



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAVID P. LITTELL  
COMMISSIONER

May 10, 2007

Mr. Greg Zinser  
Town Manager  
Town of Damariscotta  
21 School Street  
Damariscotta, Maine 04543

**RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0102768  
Maine Waste Discharge License (WDL) Application #W009007-5V-A-N  
Final MEPDES Permit/WDL**

Dear Mr. Zinser:

Enclosed, please find a copy of your **final** MEPDES permit and Maine WDL, which was approved by the Department of Environmental Protection. Please read the permit/license and its attached conditions carefully. You must follow the conditions in the order to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State law and is subject to enforcement action.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled "Appealing a Commissioner's Licensing Decision."

If you have any questions regarding the matter, please feel free to call me at 287-7659.

Sincerely,

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

Enc.

cc: Jim Crowley, DEP  
Lori Mitchell, DEP

File #9007

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

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

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

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





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

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF DAMARISCOTTA	)	MAINE POLLUTANT DISCHARGE
WASTE SNOW DUMP	)	ELIMINATION SYSTEM PERMIT
DAMARISCOTTA, LINCOLN COUNTY	)	AND
#ME0102768	)	WASTE DISCHARGE LICENSE
#W009007-5V-A-N <b>APPROVAL</b>	)	<b>NEW</b>

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

**APPLICATION SUMMARY**

The Town has applied to the Department for a new Waste Discharge License (WDL) / Maine Pollutant Discharge Elimination System (MEPDES) permit for the discharge of waste snow collected from roadways, sidewalks, and parking areas in the downtown Damariscotta area to the tidal waters of the Damariscotta River, Class SB, at Main Street in Damariscotta, Maine. The application was assigned WDL #W009007-5V-A-N / MEPDES #ME0102768.

**PERMIT SUMMARY**

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

**REGULATORY SUMMARY**

On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency (USEPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine, excluding areas of special interest to Maine Indian Tribes. On October 30, 2003, after consultation with the U.S. Department of Justice, the USEPA extended Maine's NPDES program delegation to all but tribally owned lands. The extent of Maine's delegated authority is under appeal at the time of this permitting action. From that point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) permit program and this permitting action will utilize a permit number of #ME0102768 as a reference number for the Town's MEPDES permit.

## CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated May 8, 2007, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with State law.
3. The provisions of the State's antidegradation policy, 38 M.R.S.A. §464(4)(F), will be met, in that:
  - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
  - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
  - (c) The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
  - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and
  - (e) Where a discharge will result in lowering the existing water quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharges will be subject to effluent limitations that require application of best practicable treatment as defined in Maine law, 38 M.R.S.A., §414-A(1)(D).
5. No practicable upland alternative location(s) exists for the disposal of waste snow collected by the Town of Damariscotta.
6. The discharge will not have a significant impact on navigation.
7. The Town will not use sand or sand-salt mixtures in those areas from which the snow will be collected for disposal in the tidal waters of the Damariscotta River.
8. The Town will employ best management practices to minimize contamination of waste snow by litter.
9. The Town shall not discharge waste snow that is contaminated with oil, chemicals, hazardous wastes or substances, or solid waste (other than incidental street litter) such that the discharge violates Conditions 1 through 3 of this section.

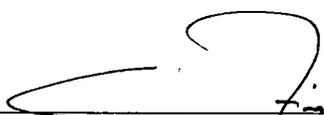
**ACTION**

THEREFORE, the Department APPROVES the above noted application of the TOWN OF DAMARISCOTTA to discharge an unspecified quantity of waste snow to the tidal waters of the Damariscotta River, Class SB, at Main Street in Damariscotta, Maine, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

1. "Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits," revised July 1, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. The expiration date of this permit is five (5) years from the date of signature below.

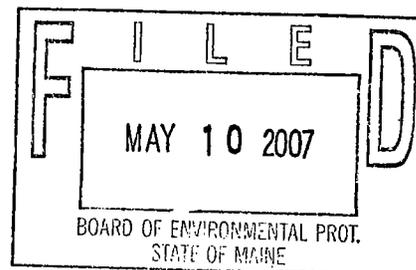
DONE AND DATED AT AUGUSTA, MAINE, THIS 8<sup>TH</sup> DAY OF May, 2007.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:   
\_\_\_\_\_  
DAVID P. LITTELL, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: March 9, 2007  
Date of application acceptance: March 15, 2007



Date filed with Board of Environmental Protection: \_\_\_\_\_

This Order prepared by William F. Hinkel, BUREAU OF LAND & WATER QUALITY  
#ME0102768 / #W009007-5V-A-N May 8, 2007

## **SPECIAL CONDITIONS**

### **A. NOTIFICATION REQUIREMENT**

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

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

### **B. AUTHORIZED DISCHARGES**

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only to the Damariscotta River at Main Street in Damariscotta, Maine. Discharges of waste snow from any other point source are not authorized under this permit.

