

February 1, 2008

Mr. David Bolstridge  
City of Rockland  
Pollution Control Facility  
40 Tillson Avenue  
Rockland, Maine 04841

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100595  
Maine Waste Discharge License (WDL) #W000681-5M-H-M  
**Minor Revision**

Dear Mr. Bolstridge:

Enclosed, please find a copy of your **final** MEPDES Permit / Maine WDL **minor revision** which was approved by the Department of Environmental Protection. Please read the minor revision 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.

If you have any questions regarding this 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  
Sandy Lao, USEPA  
File #681

**IN THE MATTER OF**

|                                |   |                           |
|--------------------------------|---|---------------------------|
| CITY OF ROCKLAND               | ) | MAINE POLLUTANT DISCHARGE |
| ROCKLAND, KNOX COUNTY, MAINE   | ) | ELIMINATION SYSTEM PERMIT |
| PUBLICLY OWNED TREATMENT WORKS | ) | AND                       |
| #ME0100595                     | ) | WASTE DISCHARGE LICENSE   |
| #W000681-5M-H-M                | ) | <b>MINOR REVISION</b>     |
| <b>APPROVAL</b>                |   |                           |

Pursuant to the provisions of the *Federal Water Pollution Control Act*, Title 33 USC, §1251, *Conditions of licenses*, 38 M.R.S.A. § 414-A, and applicable regulations, the Department of Environmental Protection (Department) has considered the minor revision requested by the CITY OF ROCKLAND (City), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

**MINOR REVISION REQUESTED**

The City has requested that the Department issue a minor revision for Waste Discharge License (WDL) #W000681-5M-G-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0100595, which was issued on December 21, 2007. The request for minor revision of the aforementioned MEPDES Permit / WDL is to correct the following clerical errors:

1. Page 3, Item #8 in the Permit Summary should read “free” cyanide rather than “total” cyanide. The effluent limitations and all other references to free cyanide in the permit are correct.
2. Special Condition A, *Effluent Limitations and Monitoring Requirements*, contains a numeric limitation (chronic NOEL) for the sea urchin. An error in the Department’s database (incorrect test result of 1.37% entered) resulted in a determination that the effluent demonstrated a reasonable potential to exceed the critical chronic water quality threshold. The correct test result of 50% does not demonstrate a reasonable potential to exceed the critical chronic water quality threshold. Therefore, a numeric limitation should not have been established.
3. With regard to the effective date of the primary wastewater bypass threshold of 5.7 MGD specified in Special Condition A, *Effluent Limitations and Monitoring Requirements*, Tables 4 and 5, the Department had agreed to provide six months from the date of permit issuance. Therefore, the final permit contains a clerical error in that the effective date should be June 30, 2008 rather than April 1, 2008.
4. With regard to the submission deadlines specified at Special Condition K, *Operations and Maintenance (O&M) Plan*, and Special Condition L, *Wet Weather Management Plan*, the Department had agreed to provide six months from the date of permit issuance. Therefore, the final permit contains a clerical error in that the effective date should be June 30, 2008 rather than April 1, 2008 for these two conditions.

## **MINOR REVISION SUMMARY**

**This minor revision modifies the 12/21/07 permitting action in that it is:**

1. Recognizing the clerical error on Page 3, Item #8 in the Permit Summary and hereby modifying this Permit Summary item to read “free” cyanide;
2. Eliminating the numeric limitation (chronic NOEL) for the sea urchin;
3. Revising the effective date of the primary wastewater bypass threshold specified in Special Condition A, *Effluent Limitations and Monitoring Requirements*, Tables 4 and 5 from April 1, 2008 to June 30, 2008; and
4. Revising the submission deadlines specified at Special Condition K, *Operations and Maintenance (O&M) Plan*, and Special Condition L, *Wet Weather Management Plan*, from April 1, 2008 to June 30, 2008.

## CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated January 30, 2008, 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, *Classification of Maine waters*, 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 (including the three CSO points) will be subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S.A. § 414-A(1)(D).

