPA)

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

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

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

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143

DMR Lag

(reprinted from April 2003 O&M Newsletter)

When the Department renews discharge permits, the parameter limits may change or parameters may be added or deleted. In some cases, it is merely the replacement of the federally issued NPDES permit with a state-issued MEPDES permit that results in different limits. When the new permit is finalized, a copy of the permit is passed to our data entry staff for coding into EPA's Permits Compliance System (PCS) database. PCS was developed in the 1970's and is not user-friendly. Entering or changing parameters can take weeks or even months. This can create a lag between the time your new permit becomes effective and the new permit limits appearing on your DMRs. If you are faced with this, it can create three different situations that have to be dealt with in different ways.

1. If the parameter was included on previous DMRs, but only the limit was changed, there will be a space for the data. Please go ahead and enter it. When the changes are made to PCS, the program will have the data and compare it to the new limit.
2. When a parameter is eliminated from monitoring in your new permit, but there is a delay in changing the DMR, you will have a space on the DMR that needs to be filled. For a parameter that has been eliminated, please enter the space on the DMR for that parameter only with "NODI-9" (No Discharge Indicator Code #9). This code means monitoring is conditional or not required this monitoring period.
3. When your new permit includes parameters for which monitoring was not previously required, and coding has not caught up on the DMRs, there will not be any space on the DMR identified for those parameters. In that case, please fill out an extra sheet of paper with the facility name and permit number, along with all of the information normally required for each parameter (parameter code, data, frequency of analysis, sample type, and number of exceedances). Each data point should be identified as monthly average, weekly average, daily max, etc. and the units of measurement such as mg/L or lb/day. Staple the extra sheet to the DMR so that the extra data stays with the DMR form. Our data entry staff cannot enter the data for the new parameters until the PCS coding catches up. When the PCS coding does catch up, our data entry staff will have the data right at hand to do the entry without having to take the extra time to seek it from your inspector or from you.

EPA is planning significant improvements for the PCS system that will be implemented in the next few years. These improvements should allow us to issue modified permits and DMRs concurrently. Until then we appreciate your assistance and patience in this effort.



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

DEPARTMENT ORDER

IN THE MATTER OF

VEAZIE SEWER DISTRICT)	MAINE POLLUTANT DISCHARGE
VEAZIE, PENOBSCOT COUNTY, MAINE)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS)	AND
#ME0100706)	WASTE DISCHARGE LICENSE
#W-002754-5L-F-R APPROVAL)	RENEWAL

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 laws, the Department of Environmental Protection (Department, MEDEP) has considered the application of the VEAZIE SEWER DISTRICT (Veazie SD), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The applicant has applied for renewal of Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100706 / Maine Waste Discharge License (WDL) #W002754-5L-E-M, which was issued on October 24, 2002 for a five year term. The MEPDES Permit / WDL authorized the discharge of up to a monthly average of 0.35 million gallons per day (MGD) of secondary treated sanitary wastewater from a municipal wastewater treatment facility to the Penobscot River, Class B, in Veazie, Maine.

PERMIT SUMMARY

This permitting action is similar to the October 24, 2002 MEPDES Permit / Maine WDL in that it is carrying forward the:

1. Monthly average discharge flow limit of 0.35 MGD and daily maximum discharge flow reporting requirement;
2. Best Practicable Treatment (BPT) based daily maximum limit for Settleable Solids;
3. *E. coli* bacteria monthly average and daily maximum seasonal water quality based concentration limits;
4. BPT based daily maximum total residual chlorine limit;
5. pH range limitation of 6.0-9.0 standard units, except when due to natural causes;
6. Requirements to maintain a current Wet Weather Management Plan; and
7. Requirements to maintain a current Operations and Maintenance Plan.

This permitting action is different from the October 24, 2002 MEPDES Permit / Maine WDL in that it is:

1. Establishing Biochemical Oxygen Demand (BOD₅) and Total Suspended Solids (TSS) secondary treatment mass and concentration limits and monitoring requirements;
2. Eliminating Carbonaceous Biochemical Oxygen Demand (CBOD₅) mass and concentration limits and monitoring requirements;
3. Establishing requirements for a minimum of 85% removal of BOD₅ and TSS;
4. Establishing revised minimum monitoring frequency and sample type requirements based on Department Best Professional Judgement (BPJ); and
5. Establishing requirements to report annually on any changes to the influent waste-stream or facility operations that may result in increases in the toxicity of the discharge.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated October 29, 2007, and revised November 29, 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 MRSA Section 464(4)(F), will be met, in that:
 - a. Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - b. Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
 - c. The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - d. Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and
 - e. Where a discharge will result in lowering the existing quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharge will be subject to effluent limitations that require application of best practicable treatment.

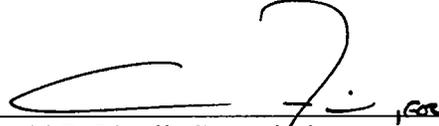
ACTION

THEREFORE, the Department APPROVES the above noted application of the VEAZIE SEWER DISTRICT, to discharge up to a monthly average of 0.35 million gallons per day (MGD) of secondary treated sanitary wastewaters to the Penobscot River, Class B, 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.

DONE AND DATED AT AUGUSTA, MAINE, THIS 30TH DAY OF November, 2007.

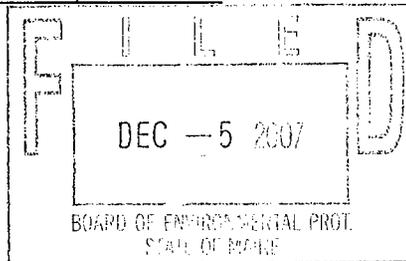
DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 
David P. Littell, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application October 9, 2007

Date of application acceptance October 9, 2007



Date filed with Board of Environmental Protection _____

This Order prepared by Robert D. Stratton, BUREAU OF LAND & WATER QUALITY

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- The permittee is authorized to discharge secondary treated sanitary wastewaters from **Outfall #001A** to the Penobscot River. Such discharges shall be limited and monitored by the permittee as specified below:

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]	as specified 0.35 MGD [03]	as specified ---	as specified Report MGD [03]	as specified ---	as specified ---	as specified ---	as specified Continuous [99/99]	as specified Recorder [RC]
Biochemical Oxygen Demand (BOD ₅) [00310]	88 lbs/day [26]	131 lbs/day [26]	146 lbs/day [26]	30 mg/L [19]	45 mg/L [19]	50 mg/L [19]	1/Week [01/07]	24-Hr. Composite [24]
BOD ₅ % Removal ⁽¹⁾ [81010]	---	---	---	85% [23]	---	---	1/Month [01/30]	Calculate [CA]
Total Suspended Solids (TSS) [00545]	88 lbs/day [26]	131 lbs/day [26]	146 lbs/day [26]	30 mg/L [19]	45 mg/L [19]	50 mg/L [19]	1/Week [01/07]	24-Hr. Composite [24]
TSS % Removal ⁽¹⁾ [81011]	---	---	---	85% [23]	---	---	1/Month [01/30]	Calculate [CA]
Settleable Solids [00545]	---	---	---	---	---	0.3 ml/L [25]	3/Week [03/07]	Grab [GR]
<i>E. Coli</i> Bacteria ⁽²⁾ May 15 to September 30 [31633]	---	---	---	64/100 ml ⁽³⁾ [13]	---	427/100 ml [13]	1/Week [01/07]	Grab [GR]
Total Residual Chlorine ⁽⁴⁾ [50060]	---	---	---	---	---	1.0 mg/L [19]	5/Week [05/07]	Grab [GR]
pH ⁽⁵⁾ [00400]	---	---	---	---	---	6.0-9.0 s.u. [12]	3/Week [03/07]	Grab [GR]

The italicized numeric values bracketed in the table above and in the text on subsequent pages are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports (DMRs). Footnotes are found on pages 6 and 7.

SPECIAL CONDITIONS

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

Footnotes:

Sampling Locations:

Influent sampling for BOD₅ and TSS shall be collected after the grit removal / screening processes at the headworks of the facility.

Effluent sampling for all parameters shall be collected after the chlorine contact chamber, the last treatment process prior to discharge to the receiving water. Any change in sampling location(s) must be reviewed and approved by the Department in writing. 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 Health and Human Services. Samples that are sent to a POTW 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 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.