### **C. CONDITIONS FOR THE DISCHARGE OF WASTE SNOW**

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

## **SPECIAL CONDITIONS**

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

6. The discharge of snow to the Damariscotta River shall only occur at Main Street in Damariscotta, or other site approved by the Department in writing. The approved discharge location is shown on the map included as Attachment A of the fact sheet accompanying this permit.
7. Only snow which is removed from areas where sand is not utilized for winter treatments may be discharged. All waste snow collected for disposal via discharge must be removed from the collection area within 72 hours following the end of a snow event.
8. Snow, which is visibly contaminated with oil, chemicals, hazardous wastes or substances, or solid waste (other than incidental street litter) shall not be discharged. Snow collected from areas affected by chemical spills or other circumstances which may result in the presence of toxic compounds in toxic amounts shall not be discharged.
9. The permittee shall conduct, at a minimum, weekly litter collection and removal within the areas from which waste snow will be collected for discharge.

### **D. RECORD OF ACTIVITIES FOR WASTE SNOW DUMPS**

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

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

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

## **SPECIAL CONDITIONS**

### **E. REOPENING OF PERMIT FOR MODIFICATION**

Upon evaluation of the tests results in the Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at anytime and with notice to the permittee, modify this permit to: (1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded; (2) require additional monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

### **F. SEVERABILITY**

In the event that any provision, or part thereof, of this permit is declared to be unlawful by a reviewing court, the remainder of the permit shall remain in full force and effect, and shall be construed and enforced in all aspects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court.

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

**FACT SHEET**

Date: **MAY 8, 2007**

MEPDES PERMIT: **#ME0102768**  
WASTE DISCHARGE LICENSE: **#W009007-5V-A-N**

NAME AND ADDRESS OF APPLICANT:

**TOWN OF DAMARISCOTTA  
21 SCHOOL STREET  
DAMARISCOTTA, MAINE 04543**

COUNTY: **LINCOLN**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**DAMARISCOTTA RIVER AT MAIN STREET IN DAMARISCOTTA**

RECEIVING WATER/CLASSIFICATION: **TIDAL WATERS OF  
DAMARISCOTTA RIVER /CLASS SB**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **MR. GREG ZINSER  
TOWN MANAGER  
TOWN OF DAMARISCOTTA  
(207) 563-5168**

**1. APPLICATION SUMMARY**

Application: The Town has applied to the Department for a new Waste Discharge License (WDL) / Maine Pollutant Discharge Elimination System (MEPDES) permit for the discharge of waste snow collected from roadways, sidewalks, and parking areas in the downtown Damariscotta area to the tidal waters of the Damariscotta River, Class SB, at Main Street in Damariscotta, Maine. The application was assigned WDL #W009007-5V-A-N / MEPDES #ME0102768.

## 2. REGULATORY SUMMARY

On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency (USEPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine, excluding areas of special interest to Maine Indian Tribes. On October 30, 2003, after consultation with the U.S. Department of Justice, the USEPA extended Maine's NPDES program delegation to all but tribally owned lands. The extent of Maine's delegated authority is under appeal at the time of this permitting action. From that point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) permit program and this permitting action will utilize a permit number of #ME0102768 as a reference number for the Town's MEPDES permit.

## 3. PERMIT SUMMARY

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

March 9, 2007 – The Town submitted a complete General Application to the Department for a new WDL/MEPDES permit for the discharge of waste snow to the Damariscotta River. The application was accepted by the Department on March 15, 2007 and assigned WDL #W009007-5V-A-N/MEPDES Permit #ME0102768.

- c. Source Description: Snow is removed from a variety of municipal roadways, parking lots, and other areas and transported to 40 Main Street in downtown Damariscotta for discharge. The location of the approved snow dump is identified on the map include as Attachment A of this fact sheet. Waste snow is collected from approximately 66,100 square feet of streets and roads and 33,800 square feet of parking and other areas. The Town indicated salt, but not sand, treatments are utilized in the collection areas. The permit does not authorize the discharge of snow which has been collected from areas treated with sand. The Town does not allow the snow dump to be utilized by entities not engaged in the practice of snow removal for the municipality.