**ACTION**

THEREFORE, the Department APPROVES the minor revision of WDL #W000681-5M-G-R issued to the CITY OF ROCKLAND by the Department on December 21, 2007, for the discharge of an unspecified quantity<sup>1</sup> of secondary treated municipal wastewater, and an unspecified quantity of primary treated wastewater to the Atlantic Ocean at Rockland Harbor, Class SC, in Rockland, Maine, and an unspecified quantity of untreated excess combined sanitary and storm water from two (2) combined sewer overflow (CSO) points during wet weather events to the Atlantic Ocean at Rockland Harbor, Class SC, in Rockland, 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. All other terms and conditions in the 12/21/07 WDL #W000681-5M-G-R not modified by this minor revision remain in effect and enforceable.
4. This minor revision **expires on December 21, 2012**, concurrent with the 12/21/07 WDL.

DONE AND DATED AT AUGUSTA, MAINE, THIS 31st DAY OF January, 2008.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of the request: January 16, 2008  
Date of acceptance of the request: January 16, 2008

Date filed with Board of Environmental Protection: \_\_\_\_\_.  
This Order prepared by William F. Hinkel, BUREAU OF LAND & WATER QUALITY  
#ME0100595 / #W000681-5M-H-M January 30, 2008

<sup>1</sup> For administrative purposes and calculation of effluent limitations, an average flow of 3.3 MGD shall be utilized, which is consistent with the average design criterion for this facility.

**SPECIAL CONDITIONS**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

2. **SURVEILLANCE LEVEL** - Beginning upon issuance and lasting until 12 months prior to permit expiration <sup>(1)</sup>.

| Effluent Characteristic   | Discharge Limitations |                    |                 |                  | Minimum Monitoring Requirements |                     |
|---|-----------------------|--------------------|-----------------|------------------|---------------------------------|---------------------|
|   | Monthly Average       | Daily Maximum      | Monthly Average | Daily Maximum    | Measurement Frequency           | Sample Type         |
| <b>Whole Effluent Toxicity<sup>(6)</sup></b><br><b>Acute – NOEL</b><br><i>Mysidopsis bahia</i> (Mysid Shrimp) [TDA3E] | ---                   | ---                | ---             | 15.38 % [23]     | 1/Year [01/YR]                  | Composite [24]      |
| <b>Chronic – NOEL</b><br><i>Arbacia punctulata</i> (Sea Urchin) [TBH3A]   | ---                   | ---                | ---             | Report % [23]    | 1/2 Years [01/2Y]               | Composite [24]      |
| <b>Analytical Chemistry<sup>(7)</sup></b> [51168]   | ---                   | ---                | ---             | Report µg/L [28] | 1/2 Years [01/2Y]               | Composite/Grab [24] |
| <b>Arsenic (Total)<sup>(9)</sup></b> [01002]<br>(Upon permit issuance)  | ---                   | ---                | ---             | Report µg/L [28] | 1/Quarter [01/90]               | Composite [24]      |
| <b>Arsenic (Inorganic)<sup>(10)</sup></b> [01252]<br>(Upon test method approval)                                      | 0.13 lbs./Day [26]    | ---                | 4.6 µg/L [28]   | ---              | 1/Quarter [01/90]               | Composite [24]      |
| <b>Copper (Total)</b> [01042]   | ---                   | 0.81 lbs./Day [26] | ---             | 44.4 µg/L [28]   | 1/Quarter [01/90]               | Composite [24]      |
| <b>Cyanide (Free)</b> [00720]   | ---                   | 0.13 lbs./Day [26] | ---             | 7.7 µg/L [28]    | 1/Quarter [01/90]               | Grab [GR]           |

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

**FOOTNOTES:** See Pages 12 through 17 of the 12/21/07 permit for applicable footnotes.

**SPECIAL CONDITIONS**

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

3. **SCREENING LEVEL** - Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter<sup>(1)</sup>.