1. **Percent Removal** – The treatment facility shall maintain a minimum of 85 percent removal of both BOD₅ and TSS for all flows receiving secondary treatment during all months that the facility discharges. Compliance with the limitation shall be based on a twelve-month rolling average. Calendar monthly average percent removal values shall be calculated based on influent and effluent concentrations. For the purposes of this permitting action, the twelve-month rolling average calculation is based on the most recent twelve-month period. The percent removal limit shall be waived when the monthly average influent concentration is less than 200 mg/L. For instances when this occurs, the facility shall report “*NODI-9*” on the monthly Discharge Monitoring Report.
2. ***E. coli* bacteria limits and monitoring requirements** – *E. coli* bacteria limits and monitoring requirements are seasonal and apply between May 15th and September 30th of each year. The Department reserves the right to require year round disinfection to protect the health, safety, and welfare of the public.

SPECIAL CONDITIONS

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

3. **Geometric mean** – The monthly average *E. coli* limitation is a geometric mean and shall be calculated and reported as such.
4. **Total residual chlorine limits and monitoring requirements** – Total residual chlorine (TRC) limits and monitoring requirements are applicable whenever elemental chlorine or chlorine based compounds are being used to disinfect the discharge.
5. **pH** - The pH value of the effluent shall not be lower than 6.0 SU nor higher than 9.0 SU at any time unless due to natural causes.

B. 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.

C. DISINFECTION

If chlorination is used as a 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 met by dissipation in the detention tank. The TRC in the effluent shall at no time cause any demonstrable harm to aquatic life in the receiving waters. The dose of chlorine applied shall be sufficient to leave a TRC concentration that will effectively reduce bacteria to levels below those specified in Special Condition A, "*Effluent Limitations and Monitoring Requirements*", of this permit.

SPECIAL CONDITIONS

D. TREATMENT PLANT OPERATOR

The wastewater treatment facility must be operated under the direction of a person holding a minimum of a **Grade II** certificate [or Maine Professional Engineer (PE) certificate] pursuant to Title 32 M.R.S.A., Section 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.

E. LIMITATIONS FOR INDUSTRIAL USERS

Pollutants introduced into the wastewater collection and treatment system by a non-domestic source (user) shall not pass through or interfere with the operation of the treatment system.

F. NOTIFICATION REQUIREMENT

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

1. Any introduction of pollutants into the wastewater collection and treatment system from an indirect discharger in a primary industrial category discharging process waste water.
2. Any substantial change in the volume or character of pollutants being introduced by individual users into the wastewater collection and treatment system.
3. For the purposes of this section, adequate notice shall include information on:
 - (a) the quality and quantity of wastewater introduced to the wastewater collection and treatment system; and
 - (b) any anticipated impact of the change in the quantity or quality of the wastewater to be discharged from the treatment system.

G. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on October 9, 2007; 2) the terms and conditions of this permit; and 3) 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)(*Bypass*) of this permit.

SPECIAL CONDITIONS

H. WET WEATHER MANAGEMENT PLAN

The treatment facility staff shall maintain a current Wet Weather Flow 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. The 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 to be adhered to during the events.

The permittee shall review their plan annually and record any necessary changes to keep the plan up-to-date.

I. OPERATION 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 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 wastewater treatment facility, the permittee shall submit the updated O&M Plan to their Department inspector for review and comment.

J. CHAPTER 530(2)(D)(4) CERTIFICATION

On or before December 31 of each year [PCS code 95799] the permittee is required to file a statement with the Department describing the following.

1. 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;
2. Changes in the operation of the treatment works that may increase the toxicity of the discharge; and

SPECIAL CONDITIONS

J. CHAPTER 530(2)(D)(4) CERTIFICATION (cont'd)

3. 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 WET, analytical chemistry or priority pollutant testing be instituted if it determines that there have been changes in the character of the discharge or if annual certifications described above are not submitted.

K. MERCURY TESTING REQUIREMENTS

All mercury sampling required to determine compliance with interim limitations established pursuant to Department rule Chapter 519, shall be conducted in accordance with EPA's "clean sampling techniques" found in EPA Method 1669, Sampling Ambient Water For Trace Metals At EPA Water Quality Criteria Levels. All mercury analysis shall be conducted in accordance with EPA Method 1631, Determination of Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Fluorescence Spectrometry. See Attachment A of this Permit for the Department's report form for mercury results.

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

Department of Environmental Protection
Bureau of Land and Water Quality
Eastern Maine Regional Office
106 Hogan Road
Bangor, Maine 04401

SPECIAL CONDITIONS

M. 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 including, but not limited to, new information from ambient water quality studies of the receiving waters.

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.

ATTACHMENT A

(Mercury Testing Reporting Form)

Maine Department of Environmental Protection
Effluent Mercury Test Report

Name of Facility: _____ Federal Permit # ME _____

Purpose of this test: Initial limit determination
 Compliance monitoring for: year _____ calendar quarter _____
 Supplemental or extra test

SAMPLE COLLECTION INFORMATION

Sampling Date:	<input type="text"/>	<input type="text"/>	<input type="text"/>	Sampling time:	<input type="text"/>	AM/PM
	mm	dd	yy			
Sampling Location:	_____					
Weather Conditions:	_____					
Please describe any unusual conditions with the influent or at the facility during or preceding the time of sample collection:						

Optional test - not required but recommended where possible to allow for the most meaningful evaluation of mercury results:						

Suspended Solids	<input type="text"/>	mg/L	Sample type:	<input type="text"/>	Grab (recommended) or Composite	

ANALYTICAL RESULT FOR EFFLUENT MERCURY

Name of Laboratory:	_____	
Date of analysis:	_____	Result: <input type="text"/> ng/L (PPT)
Please Enter Effluent Limits for your facility		
Effluent Limits:	Average = <input type="text"/> ng/L	Maximum = <input type="text"/> ng/L
Please attach any remarks or comments from the laboratory that may have a bearing on the results or their interpretation. If duplicate samples were taken at the same time please report the average.		

CERTIFICATION

I certify that to the best of my knowledge the foregoing information is correct and representative of conditions at the time of sample collection. The sample for mercury was collected and analyzed using EPA Methods 1669 (clean sampling) and 1631 (trace level analysis) in accordance with instructions from the DEP.	
By: _____	Date: _____
Title: _____	

PLEASE MAIL THIS FORM TO YOUR ASSIGNED INSPECTOR

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

FACT SHEET

Date: October 29, 2007
Revised: November 29, 2007

MEPDES PERMIT NUMBER: #ME0100706
MAINE WDL NUMBER: #W-002754-5L-F-R

NAME AND ADDRESS OF APPLICANT:

**VEAZIE SEWER DISTRICT
34 Hobson Avenue
Veazie, Maine 04401**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**VEAZIE SEWER DISTRICT
34 Hobson Avenue
Veazie, Maine 04401**

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

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Gary Brooks
(207) 942-1536
gbrooks@veaziesewerdistrict.com**

1. APPLICATION/PERMIT SUMMARY

- a. Application: The applicant has applied for renewal of Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100706 / Maine Waste Discharge License (WDL) #W002754-5L-E-M, which was issued on October 24, 2002 for a five year term. The MEPDES Permit / WDL authorized the discharge of up to a monthly average of 0.35 million gallons per day (MGD) of secondary treated sanitary wastewater from a municipal wastewater treatment facility to the Penobscot River, Class B, in Veazie, 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, USEPA extended Maine's NPDES program delegation to all but tribally owned discharges. That decision was subsequently appealed. On August 8, 2007, a panel of the U.S. First Circuit Court of Appeals ruled that Maine's environmental regulatory jurisdiction applies uniformly throughout the State. From January 12, 2001 forward, the program has been referred to as the MEPDES program and permit #ME0100706 (same as NPDES permit number) utilized as the primary reference number for the Veazie wastewater treatment facility.
- b. Conditions: This permitting action is similar to the October 24, 2002 MEPDES Permit / Maine WDL in that it is carrying forward:
1. Monthly average discharge flow limit of 0.35 MGD and daily maximum discharge flow reporting requirement;
 2. Best Practicable Treatment (BPT) based daily maximum limit for Settleable Solids;
 3. *E. coli* bacteria monthly average and daily maximum seasonal water quality based concentration limits;
 4. BPT based daily maximum total residual chlorine limit;
 5. pH range limitation of 6.0-9.0 standard units, except when due to natural causes;
 6. Requirements to maintain a current Wet Weather Management Plan; and
 7. Requirements to maintain a current Operations and Maintenance Plan.