Best management practices (BMPs) currently employed by the Town include, but are not limited to, daily litter removal from roadways and adjoining sidewalks and limiting the disposal of waste snow to only that which has not been treated with sand.

### 3. PERMIT SUMMARY (cont'd)

The Town provided a letter from the U.S. Coast Guard, dated March 5, 2007, which states that the proposed snow dump does not pose any significant hazard to navigation for marine transportation. The Town provided a letter from the Damariscotta Harbor Master, dated February 27, 2007, which states that he does not foresee any navigation problems caused by dumping of snow into the river.

The permittee has evaluated the suitability of three other town-owned properties as upland alternatives to the overboard discharge of waste snow. According to the Town, Map 4 Lot 6-1 is the old landfill and the topography and the fact that it a big hill does not lend itself well to a snow dump. Map 1 Lot 62-1 land houses the Fire Dept and Public Works facilities. The area of land that separates the two buildings is a freshwater wetland. Map 5 Lot 16-1 is adjacent to one of the Town's cemeteries, has been identified for cemetery expansion, and has steep topography. For these reasons, the Town has determined that there are no practical upland alternatives available at this time for the disposal of snow collected from the downtown area of Damariscotta.

- d. Wastewater Treatment: The Town does not provide treatment of waste snow prior to overboard discharge. The Town employs best management practices to minimize debris and sand in the waste snow collected for disposal. The waste snow is discharged to a tidal portion of the Damariscotta River subject to daily tidal cycle.

### 4. CONDITIONS OF PERMIT

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

### 5. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A. §469 states, "*all estuarine and marine waters lying within the boundaries of the State and which are not otherwise classified are Class SB waters.*" The tidal Damariscotta River at the point of discharge is not otherwise classified and is therefore a Class SB water. Maine law, 38 M.R.S.A. §465-B subsection 2 describes the standards for Class SB waters.

## 6. RECEIVING WATER QUALITY CONDITIONS

The *State of Maine 2004 Integrated Water Quality Monitoring and Assessment Report* (Report), prepared pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the Damariscotta River at Newcastle and Damariscotta (Waterbody ID #729-2) as, "Category 5-B-1: Estuarine and Marine Waters Impaired by Bacteria (TMDL Required)." It is noted that the DRAFT 2006 Report also lists the receiving water as Category 5-B-1. The 2004 Report specifies sources of non-attainment as sewerage treatment plant and non-point source. The Department's Division of Environmental Assessment concludes that the discharge of snow subject of this permitting action does not cause or contribute to the non-attainment status of the receiving water.

Currently, the Maine Department of Marine Resources shellfish harvesting area #C25 is closed to the harvesting of shellfish based on ambient water quality data, which indicate the harvesting area does not meet the standards in the National Shellfish Sanitation Program. The shellfish closure area is identified on the map included as Fact Sheet Attachment A. The Department does not have any information that the discharge of waste snow by the Town causes or contributes to the non-attainment of the standards for Class SB waters.

## 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 Damariscotta River to meet standards for Class SB classification.

## 8. PUBLIC COMMENTS

Public notice of this application was made in the *Lincoln County News* newspaper on or about March 14, 2007. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