| Effluent Characteristic   | Discharge Limitations |                    |                 |                  | Minimum Monitoring Requirements |                     |
|---|-----------------------|--------------------|-----------------|------------------|---------------------------------|---------------------|
|   | Monthly Average       | Daily Maximum      | Monthly Average | Daily Maximum    | Measurement Frequency           | Sample Type         |
| <b>Whole Effluent Toxicity<sup>(6)</sup></b><br><b>Acute – NOEL</b><br><i>Mysidopsis bahia</i> (Mysid Shrimp) [TDA3E] | ---                   | ---                | ---             | 15.38% [23]      | 2/Year [02/YR]                  | Composite [24]      |
| <b>Chronic – NOEL</b><br><i>Arbacia punctulata</i> (Sea Urchin) [TBH3A]   | ---                   | ---                | ---             | Report % [23]    | 2/Year [02/YR]                  | Composite [24]      |
| <b>Analytical Chemistry<sup>(7)</sup></b> [51168]   | ---                   | ---                | ---             | Report µg/L [28] | 1/Quarter [01/90]               | Composite/Grab [24] |
| <b>Priority Pollutants<sup>(8)</sup></b> [51168]  | ---                   | ---                | ---             | Report µg/L [28] | 1/Year [01/YR]                  | Composite/Grab [24] |
| <b>Arsenic (Total)<sup>(9)</sup></b> [01252]<br>(Upon permit issuance)  | ---                   | ---                | ---             | Report µg/L [28] | 1/Quarter [01/90]               | Composite [24]      |
| <b>Arsenic (Inorganic)<sup>(10)</sup></b> [01002]<br>(Upon test method approval)                                      | 0.13 lbs./Day [26]    | ---                | 4.6 µg/L [28]   | ---              | 1/Quarter [01/90]               | Composite [24]      |
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The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports.

**FOOTNOTES:** See Pages 12 through 17 of the 12/21/07 permit for applicable footnotes.

**SPECIAL CONDITIONS**

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

4. The permittee is authorized to discharge **primary treated waste waters** from **OUTFALL #001C (SWIRL SEPARATOR)** to Rockland Harbor (via **Outfall #001A**)<sup>(1)</sup>. **Beginning June 30, 2008 and lasting through permit expiration**, such discharges may only occur in response to wet weather events when the flow rate through secondary treatment exceeds an instantaneous flow rate of 3,958 gpm (5.7 MGD)<sup>(11)</sup> or in accordance with the most current approved High Flow Management Plan and shall be limited and monitored as specified below. Approval of said bypass will be reviewed and may be modified or terminated pursuant to Special Condition Q, *Reopening of Permit For Modification*, if there is a substantial change in the volume or character of pollutants in the collection/treatment system, if new information regarding CSO management becomes available or if necessary for implementation of an approved CSO Master Plan. Also see supplemental report form, *DEP-49-CSO Form For Use With Dedicated CSO Primary Clarifier*, Attachment A of this permit.