This permitting action is different from the October 24, 2002 WDL in that it is establishing:

1. Establishing Biochemical Oxygen Demand (BOD₅) and Total Suspended Solids (TSS) secondary treatment mass and concentration limits and monitoring requirements;
2. Eliminating Carbonaceous Biochemical Oxygen Demand (CBOD₅) mass and concentration limits and monitoring requirements;
3. Establishing requirements for a minimum of 85% removal of BOD₅ and TSS;
4. Establishing revised minimum monitoring frequency and sample type requirements based on Department Best Professional Judgement (BPJ); and
5. Establishing requirements to report annually on any changes to the influent wastewater or facility operations that may result in increases in the toxicity of the discharge.

2. PERMIT SUMMARY (cont'd)

- c. History: The most recent relevant regulatory actions include the following:

March 31, 1986 – The USEPA issued NPDES permit #ME0100706 with secondary treatment limitations. Being that the construction of the treatment facility was not scheduled for completion until July 1, 1988, the permit authorized the discharge of untreated wastewaters until the treatment facility was constructed and operational.

May 23, 1991 – The USEPA issued a letter to the Veazie SD accepting its application for renewal of NPDES #ME0100706 as complete for processing. Department records contain no evidence of further action on the application by the USEPA.

March 29, 1993 – The Department issued WDL #W-002754-59-C-R to the Veazie SD for the discharge of up to 0.19 MGD of secondary treated sanitary wastewater to the Penobscot River for a five year term, superseding WDL #W-002754-58-B-R issued on October 10, 1989 and all prior actions dating back to the original WDL of April 13, 1983.

February 15, 1995 – The Department issued a letter to the Veazie SD indicating that the discharge from the wastewater treatment facility was exempt from toxics testing specified by Department Regulation Chapter 530.5, *Surface Water Toxics Control Program*.

May 23, 2000 - Pursuant to State law, 38 M.R.S.A. §420 and §413 and Department rule, *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001), the Department modified WDL #W-002754-59-C-R, establishing interim effluent limits and monitoring requirements for mercury.

Calendar year 2000 – The Veazie SD completed a \$1.65 million upgrade of its facility and processes.

December 8, 2000 – The Department issued WDL #W-002754-5L-D-R to the Veazie SD for the discharge of up to 0.2 MGD of secondary treated sanitary wastewater to the Penobscot River, for a five year term.

October 24, 2002 – The Department issued WDL #W-002754-5L-E-M / MEPDES Permit #ME0100706 to the Veazie SD for the discharge of up to a monthly average of 0.35 MGD of secondary treated sanitary wastewater to the Penobscot River. The Permit/WDL incorporated the terms and conditions of the MEPDES permit program and was issued for a five-year term.

2. PERMIT SUMMARY (cont'd)

April 10, 2006 – The Department issued a Modification of WDL #W-002754-5L-E-M / MEPDES Permit #ME0100706 waiving the Veazie SD from requirements to conduct surveillance or screening level toxicity testing pursuant to Department rule 06-096 CMR, Chapter 530, *Surface Water Toxics Control Program*, and Department rule 06-096 CMR Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants*.

October 9, 2007 – The Veazie SD submitted a timely application for renewal of its WDL / MEPDES Permit. The application was assigned WDL #W-002754-5L-F-R / MEPDES Permit #ME0100706.

- d. Source Description: The Veazie SD receives sanitary wastewater flows from approximately 2,000 commercial and residential sources within the District's boundaries. The facility does not receive industrial flows and is not authorized to receive septage at the treatment facility. The Veazie SD's wastewater collection system is a separated system of approximately ten miles in length, with two pump stations and no combined sewer overflow outfalls.
- e. Wastewater Treatment: The Veazie SD provides a secondary level of treatment of sanitary wastewaters via a recently (2000) upgraded complete and partial-mixed 3-pond aerated lagoon system operated in series. The Veazie SD was upgraded in response to chronic BOD and TSS violations due to the uncontrolled algal growth in the lagoons. The Veazie facility consists of a headworks building with grit removal / screening processes, a sampling unit, and needed instrumentation. The first two (2) lagoons in series are lined. Lagoon #1 (2.5 million gallons) has two (2) partitions or baffles to divide the lagoon into three (3) cells. The first cell is a complete-mix cell with both floating and fixed diffusers. Lagoon #1's remaining two cells and lagoon #2 (1.0 million gallons) are partial-mixed with diffused air. Each partition in lagoon #1 has a 3-square foot exit hole for the water to pass through. The exit holes are located near the water surface at opposite ends, thus making the water go through the cell in a serpentine manner to eliminate short-circuiting of wastewater treatment. Lagoon #3 (1.0 million gallons) has a floating cover with two (2) open areas for aspirating aerators. From lagoon #3, the wastewater flows to a chlorine contact tank where it is disinfected with sodium hypochlorite, then discharged to the Penobscot River through Outfall #001A, an 8-inch diameter ductile iron pipe that outlets approximately 300 feet into the river at a depth of approximately 6-feet during mean low water conditions. The end of the discharge pipe is fitted with a two port diffuser.

The permittee indicates that the lagoon system provides 30-days of detention time, an increase from the 15-days of detention time estimated at the time of the previous permitting action.

3. CONDITIONS OF PERMITS

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

4. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A., Section 467.7(A)(5) classifies the Penobscot River at the point of discharge as a Class B waterway. Maine law, 38 M.R.S.A., §465-B (3) establishes the classification standards for Class B waters.

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2006 Draft *Integrated Water Quality Monitoring and Assessment Report* (DEPLW0817), prepared pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act includes a section of the receiving water upstream of the Veazie SD discharge in the designation *Penobscot River at Orono* (Assessment Unit ID ME0102000509_233R_02) listed in Category 5-B, Rivers and Streams Impaired by Bacteria Contamination (TMDL Required). The listing identifies *E. coli* as the cause and includes a comment, "Orono CSO permit has been issued". Other nearby reaches of the Penobscot River are included in other impairment categories of the report due to Dioxin and Polychlorinated biphenyls. All freshwaters in Maine are listed as only partially attaining the designated use of recreational fishing due to a fish consumption advisory (Category 5-C). The advisory was established in response to elevated levels of mercury in some fish caused by atmospheric deposition.

The MEPDES Permit / Maine WDL for the Orono Water Pollution Control Facility establishes appropriate requirements for the CSO listed based on Department policy. The Department has no information that the Veazie SD causes or adversely contributes to the Dioxin or Polychlorinated biphenyl impairments. Regarding the mercury related consumption advisory in the receiving water, compliance with the interim mercury limits established pursuant to Department rule, 06-096 CMR Chapter 519 and as described in Fact Sheet Section 6.i constitutes compliance with ambient water quality limits.

5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

Ambient water quality monitoring conducted by the Department during the summer of 2001 indicated non-attainment of dissolved oxygen criteria in the Penobscot River below the Bangor dam, several miles below the Veazie SD outfall. Since then, including during the summer of 2007, permittees and the Department have been conducting effluent and ambient monitoring to gather data for updating the water quality model for the Penobscot River as part of a planned Total Maximum Daily Load (TMDL) assessment. Based on the results of the TMDL, MEPDES Permits / Maine WDLs for facilities discharging wastewater to the Penobscot River will be reopened and effluent limits and monitoring requirements revised as necessary to ensure attainment of water quality standards and designated uses.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

- a. Flow: The previous permitting action increased the monthly average flow limitation from 0.20 MGD to 0.35 MGD based on the design capacity of the facility and contained a reporting requirement of the daily maximum flow discharged. The previous permitting action indicated that the increase in the flow limit was based on a comprehensive plant evaluation and recently completed upgrade of the treatment facility. A review of the Discharge Monitoring Report (DMR) data for the period November 2002 through July 2007 indicates the monthly average flow has ranged from 0.07 MGD to 0.49 MGD with an arithmetic mean of 0.21 MGD and the daily maximum flow has ranged from 0.12 MGD to 0.99 MGD with an arithmetic mean of 0.47 MGD. This permitting action is carrying forward the 0.35 MGD monthly average limitation as it remains representative of the design capacity of the treatment facility, as well as the daily maximum flow reporting requirement, based upon Department best professional judgement (BPJ).
- b. Dilution Factors – The Department has made the determination that the dilution factors associated with the discharge shall be calculated in accordance with freshwater protocols established in Department Regulation Chapter 530, *Surface Water Toxics Control Program*, October 2005. With a permit flow limit of 0.35 MGD and the 7Q10 and 1Q10 low flow values for the Penobscot River, the dilution factors are calculated as follows:

$$\text{Acute } \frac{1}{4} \text{ of 1Q10} = 717.8 \text{ cfs} \Rightarrow \frac{(717.8 \text{ cfs})(0.6464) + 0.35 \text{ MGD}}{0.35 \text{ MGD}} = 1,327:1$$

$$\text{Acute: 1Q10} = 2,871.0 \text{ cfs} \Rightarrow \frac{(2,871.0 \text{ cfs})(0.6464) + 0.35 \text{ MGD}}{0.35 \text{ MGD}} = 5,303:1$$

$$\text{Chronic: 7Q10} = 3,183.0 \text{ cfs} \Rightarrow \frac{(3,183.0 \text{ cfs})(0.6464) + 0.35 \text{ MGD}}{0.35 \text{ MGD}} = 5,880:1$$

$$\text{Harmonic Mean} = 8,810 \text{ cfs} \Rightarrow \frac{(8,810 \text{ cfs})(0.6464) + 0.35 \text{ MGD}}{0.35 \text{ MGD}} = 16,272:1$$