## 9. DEPARTMENT CONTACTS

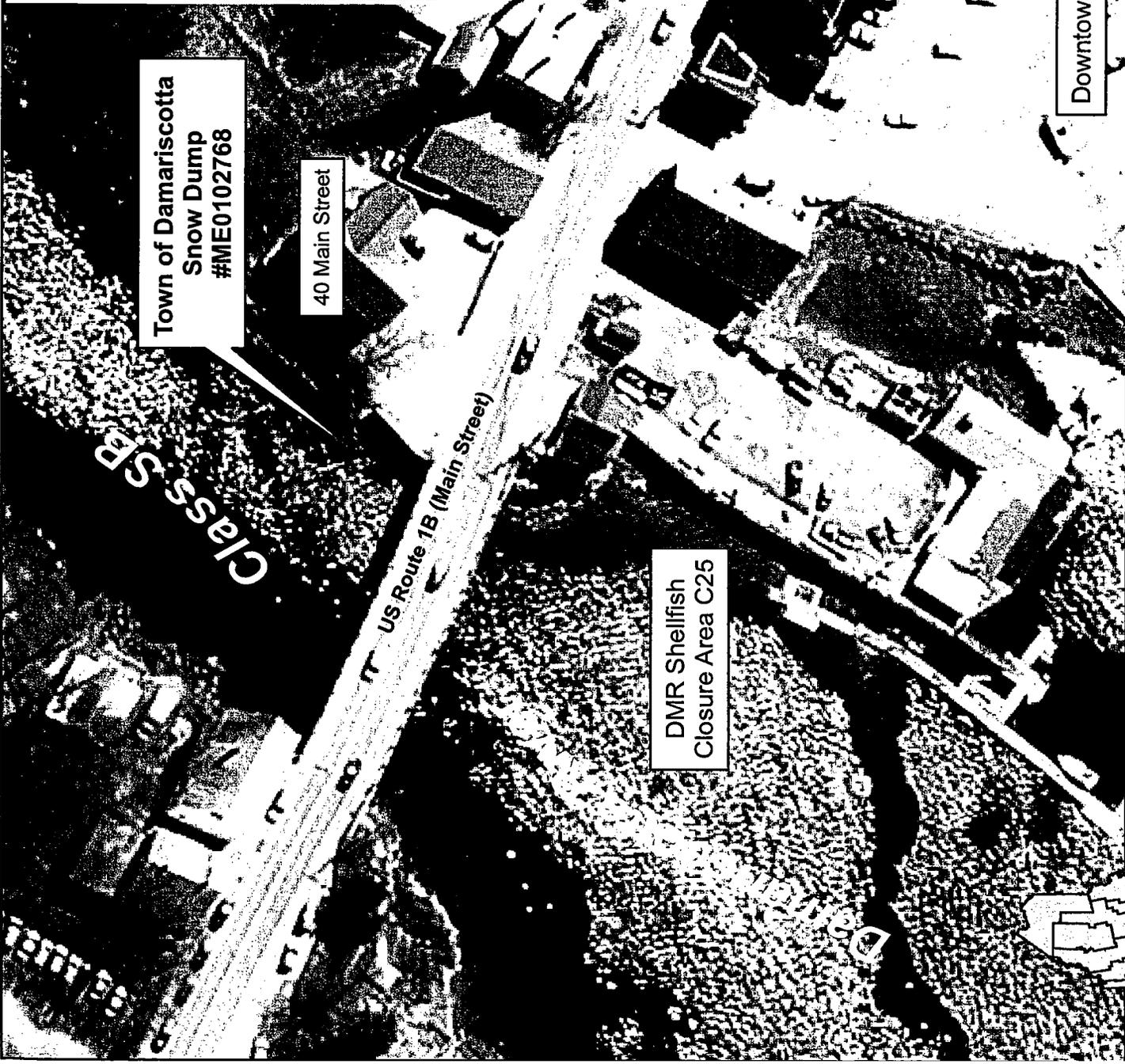
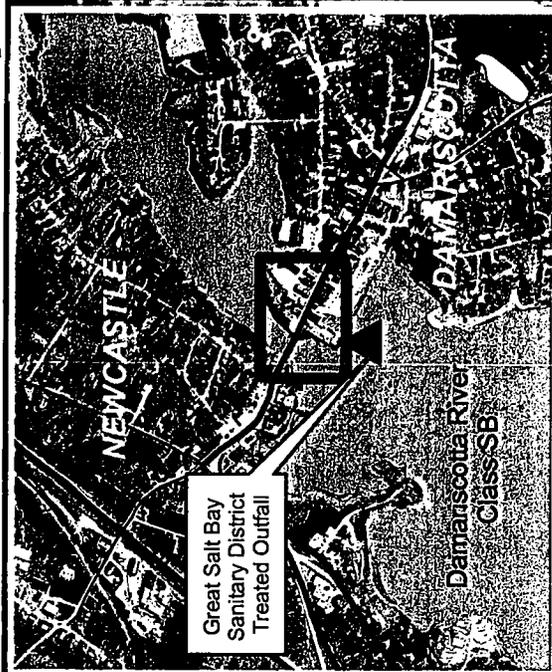
Additional information concerning this permitting action may be obtained from, and written comments sent to:

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

## **10. RESPONSE TO COMMENTS**

During the period of April 5, 2007 through May 7, 2007, the Department solicited comments on the proposed draft Maine Pollutant Discharge Elimination System Permit to be issued to the Town for the proposed discharge. The Department received no significant comments on the proposed draft permit; therefore, a response to comments was not prepared.

# **ATTACHMENT A**



Map created by Maine DEP  
March 21, 2007

Damariscotta Snow Dump at Damariscotta, Maine