| Effluent Characteristic  | Discharge Limitations                  |                                      |  |                                      | Minimum Monitoring Requirements                   |                                    |
|--|--|--------------------------------------|--|--------------------------------------|---|------------------------------------|
|  | <u>Monthly Average</u><br>as specified | <u>Daily Maximum</u><br>as specified | <u>Monthly Average</u><br>as specified | <u>Daily Maximum</u><br>as specified | <u>Measurement Frequency</u><br>as specified      | <u>Sample Type</u><br>as specified |
| <b>Flow</b><br><i>[50050]</i>  | Report Total MGD<br><i>[03]</i>        | ---                                  | ---                                    | Report MGD<br><i>[03]</i>            | Continuous<br><i>[99/99]</i>                      | Recorder<br><i>[RC]</i>            |
| <b>Surface Loading Rate</b> <sup>(12)</sup><br><i>[50997]</i>            | ---                                    | Report, GPD/SF<br><i>[07]</i>        | ---                                    | ---                                  | 1/Discharge Day <sup>(13)</sup><br><i>[01/DD]</i> | Calculate<br><i>[CA]</i>           |
| <b>Overflow Use, Occurrences</b> <sup>(14)</sup><br><i>[74062]</i>       | ---                                    | ---                                  | Report, # of Days<br><i>[93]</i>       | ---                                  | 1/Discharge Day <sup>(13)</sup><br><i>[01/DD]</i> | Record Total<br><i>[RT]</i>        |
| <b>BOD<sub>5</sub></b><br><i>[00310]</i>                                 | ---                                    | ---                                  | ---                                    | Report mg/L<br><i>[19]</i>           | 1/Discharge Day <sup>(13)</sup><br><i>[01/DD]</i> | 24-Hour Composite<br><i>[24]</i>   |
| <b>BOD<sub>5</sub> Percent Removal</b> <sup>(15)</sup><br><i>[81010]</i> | ---                                    | ---                                  | Report %<br><i>[23]</i>                | ---                                  | 1/Discharge Day <sup>(13)</sup><br><i>[01/DD]</i> | Calculate<br><i>[CA]</i>           |
| <b>TSS</b><br><i>[00530]</i>   | ---                                    | ---                                  | ---                                    | Report mg/L<br><i>[19]</i>           | 1/Discharge Day <sup>(13)</sup><br><i>[01/DD]</i> | 24-Hour Composite<br><i>[24]</i>   |
| <b>TSS Percent Removal</b> <sup>(15)</sup><br><i>[81011]</i>             | ---                                    | ---                                  | Report %<br><i>[23]</i>                | ---                                  | 1/Discharge Day <sup>(13)</sup><br><i>[01/DD]</i> | Calculate<br><i>[CA]</i>           |
| <b>Fecal Coliform Bacteria</b> <sup>(3), (16)</sup><br><i>[31616]</i>    | ---                                    | ---                                  | ---                                    | 200/100 ml<br><i>[13]</i>            | 1/Discharge Day <sup>(13)</sup><br><i>[01/DD]</i> | Grab<br><i>[GR]</i>                |
| <b>Total Residual Chlorine</b> <sup>(16)</sup><br><i>[50060]</i>         | ---                                    | ---                                  | ---                                    | 1.0 mg/L<br><i>[19]</i>              | 1/Discharge Day <sup>(13)</sup><br><i>[01/DD]</i> | Grab<br><i>[GR]</i>                |

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

**FOOTNOTES:** See Pages 12 through 17 of the 12/21/07 permit for applicable footnotes.

**SPECIAL CONDITIONS**

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

5. The permittee is authorized to discharge **primary treated waste waters** from **OUTFALL #002A (SWIRL SEPARATOR)** to Rockland Harbor at Lermond Cove<sup>(1)</sup>. **Beginning June 30, 2008 and lasting through permit expiration**, such discharges may only occur in response to wet weather events when the flow rate through secondary treatment exceeds an instantaneous flow rate of 3,958 gpm (5.7 MGD)<sup>(11)</sup> or in accordance with the most current approved High Flow Management Plan and shall be limited and monitored as specified below. Approval of said bypass will be reviewed and may be modified or terminated pursuant to Special Condition Q, *Reopening of Permit For Modification*, if there is a substantial change in the volume or character of pollutants in the collection/treatment system, if new information regarding CSO management becomes available or if necessary for implementation of an approved CSO Master Plan. Also see supplemental report form, *DEP-49-CSO Form For Use With Dedicated CSO Primary Clarifier*, Attachment A of this permit.