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

Chapter 530.4.B(1) states that analyses using numeric acute criteria for aquatic life must be based on $\frac{1}{4}$ of the 1Q10 stream design flow to prevent substantial acute toxicity within any mixing zone. The regulation goes on to say that 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, up to including all of it. The Veazie SD outfall is reported to have a two port diffuser structure, however the Department's records indicate that the likelihood of rapid and complete mixing of effluent with the receiving water has not been determined. Therefore, the Department is utilizing the default stream flow of $\frac{1}{4}$ of the 1Q10 pursuant to Chapter 530 in acute evaluations.

- c. Carbonaceous Biochemical Oxygen Demand (CBOD₅) , Biochemical Oxygen Demand (BOD₅), and Total Suspended Solids (TSS): The previous permitting action (2002) carried forward from the preceeding licensing action (2000), CBOD₅ and TSS limits that were equivalent to secondary treatment limitations based on code of Federal Regulations (40 CFR) Part 133. They also carried forward monitoring requirements for BOD₅ to provide for comparison between BOD₅ and CBOD₅. From both the 2002 permitting action and the 2000 licensing action, *"On a number of occasions, the most recent being in a letter of October 31, 2000, the licensee has requested the Department; 1) consider establishing carbonaceous biochemical oxygen demand (CBOD) limitations in place of biochemical oxygen demand (BOD) limitations and 2) establish alternate TSS limitations due to historic problems meeting secondary limitations."*

"In August of 1997, the Department published a User's Manual entitled Design, Operation & Regulation of Aerated Facultative Lagoons in Maine prepared by the Maine Lagoon Task Force. In the Executive Summary section of the document, the Task Force states that most of the lagoons and ponds (stabilization) are meeting secondary treatment permit requirements for BOD₅ and TSS. The report also states that some ponds do not meet secondary treatment but do meet "equivalent to secondary treatment" (45 mg/L as a monthly average) for BOD₅ and TSS due largely to varying climatic and seasonal conditions. The report also makes the recommendation that BOD₅ and TSS permit limits may be adjusted on a case-by-case basis for facilities with problems due to cold weather and algae". "The report states that adjusting limits for a facility would be considered when a) the facility demonstrates that it cannot consistently achieve secondary treatment defined as a 30-day average of 30 mg/L 95% of the time based on at least three years of monthly average data, b) the facility provided information and data to demonstrate the problem is uncontrollable while using a properly designed and operated lagoon or pond as the principal biological treatment process, c) there are no extenuating circumstances such as overloading or industrial wastes."

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

“The request for CBOD limits is based on the fact that an oxygen demand due to partial nitrification taking place in the laboratory BOD test bottle is skewing (inflating) the BOD test results.” “As for TSS, the request is based on chronic non-compliance with secondary treatment effluent limits due to excessive algal growth in the waste water treatment lagoons during the spring, summer and fall.”

In a Department memorandum dated November 9, 2000, the Department made the determination that the Veazie facility had fulfilled the considerations in the Task Force Report for alternate limits and recommended CBOD5 as the most appropriate and relevant parameter for measuring secondary treatment performance and effluent quality at the Veazie facility. The following CBOD limits were established:

	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>
CBOD5	25 mg/l	40 mg/L	45 mg/L

In the November 9, 2000 memo, the Department also made the determination that the Veazie facility had fulfilled the considerations for alternate TSS limits and recommended limitations as follows:

	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>
TSS	45 mg/l	65 mg/L	75 mg/L

For comparison, secondary treatment requirements for BOD and TSS consist of a monthly average of 30 mg/L, a weekly average of 45 mg/L, and a daily maximum of 50 mg/L. The monthly average and weekly average limits of 25 mg/L and 40 mg/L for CBOD and 45 mg/L and 65 mg/L for TSS were technology based limits, consistent with the secondary BPT limits in federal regulation 40 CFR, Part 133.105, *Treatment Equivalent to Secondary Treatment*. The daily maximum limits were also technology based limits and were mathematically derived using the same ratio established for secondary BOD BPT limitations (i.e. 30/45/50 mg/L). The corresponding mass limits were calculated based on the applicable concentration limits and a flow of 0.35 MGD.

The request for alternate limits is an available regulatory option under federal regulations found at 40 CFR Part 133, *Secondary Treatment Regulation*. Federal regulation 40 CFR, Part 133.105, *Treatment Equivalent to Secondary Treatment* establishes the minimum level of effluent quality attainable by facilities eligible for treatment equivalent to secondary treatment.

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

CBOD and TSS limitations equivalent to secondary treatment were established because the facility demonstrated that it could not consistently meet secondary treatment limitations for BOD and TSS "...even though the determination was made that the facility was properly designed, operated and maintained. With the improvements in the aeration of the lagoons (from the 2000 facility upgrade), the facility may indeed be able to meet secondary treatment requirements..." for BOD and TSS. Based on this, the 2002 permitting action required the Veazie SD to monitor and report CBOD, BOD, and TSS values. The permit stated, after two years of testing, the Department would reconsider its position on the CBOD vs BOD limitations and the TSS limitation. "Should the Department determine the facility can consistently meet secondary treatment limitations for BOD (and TSS) as specified in federal and state regulations, the permit will be re-opened...to establish applicable BOD (and TSS) limitations."

The Department reviewed DMR data for Veazie SD for the period of November 2002 through July 2007 and found the following information:

CBOD MASS

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	73	30 - 50	19
Weekly Average	117	4 - 111	33
Daily Maximum	131	4 - 111	33

CBOD CONCENTRATION

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	25	2 - 28	11
Weekly Average	40	3 - 34	14
Daily Maximum	45	3 - 34	14

BOD MASS

Value	Limit / Typical secondary (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	Report / 88	3 - 61	29
Weekly Average	Report / 131	6 - 134	48
Daily Maximum	Report / 146	6 - 134	48

BOD CONCENTRATION

Value	Limit / Typical secondary (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	Report / 30	5 - 34	18
Weekly Average	Report / 45	2 - 53	22
Daily Maximum	Report / 50	2 - 53	22

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

TSS MASS

Value	Limit / Typical secondary (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	131 / 88	8 - 63	27
Weekly Average	190 / 131	14 - 129	45
Daily Maximum	219 / 146	14 - 129	45

TSS CONCENTRATION

Value	Limit / Typical secondary (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	45 / 30	4 - 40	18
Weekly Average	65 / 45	5 - 60	24
Daily Maximum	75 / 50	5 - 60	24

The Department considers the above data as evidence that the Veazie SD can meet secondary treatment limitations for BOD and TSS under most conditions and is establishing those limits in this permitting action. The monthly and weekly average BOD5 and TSS best practicable treatment (BPT) based concentration limits of 30 mg/L and 45 mg/L are based on secondary treatment requirements in Department rule Chapter 525(3)(III). The maximum daily BOD5 and TSS concentration limits of 50 mg/L are based on a Department best professional judgment of BPT. The mass limits are based on the monthly average flow limitation of 0.35 MGD and the applicable concentration limits. The mass limits are calculated as follows.

Monthly average: $(0.35 \text{ MGD})(8.34 \text{ lbs/gal})(30 \text{ mg/L}) = 88 \text{ lbs/day}$
 Weekly average: $(0.35 \text{ MGD})(8.34 \text{ lbs/gal})(45 \text{ mg/L}) = 131 \text{ lbs/day}$
 Daily maximum: $(0.35 \text{ MGD})(8.34 \text{ lbs/gal})(50 \text{ mg/L}) = 146 \text{ lbs/day}$

This permitting action is also revising the previously established requirement of 65% removal for BOD and TSS to 85% removal, pursuant to Department rule Chapter 525(3)(III)(a&b)(3) except in the circumstances where the monthly average influent concentration is less than 200 mg/L. This permitting action is carrying forward the BOD and TSS monitoring frequencies of once per week, as is typically established for wastewater treatment facilities with effluent flows of between 0.1 and 0.5 MGD based on Department BPJ.

- d. Settleable Solids - The previous licensing action established a daily maximum concentration limit of 0.3 ml/L (considered by the Department to be representative of BPT) with a monitoring frequency of 5/week. The monitoring frequency had been reduced from the 1/day frequency typically assigned to wastewater discharges. The Department reviewed DMR data for the period of November 2002 through July 2007 and found that Veazie SD reported an effluent settleable solids value of 0.0 for all months.

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

The BPT based concentration limit is being carried forward in this permitting action. Based on the DMR results and at the request of the permittee, the monitoring frequency is being reduced to 3/week in this permitting action. The Department will continue to monitor effluent quality and, if determined necessary, the permit will be reopened pursuant to Permit Special Condition M, *Reopening of Permit for Modification*, and effluent monitoring requirements modified as necessary.

- e. *Escherichia coli* Bacteria (*E. coli*) - The previous permitting action contained a seasonal (May 15 – September 30) monthly average (geometric mean) limit of 64 colonies/100 ml and a daily maximum (instantaneous) limit of 427 colonies/100 ml, based on the State’s Water Classification Program for Class B waters found at Maine law, 38 M.R.S.A. §465 (3)(b). The previous permitting action established an *E. coli* monitoring frequency of 1/week, typically established for wastewater treatment facilities with effluent flows of between 0.1 and 0.5 MGD based on Department BPJ.

The Department reviewed DMR data for Veazie SD for the period of November 2002 through July 2007 and found the following information:

Value	Limit (x/100ml)	Range (x/100ml)	Average (x/100ml)
Monthly Average	64	1.0 – 9.6	5.2
Daily Maximum	427	1.0 - 110	24.6

The effluent limits and monitoring frequency for *E. coli* in the previous permitting action are being carried forward, based on facility effluent quality and Department BPJ.

- f. Total Residual Chlorine (TRC) - The previous permitting action established a daily maximum BPT based concentration limit of 1.0 mg/L. Limits on TRC are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. Permits issued by this Department impose the more stringent of the calculated water quality based or BPT based limits. End-of-pipe water quality based concentration thresholds for TRC may be calculated as follows:

Criterion (mg/L)		Dilution Factors		Calculated Limit (mg/L)	
Acute (A)	Chronic C	Acute	Chronic	Acute	Chronic
0.019	0.011	1,327:1	5,880:1	25.2	64.7

Example calculation: Acute – 0.019 mg/L (1,327) = 25.2 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. Because the water quality threshold for TRC calculated above is greater than the Department's BPT limit, the previously established BPT limit of 1.0 mg/L is being carried forward in this permit. The Department reviewed DMR data for Veazie SD for the period of November 2002 through July 2007 and found the following information:

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Daily Maximum	1.0	0.15 – 0.74	0.33

The previous permitting action established a TRC monitoring frequency requirement of 5/week, reduced from the 1/day frequency typically assigned to wastewater discharges. This frequency requirement is being carried forward in this permitting action. Limitations and monitoring requirements for TRC are applicable year round any time elemental chlorine or chlorine-based compounds are being utilized to disinfect the discharge(s).

- g. pH – The previous permitting action established a BPT pH range limitation of 6.0 – 9.0 standard units pursuant to Department rule found at Chapter 525(3)(III)(c) and a monitoring frequency of 5/week. The monitoring frequency had been reduced from the 1/day frequency typically assigned to wastewater discharges. The Department reviewed DMR data for the period of November 2002 through July 2007 and found that Veazie SD consistently reported daily maximum effluent pH values within the specified range, reportedly at times brought about with chemical adjustments from the facility. The permittee has submitted information regarding seasonally lower ambient pH conditions due to lack of rain, lower temperatures, and nitrifying bacteria in the facility lagoons that use available alkalinity. The BPT based limitation range is being carried forward in this permitting action, with revision. The pH value of the effluent shall not be lower than 6.0 SU nor higher than 9.0 SU at any time unless due to natural causes. Based on the DMR results and at the request of the permittee, the monitoring frequency is being reduced to 3/week in this permitting action. The Department will continue to monitor effluent quality and, if determined necessary, the permit will be reopened pursuant to Permit Special Condition M, *Reopening of Permit for Modification*, and effluent monitoring requirements modified as necessary.

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

- h. Whole Effluent Toxicity (WET) & Chemical-Specific Testing: Maine law, 38 M.R.S.A., Sections 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 Rules, 06-096 CMR Chapter 530, *Surface Water Toxics Control Program*, and Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants* set 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 fully characterize the effluent. This permit also provides for reconsideration of effluent limits and monitoring schedules after evaluation of toxicity testing results. The monitoring schedule includes consideration of results currently on file, the nature of the wastewater, existing treatment and receiving water characteristics.

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 and vertebrate species. Priority pollutant and analytical chemistry testing is required to assess the levels of individual toxic pollutants in the discharge, comparing each pollutant to acute, chronic, and human health AWQC as established in Chapter 584.

Chapter 530 establishes four categories of testing requirements based predominately on the chronic dilution factor. The categories are as follows:

Level I – chronic dilution factor of $<20:1$.

Level II – chronic dilution factor of $\geq 20:1$ but $<100:1$.

Level III – chronic dilution factor $\geq 100:1$ but $<500:1$ or $>500:1$ and $Q \geq 1.0$ MGD

Level IV – chronic dilution $>500:1$ and $Q \leq 1.0$ MGD

Department rule Chapter 530 (2)(D) specifies the criteria to be used in determining the minimum monitoring frequency requirements for WET, priority pollutant and analytical chemistry testing. Based on the Chapter 530 criteria, the permittee's facility falls into the Level IV frequency category as the facility has a chronic dilution factor $>500:1$ and an effluent flow limit of ≤ 1.0 MGD. Chapter 530(2)(D)(1) specifies that default surveillance and screening level testing requirements are as follows:

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

Surveillance level testing – Beginning upon issuance of the permit and lasting through 12 months prior to permit expiration.

Level	WET Testing	Priority pollutant testing	Analytical chemistry
IV	1 per year*	None required*	1 per year*

Screening level testing - Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter.

Level	WET Testing	Priority pollutant testing	Analytical chemistry
IV	1 per year*	1 per year*	4 per year*

*These routine testing requirements for Level IV are waived, except that the Department shall require an individual discharger to conduct testing if: (a) the discharger's permit application or information available indicate that toxic compounds may be present in toxic amounts; or (b) previous testing conducted by the discharger or similar dischargers indicates that toxic compounds may be present in toxic amounts.

Accordingly, on April 10, 2006, the Department issued a Modification of WDL #W-002754-5L-E-M / MEPDES Permit #ME0100706 waiving the Veazie SD from requirements to conduct surveillance or screening level toxicity testing pursuant to Department rule 06-096 CMR, Chapter 530, *Surface Water Toxics Control Program*, and Department rule 06-096 CMR Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants*.

Pursuant to Permit Special Condition J, *Chapter 530(2)(D)(4) Certification*, the permittee is required to report annually on any changes in its influent wastewater or its operations that may increase the toxicity of its discharge. If necessary to ensure protection of receiving water quality and attainment of designated uses and standards, the Department may reopen the permit pursuant to Permit Special Condition M, *Reopening of Permit for Modification*, and require that annual WET, analytical chemistry or priority pollutant testing be instituted if it determines that there have been changes in the character of the discharge or if annual certifications described above are not submitted.

- i Mercury: Pursuant to Maine law, 38 M.R.S.A. §420 and Department rule, 06-096 CMR Chapter 519, *Interim Effluent Limitations and Controls for the Discharge of Mercury*, the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL #W-002754-59-C-R by establishing interim monthly average and daily maximum effluent concentration limits of 6.3 parts per trillion (ppt) and 9.4 ppt, respectively, and a minimum monitoring frequency requirement

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

of 2 tests per year for mercury. The interim mercury limits were scheduled to expire on October 1, 2001. However, effective June 15, 2001, the Maine Legislature enacted Maine law, 38 M.R.S.A. §413, sub-§11 specifying that interim mercury limits and monitoring requirements remain in effect. It is noted that the mercury effluent limitations have not been incorporated into Special Condition A, *Effluent Limitations And Monitoring Requirements*, of this permit as the limits and monitoring frequencies are regulated separately through Maine law, 38 M.R.S.A. §413 and Department rule Chapter 519. The interim mercury limits remain in effect and enforceable and modifications to the limits and/or monitoring frequencies will be formalized outside of this permitting document pursuant to Maine law, 38 M.R.S.A. §413 and Department rule Chapter 519.