| Effluent Characteristic  | Discharge Limitations                  |                                      |  |                                      | Minimum Monitoring Requirements                   |                                    |
|--|--|--------------------------------------|--|--------------------------------------|---|------------------------------------|
|  | <u>Monthly Average</u><br>as specified | <u>Daily Maximum</u><br>as specified | <u>Monthly Average</u><br>as specified | <u>Daily Maximum</u><br>as specified | <u>Measurement Frequency</u><br>as specified      | <u>Sample Type</u><br>as specified |
| <b>Flow</b><br><i>[50050]</i>  | Report Total MGD<br><i>[03]</i>        | ---                                  | ---                                    | Report MGD<br><i>[03]</i>            | Continuous<br><i>[99/99]</i>                      | Recorder<br><i>[RC]</i>            |
| <b>Surface Loading Rate</b> <sup>(12)</sup><br><i>[50997]</i>            | ---                                    | Report, GPD/SF<br><i>[07]</i>        | ---                                    | ---                                  | 1/Discharge Day <sup>(13)</sup><br><i>[01/DD]</i> | Calculate<br><i>[CA]</i>           |
| <b>Overflow Use, Occurrences</b> <sup>(14)</sup><br><i>[74062]</i>       | ---                                    | ---                                  | Report, # of Days<br><i>[93]</i>       | ---                                  | 1/Discharge Day <sup>(13)</sup><br><i>[01/DD]</i> | Record Total<br><i>[RT]</i>        |
| <b>BOD<sub>5</sub></b><br><i>[00310]</i>                                 | ---                                    | ---                                  | ---                                    | Report mg/L<br><i>[19]</i>           | 1/Discharge Day <sup>(13)</sup><br><i>[01/DD]</i> | 24-Hour Composite<br><i>[24]</i>   |
| <b>BOD<sub>5</sub> Percent Removal</b> <sup>(15)</sup><br><i>[81010]</i> | ---                                    | ---                                  | Report %<br><i>[23]</i>                | ---                                  | 1/Discharge Day <sup>(13)</sup><br><i>[01/DD]</i> | Calculate<br><i>[CA]</i>           |
| <b>TSS</b><br><i>[00530]</i>   | ---                                    | ---                                  | ---                                    | Report mg/L<br><i>[19]</i>           | 1/Discharge Day <sup>(13)</sup><br><i>[01/DD]</i> | 24-Hour Composite<br><i>[24]</i>   |
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| <b>Fecal Coliform Bacteria</b> <sup>(3), (16)</sup><br><i>[31616]</i>    | ---                                    | ---                                  | ---                                    | 200/100 ml<br><i>[13]</i>            | 1/Discharge Day <sup>(13)</sup><br><i>[01/DD]</i> | Grab<br><i>[GR]</i>                |
| <b>Total Residual Chlorine</b> <sup>(16)</sup><br><i>[50060]</i>         | ---                                    | ---                                  | ---                                    | 1.0 mg/L<br><i>[19]</i>              | 1/Discharge Day <sup>(13)</sup><br><i>[01/DD]</i> | Grab<br><i>[GR]</i>                |

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**FOOTNOTES:** See Pages 12 through 17 of the 12/21/07 permit for applicable footnotes.

## SPECIAL CONDITIONS

### H. OPERATIONS AND MAINTENANCE (O&M) PLAN

**On or before June 30, 2008**, the permittee shall submit to the Department a current written comprehensive Operation & Maintenance (O&M) Plan [*PCS Code 09699*]. 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 USEPA 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.

### I. WET WEATHER MANAGEMENT PLAN

The treatment facility staff shall develop and maintain a Wet Weather Management Plan to direct the staff on how to operate the facility effectively during periods of high flow. The Department acknowledges that the existing collection system may deliver flows in excess of the monthly average design capacity of the treatment plant during periods of high infiltration and rainfall.

**On or before June 30, 2008**, the permittee shall submit to the Department for review and approval, a new or revised Wet Weather Management Plan that conforms to Department guidelines for such plans [*PCS Code 06799*]. The revised plan shall include operating procedures for a range of intensities, address solids handling procedures (including septic waste and other high strength wastes if applicable) and provide written operating and maintenance procedures during the events.

**Once the Wet Weather Management Plan has been approved, the permittee shall review their plan annually and record any necessary changes to keep the plan up to date.**

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

**FACT SHEET  
MINOR REVISION**

Date: **JANUARY 30, 2008**

PERMIT NUMBER: **#ME0100595**  
WASTE DISCHARGE LICENSE: **#W000681- 5M -H-M**

NAME AND ADDRESS OF APPLICANT:

**CITY OF ROCKLAND  
40 TILLSON AVENUE  
ROCKLAND, ME 04841-3417**

COUNTY: **KNOX**

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

**ROCKLAND WASTEWATER TREATMENT FACILITY  
40 TILLSON AVENUE  
ROCKLAND, ME 04841-3417**

RECEIVING WATER/CLASSIFICATION: **ROCKLAND HARBOR/CLASS SC**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **MR. DAVID BOLSTRIDGE  
(207) 594-0324**

## 1. MINOR REVISION REQUESTED

The City of Rockland (City) has requested that the Department of Environmental Protection (Department) issue a minor revision for Waste Discharge License (WDL) #W000681-5M-G-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0100595, which was issued on December 21, 2007. The request for minor revision of the aforementioned MEPDES Permit / WDL is to correct the following clerical errors:

1. Page 3, Item #8 in the Permit Summary should read “free” cyanide rather than “total” cyanide. The effluent limitations and all other references to free cyanide in the permit are correct.
2. Special Condition A, *Effluent Limitations and Monitoring Requirements*, contains a numeric limitation (chronic NOEL) for the sea urchin. An error in the Department’s database (incorrect test result of 1.37% entered) resulted in a determination that the effluent demonstrated a reasonable potential to exceed the critical chronic water quality threshold. The correct test result of 50% does not demonstrate a reasonable potential to exceed the critical chronic water quality threshold. Therefore, a numeric limitation should not have been established.
3. With regard to the effective date of the primary wastewater bypass threshold of 5.7 MGD specified in Special Condition A, *Effluent Limitations and Monitoring Requirements*, Tables 4 and 5, the Department had agreed to provide six months from the date of permit issuance. Therefore, the final permit contains a clerical error in that the effective date should be June 30, 2008 rather than April 1, 2008.
4. With regard to the submission deadlines specified at Special Condition K, *Operations and Maintenance (O&M) Plan*, and Special Condition L, *Wet Weather Management Plan*, the Department had agreed to provide six months from the date of permit issuance. Therefore, the final permit contains a clerical error in that the effective date should be June 30, 2008 rather than April 1, 2008 for these two conditions.

## 2. MINOR REVISION SUMMARY

**This minor revision modifies the 12/21/07 permitting action in that it is:**

1. Recognizing the clerical error on Page 3, Item #8 in the Permit Summary and hereby modifying this Permit Summary item to read “free” cyanide;
2. Eliminating the numeric limitation (chronic NOEL) for the sea urchin;
3. Revising the effective date of the primary wastewater bypass threshold specified in Special Condition A, *Effluent Limitations and Monitoring Requirements*, Tables 4 and 5 from April 1, 2008 to June 30, 2008; and
4. Revising the submission deadlines specified at Special Condition K, *Operations and Maintenance (O&M) Plan*, and Special Condition L, *Wet Weather Management Plan*, from April 1, 2008 to June 30, 2008.

### **3. BASIS FOR MINOR REVISION**

The Department issued a final WDL to the City on December 21, 2007, following nearly two years of meetings, discussions and review of draft permits. Following the end of the 30-day draft permit comment period on September 4, 2007, the Department had not finalized a new arsenic guidance document that is applicable to the City's permit. Therefore, the Department delayed the issuance of a final permit until the arsenic guidance document was finalized in December 2007. As a result of delaying issuance, the submission dates for the O&M Plan and Wet Weather Management Plan did not reflect the negotiated agreement between the Department and the City, which was to establish deadlines of six months following permit issuance. A similar agreement was made for the effective date for the emergency bypass threshold. Thus, the City has requested that the Department modify the final permit to change the aforementioned dates to June 30, 2008 – approximately 6 months following the date of issuance.

A data entry error in the Departments whole effluent toxicity (WET) database resulted in an incorrect determination that the effluent demonstrated a reasonable potential to exceed the critical chronic water quality threshold for the sea urchin. Based on this determination, a numeric limit of 1.37% was established in the 12/21/07 permit. The data entry error associated with the April 9, 2007 test has been corrected and an evaluation of the correct data indicates the discharge did not exceed or demonstrate a reasonable potential to exceed the critical chronic criterion. Therefore, this minor revision serves to eliminate the numeric limit for the sea urchin. A copy of WET test results is included as Attachment A of this Fact Sheet Minor Revision.

The City has requested that the Department recognize the clerical error in the Permit Summary regarding cyanide. This minor revision serves to acknowledge that the Permit Summary should read “free” cyanide rather than “total” cyanide. The limitations and all other references are correct.

### **4. DEPARTMENT CONTACTS**

Additional information concerning this minor revision may be obtained from, and written comments should be 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 Fax: (207) 287-3435  
e-mail: [bill.hinkel@maine.gov](mailto:bill.hinkel@maine.gov)