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. The Department notes that a Total Maximum Daily Load (TMDL) assessment is being prepared for the Penobscot River. Based on the results of the TMDL, MEPDES Permits / Maine WDLs for facilities discharging wastewater to the Penobscot River will be reopened and effluent limits and monitoring requirements revised as necessary to ensure attainment of water quality standards and designated uses.

8. PUBLIC COMMENTS

Public notice of this application was made in the Bangor Daily News newspaper on or about September 29, 2007. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

9. DEPARTMENT CONTACTS:

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

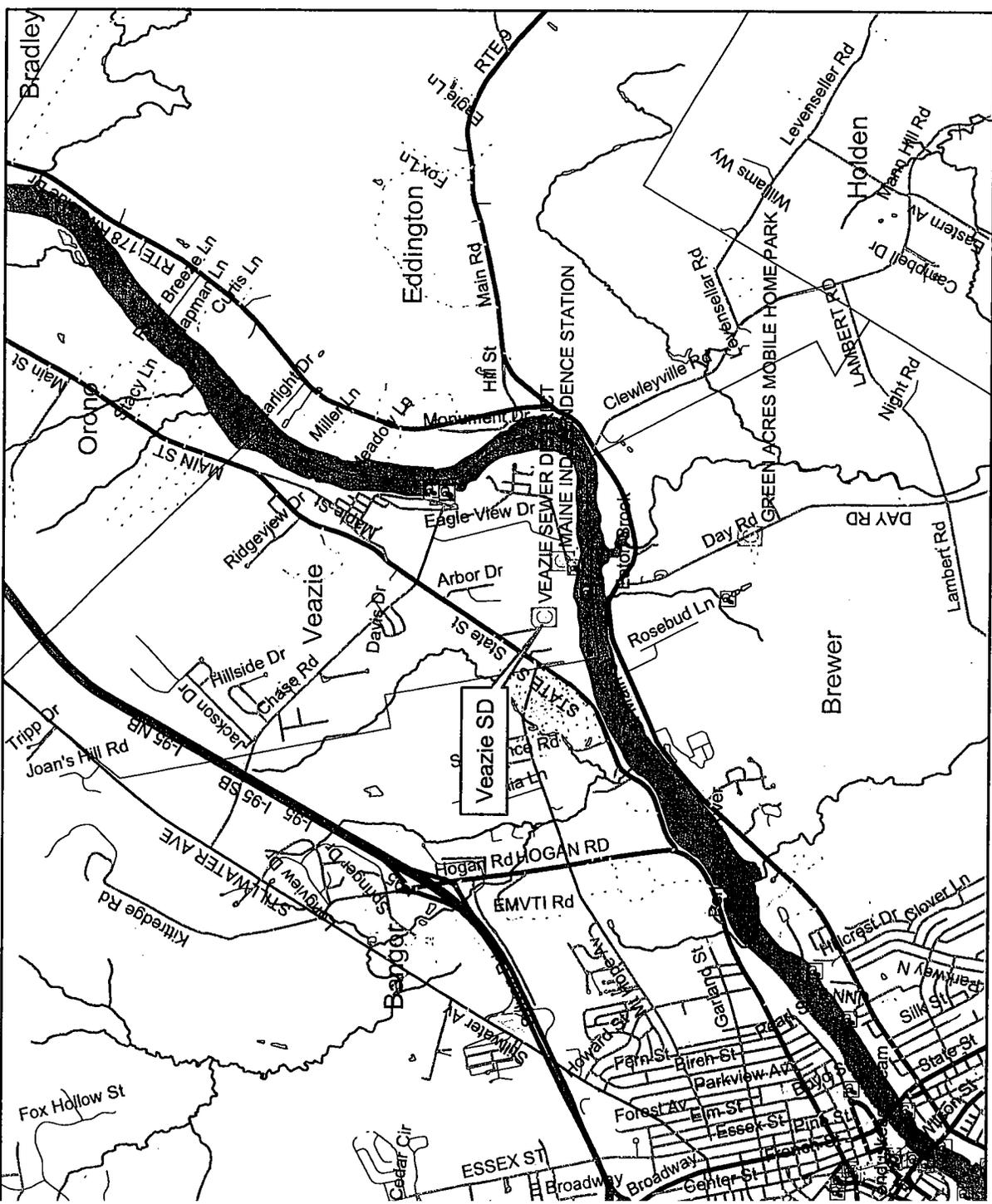
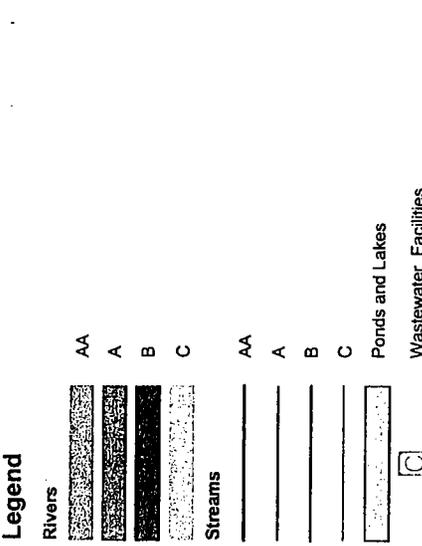
Robert D. Stratton
Division of Water Quality Management
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017

Telephone (207) 287-6114
Fax (207) 287-3435
email: Robert.D.Stratton@maine.gov

10. RESPONSE TO COMMENTS:

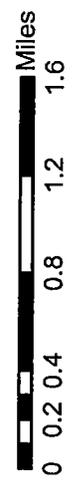
During the period of October 29, 2007 through November 29, 2007, the Department solicited comments on the proposed draft Maine Pollutant Discharge Elimination System Permit / Maine Waste Discharge License to be issued to the Veazie Sewer District for the proposed discharge. The Department did not receive any comments that resulted in significant revisions to the permit, but made some minor internal revisions. Therefore, no response to comments has been prepared.

ATTACHMENT A
(Facility Location Maps)



Map created by:
Bob Stratton

Division of Water Quality Management
Maine Department of Environmental Protection



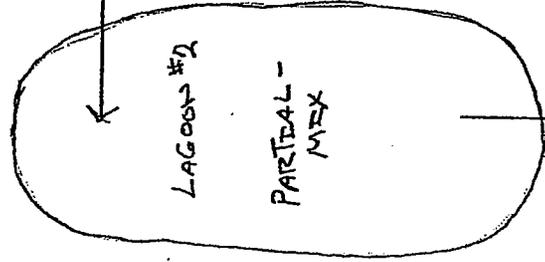
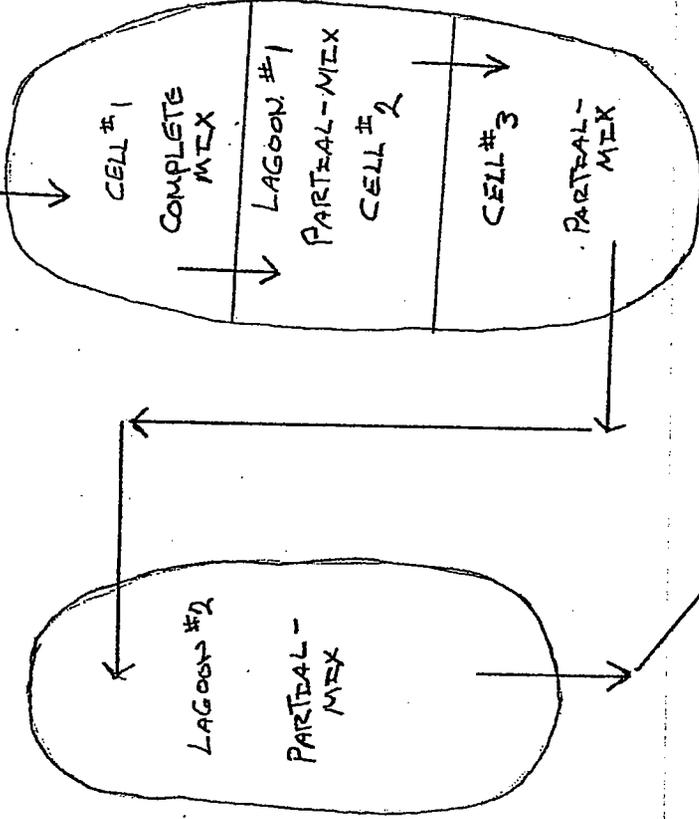
Veazie Sewer District
Veazie, Maine

ATTACHMENT B
(Facility Site Plans)

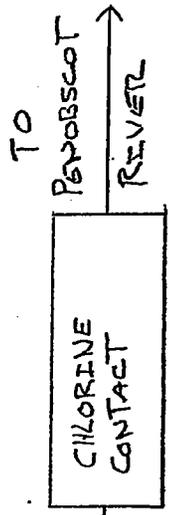
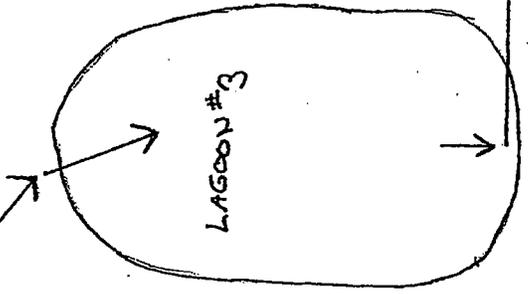
VEAZIE SEWER DISTRICT

GRET/SCREENING

LAGOONS #1 & 2
HAS DIFFUSED AIR



LAGOON #3
IS COVERED AND
HAS PROVISIONS FOR
TWO ASPERATING AERATORS



MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

CONTENTS

SECTION	TOPIC	PAGE
A	GENERAL PROVISIONS	
1	General compliance	2
2	Other materials	2
3	Duty to Comply	2
4	Duty to provide information	2
5	Permit actions	2
6	Reopener clause	2
7	Oil and hazardous substances	2
8	Property rights	3
9	Confidentiality	3
10	Duty to reapply	3
11	Other laws	3
12	Inspection and entry	3
B	OPERATION AND MAINTENANCE OF FACILITIES	
1	General facility requirements	3
2	Proper operation and maintenance	4
3	Need to halt reduce not a defense	4
4	Duty to mitigate	4
5	Bypasses	4
6	Upsets	5
C	MONITORING AND RECORDS	
1	General requirements	6
2	Representative sampling	6
3	Monitoring and records	6
D	REPORTING REQUIREMENTS	
1	Reporting requirements	7
2	Signatory requirement	8
3	Availability of reports	8
4	Existing manufacturing, commercial, mining, and silvicultural dischargers	8
5	Publicly owned treatment works	9
E	OTHER PROVISIONS	
1	Emergency action - power failure	9
2	Spill prevention	10
3	Removed substances	10
4	Connection to municipal sewer	10
F	DEFINITIONS	10

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

A. GENERAL PROVISIONS

1. General compliance. All discharges shall be consistent with the terms and conditions of this permit; any changes in production capacity or process modifications which result in changes in the quantity or the characteristics of the discharge must be authorized by an additional license or by modifications of this permit; it shall be a violation of the terms and conditions of this permit to discharge any pollutant not identified and authorized herein or to discharge in excess of the rates or quantities authorized herein or to violate any other conditions of this permit.

2. Other materials. Other materials ordinarily produced or used in the operation of this facility, which have been specifically identified in the application, may be discharged at the maximum frequency and maximum level identified in the application, provided:

(a) They are not

- (i) Designated as toxic or hazardous under the provisions of Sections 307 and 311, respectively, of the Federal Water Pollution Control Act; Title 38, Section 420, Maine Revised Statutes; or other applicable State Law; or
- (ii) Known to be hazardous or toxic by the licensee.

(b) The discharge of such materials will not violate applicable water quality standards.

3. Duty to comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of State law and the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

- (a) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act, and 38 MRSA, §420 or Chapter 530.5 for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- (b) Any person who violates any provision of the laws administered by the Department, including without limitation, a violation of the terms of any order, rule license, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

4. Duty to provide information. The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

5. Permit actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

6. Reopener clause. The Department reserves the right to make appropriate revisions to this permit in order to establish any appropriate effluent limitations, schedule of compliance or other provisions which may be authorized under 38 MRSA, §414-A(5).

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

7. Oil and hazardous substances. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject under section 311 of the Federal Clean Water Act; section 106 of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; or 38 MRSA §§ 1301, et. seq.

8. Property rights. This permit does not convey any property rights of any sort, or any exclusive privilege.

9. Confidentiality of records. 38 MRSA §414(6) reads as follows. "Any records, reports or information obtained under this subchapter is available to the public, except that upon a showing satisfactory to the department by any person that any records, reports or information, or particular part or any record, report or information, other than the names and addresses of applicants, license applications, licenses, and effluent data, to which the department has access under this subchapter would, if made public, divulge methods or processes that are entitled to protection as trade secrets, these records, reports or information must be confidential and not available for public inspection or examination. Any records, reports or information may be disclosed to employees or authorized representatives of the State or the United States concerned with carrying out this subchapter or any applicable federal law, and to any party to a hearing held under this section on terms the commissioner may prescribe in order to protect these confidential records, reports and information, as long as this disclosure is material and relevant to any issue under consideration by the department."

10. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

11. Other laws. The issuance of this permit does not authorize any injury to persons or property or invasion of other property rights, nor does it relieve the permittee of its obligation to comply with other applicable Federal, State or local laws and regulations.

12. Inspection and entry. The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the EPA Administrator), upon presentation of credentials and other documents as may be required by law, to:

- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

B. OPERATION AND MAINTENANCE OF FACILITIES

1. General facility requirements.

- (a) The permittee shall collect all waste flows designated by the Department as requiring treatment and discharge them into an approved waste treatment facility in such a manner as to

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

maximize removal of pollutants unless authorization to the contrary is obtained from the Department.

- (b) The permittee shall at all times maintain in good working order and operate at maximum efficiency all waste water collection, treatment and/or control facilities.
- (c) All necessary waste treatment facilities will be installed and operational prior to the discharge of any wastewaters.
- (d) Final plans and specifications must be submitted to the Department for review prior to the construction or modification of any treatment facilities.
- (e) The permittee shall install flow measuring facilities of a design approved by the Department.
- (f) The permittee must provide an outfall of a design approved by the Department which is placed in the receiving waters in such a manner that the maximum mixing and dispersion of the wastewaters will be achieved as rapidly as possible.

2. Proper operation and maintenance. 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. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

3. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

4. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. Bypasses.

(a) Definitions.

- (i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
- (ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c) and (d) of this section.

(c) Notice.

- (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

- (ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph D(1)(f), below. (24-hour notice).
 - (d) Prohibition of bypass.
 - (i) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:
 - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (C) The permittee submitted notices as required under paragraph (c) of this section.
 - (ii) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph (d)(i) of this section.
-

6. Upsets.

- (a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- (c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (i) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (ii) The permitted facility was at the time being properly operated; and
 - (iii) The permittee submitted notice of the upset as required in paragraph D(1)(f), below. (24 hour notice).
 - (iv) The permittee complied with any remedial measures required under paragraph B(4).
- (d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

C. MONITORING AND RECORDS

1. General Requirements. This permit shall be subject to such monitoring requirements as may be reasonably required by the Department including the installation, use and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). The permittee shall provide the Department with periodic reports on the proper Department reporting form of monitoring results obtained pursuant to the monitoring requirements contained herein.

2. Representative sampling. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. If effluent limitations are based wholly or partially on quantities of a product processed, the permittee shall ensure samples are representative of times when production is taking place. Where discharge monitoring is required when production is less than 50%, the resulting data shall be reported as a daily measurement but not included in computation of averages, unless specifically authorized by the Department.

3. Monitoring and records.

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (b) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.
- (c) Records of monitoring information shall include:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The individual(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
- (d) Monitoring results must be conducted according to test procedures approved under 40 CFR part 136, unless other test procedures have been specified in the permit.
- (e) State law provides that any person who tampers with or renders inaccurate any monitoring devices or method required by any provision of law, or any order, rule license, permit approval or decision is subject to the penalties set forth in 38 MRSA, §349.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

D. REPORTING REQUIREMENTS

1. Reporting requirements.

- (a) Planned changes. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - (i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
 - (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Section D(4).
 - (iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;
- (b) Anticipated noncompliance. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) Transfers. This permit is not transferable to any person except upon application to and approval of the Department pursuant to 38 MRSA, § 344 and Chapters 2 and 522.
- (d) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - (i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Department for reporting results of monitoring of sludge use or disposal practices.
 - (ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Department.
 - (iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.
- (e) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (f) Twenty-four hour reporting.
 - (i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(ii) The following shall be included as information which must be reported within 24 hours under this paragraph.

- (A) Any unanticipated bypass which exceeds any effluent limitation in the permit.
- (B) Any upset which exceeds any effluent limitation in the permit.
- (C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.

(iii) The Department may waive the written report on a case-by-case basis for reports under paragraph (f)(ii) of this section if the oral report has been received within 24 hours.

- (g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (d), (e), and (f) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (f) of this section.
- (h) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

2. Signatory requirement. All applications, reports, or information submitted to the Department shall be signed and certified as required by Chapter 521, Section 5 of the Department's rules. State law provides that any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained by any order, rule, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

3. Availability of reports. Except for data determined to be confidential under A(9), above, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. As required by State law, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal sanctions as provided by law.

4. Existing manufacturing, commercial, mining, and silvicultural dischargers. In addition to the reporting requirements under this Section, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Department as soon as they know or have reason to believe:

- (a) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (i) One hundred micrograms per liter (100 ug/l);
 - (ii) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
 - (iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

- (b) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
- (i) Five hundred micrograms per liter (500 ug/l);
 - (ii) One milligram per liter (1 mg/l) for antimony;
 - (iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
 - (iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

5. Publicly owned treatment works.

- (a) All POTWs must provide adequate notice to the Department of the following:
- (i) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA or Chapter 528 if it were directly discharging those pollutants.
 - (ii) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
 - (iii) For purposes of this paragraph, adequate notice shall include information on (A) the quality and quantity of effluent introduced into the POTW, and (B) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (b) When the effluent discharged by a POTW for a period of three consecutive months exceeds 80 percent of the permitted flow, the permittee shall submit to the Department a projection of loadings up to the time when the design capacity of the treatment facility will be reached, and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans.

E. OTHER REQUIREMENTS

1. Emergency action - power failure. Within thirty days after the effective date of this permit, the permittee shall notify the Department of facilities and plans to be used in the event the primary source of power to its wastewater pumping and treatment facilities fails as follows.

- (a) For municipal sources. During power failure, all wastewaters which are normally treated shall receive a minimum of primary treatment and disinfection. Unless otherwise approved, alternate power supplies shall be provided for pumping stations and treatment facilities. Alternate power supplies shall be on-site generating units or an outside power source which is separate and independent from sources used for normal operation of the wastewater facilities.
- (b) For industrial and commercial sources. The permittee shall either maintain an alternative power source sufficient to operate the wastewater pumping and treatment facilities or halt, reduce or otherwise control production and or all discharges upon reduction or loss of power to the wastewater pumping or treatment facilities.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

2. Spill prevention. (applicable only to industrial sources) Within six months of the effective date of this permit, the permittee shall submit to the Department for review and approval, with or without conditions, a spill prevention plan. The plan shall delineate methods and measures to be taken to prevent and or contain any spills of pulp, chemicals, oils or other contaminants and shall specify means of disposal and or treatment to be used.

3. Removed substances. Solids, sludges trash rack cleanings, filter backwash, or other pollutants removed from or resulting from the treatment or control of waste waters shall be disposed of in a manner approved by the Department.

4. Connection to municipal sewer. (applicable only to industrial and commercial sources) All wastewaters designated by the Department as treatable in a municipal treatment system will be cosigned to that system when it is available. This permit will expire 90 days after the municipal treatment facility becomes available, unless this time is extended by the Department in writing.

F. DEFINITIONS. For the purposes of this permit, the following definitions shall apply. Other definitions applicable to this permit may be found in Chapters 520 through 529 of the Department's rules

Average means the arithmetic mean of values taken at the frequency required for each parameter over the specified period. For bacteria, the average shall be the geometric mean.

Average monthly discharge limitation means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. Except, however, bacteriological tests may be calculated as a geometric mean.

Average weekly discharge limitation means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Best management practices ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Composite sample means a sample consisting of a minimum of eight grab samples collected at equal intervals during a 24 hour period (or a lesser period as specified in the section on monitoring and reporting) and combined proportional to the flow over that same time period.

Continuous discharge means a discharge which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes, or other similar activities.

Daily discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

Discharge Monitoring Report ("DMR") means the EPA uniform national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees. DMRs must be used by approved States as well as by EPA. EPA will supply DMRs to any approved State upon request. The EPA national forms may be modified to substitute the State Agency name, address, logo, and other similar information, as appropriate, in place of EPA's.

Flow weighted composite sample means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

Grab sample means an individual sample collected in a period of less than 15 minutes.

Interference means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Maximum daily discharge limitation means the highest allowable daily discharge.

New source means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

- (a) After promulgation of standards of performance under section 306 of CWA which are applicable to such source, or
- (b) After proposal of standards of performance in accordance with section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.

Pass through means a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Permit means an authorization, license, or equivalent control document issued by EPA or an approved State to implement the requirements of 40 CFR parts 122, 123 and 124. Permit includes an NPDES general permit (Chapter 529). Permit does not include any permit which has not yet been the subject of final agency action, such as a draft permit or a proposed permit.

Person means an individual, firm, corporation, municipality, quasi-municipal corporation, state agency, federal agency or other legal entity.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

Point source means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.

Pollutant means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or byproducts, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

Process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Publicly owned treatment works ("POTW") means any facility for the treatment of pollutants owned by the State or any political subdivision thereof, any municipality, district, quasi-municipal corporation or other public entity.

Septage means, for the purposes of this permit, any waste, refuse, effluent sludge or other material removed from a septic tank, cesspool, vault privy or similar source which concentrates wastes or to which chemicals have been added. Septage does not include wastes from a holding tank.

Time weighted composite means a composite sample consisting of a mixture of equal volume aliquots collected over a constant time interval.

Toxic pollutant includes any pollutant listed as toxic under section 307(a)(1) or, in the case of sludge use or disposal practices, any pollutant identified in regulations implementing section 405(d) of the CWA. Toxic pollutant also includes those substances or combination of substances, including disease causing agents, which after discharge or upon exposure, ingestion, inhalation or assimilation into any organism, including humans either directly through the environment or indirectly through ingestion through food chains, will, on the basis of information available to the board either alone or in combination with other substances already in the receiving waters or the discharge, cause death, disease, abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in such organism or their offspring.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Whole effluent toxicity means the aggregate toxic effect of an effluent measured directly by a toxicity test.



DEP INFORMATION SHEET

Appealing a Commissioner's Licensing Decision

Dated: May 2004

Contact: (207) 287-2811

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner: (1) in an administrative process before the Board of Environmental Protection (Board); or (2) in a judicial process before Maine's Superior Court. This INFORMATION SHEET, in conjunction with consulting statutory and regulatory provisions referred to herein, can help aggrieved persons with understanding their rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

DEP's *General Laws*, 38 M.R.S.A. § 341-D(4), and its *Rules Concerning the Processing of Applications and Other Administrative Matters* (Chapter 2), 06-096 CMR 2.24 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written notice of appeal within 30 calendar days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner and the applicant a copy of the documents. All the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

The materials constituting an appeal must contain the following information at the time submitted:

1. *Aggrieved Status.* Standing to maintain an appeal requires the appellant to show they are particularly injured by the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.

5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence as part of an appeal only when the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or show that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2, Section 24(B)(5).

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license file is public information made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* An applicant proceeding with a project pending the outcome of an appeal runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge initiation of the appeals procedure, including the name of the DEP project manager assigned to the specific appeal, within 15 days of receiving a timely filing. The notice of appeal, all materials accepted by the Board Chair as additional evidence, and any materials submitted in response to the appeal will be sent to Board members along with a briefing and recommendation from DEP staff. Parties filing appeals and interested persons are notified in advance of the final date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision. The Board will notify parties to an appeal and interested persons of its decision.

II. APPEALS TO MAINE SUPERIOR COURT

Maine law allows aggrieved persons to appeal final Commissioner licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2.26; 5 M.R.S.A. § 11001; & MRCivP 80C. Parties to the licensing decision must file a petition for review within 30 days after receipt of notice of the Commissioner's written decision. A petition for review by any other person aggrieved must be filed within 40-days from the date the written decision is rendered. The laws cited in this paragraph and other legal procedures govern the contents and processing of a Superior Court appeal.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, contact the DEP's Director of Procedures and Enforcement at (207) 287-2811.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.
