

February 8, 2008

Mr. Jonathan Carman
JMC Wastewater Services
P.O. Box397
Unity, ME. 04988

Mr. Joseph Slocum, City Manager
City of Belfast
131 Church Street
Belfast, Maine 04915

RE: Maine Pollutant Discharge Elimination System Permit #ME0101532
Maine Waste Discharge License Application #W0000569-5L-G-M
Permit Modification

Dear Mr. Carman & Mr. Slocum:

Enclosed, please find a copy of your **final** MEPDES permit and Maine WDL **modification** which was approved by the Department of Environmental Protection. Please read the permit/license modification 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 287-7693.

Sincerely,

Gregg Wood
Division of Water Quality Management
Bureau of Land & Water Quality

Enc.

cc: Lori Mitchell, DEP/CMRO
Denise Behr, DEP/CMRO
John True DEP/CMRO
Sandy Lao, USEPA

IN THE MATTER OF

CITY OF BELFAST) MAINE POLLUTANT DISCHARGE
BELFAST, WALDO COUNTY, MAINE) ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS) AND
ME0101532) WASTE DISCHARGE LICENSE
W000569-5L-G-M) **APPROVAL**) **MODIFICATION**

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

APPLICATION SUMMARY

The City has submitted an application to the Department for a modification of Department Waste Discharge License (WDL) #W000569-5L-F-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0101532 (permit hereinafter), which was issued on May 23, 2006, and is due to expire on May 23, 2011. The 5/23/06 permit authorized the City to discharge a monthly average flow of up to 0.90 million gallons per day (MGD) of secondary treated sanitary waste water from a publicly owned treatment works (POTW) and an unspecified quantity of untreated excess combined sanitary and storm water waste water from two Combined Sewer Overflows (CSOs) to the Atlantic Ocean (Belfast Harbor), Class SB, in Belfast, Maine.

MODIFICATIONS REQUESTED

The City has requested a modification to change a date in the schedule of compliance for the submission of an updated CSO Master Plan. The City is requesting the Department change the submission date from December 31, 2007 to July 1, 2008.

The 12/4/07 application submitted to the Department indicates the request is based on the following;

“Due to a favorable bidding climate in 2006 the cost to rehabilitate Salmond Street, Cedar Street and Northport Avenue left the City with additional money that had been borrowed from the Maine Bond Bank. The City made the decision to use the additional money to rehabilitate Condon Street and Fahey Street sewers in 2007 rather than wait until 2012 as outlined in the 2005 updated CSO Abatement Project Schedule. These projects were completed during the Spring and Summer of 2007. Consequently, because of the additional two projects, the assessment of the sewer system anticipated during the Spring of 2007 did not happen.

Therefore, the City requests the Department of Environmental Protection modify the current permit to allow for a sewer system assessment to be performed during the spring of 2008. The assessment and the CSO Master Plan Update will be conducted by July 31, 2008 and discussions with DEP staff will follow concerning future abatement projects based on the findings of the assessment to be conducted by Olver Associates Inc..”

PERMIT SUMMARY

The Department is granting the request by the City to modify the submission date for an updated CSO Master Plan from December 31, 2007 to July 31, 2008.

CONCLUSIONS

BASED on the permittee's request and subject to the Conditions listed below, the Department makes the following conclusions:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, 38 M.R.S.A. §464(4)(F), will be met, in that:
 - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
 - (c) The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and
 - (e) Where a discharge will result in lowering the existing water quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharge (including the two CSO points) 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).

ACTION

THEREFORE, the Department APPROVES the above noted application of the CITY OF BELFAST to modify the submission date for an updated CSO Master Plan from December 31, 2007 to July 31, 2008, 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 the 5/23/06 MEPDES permit renewal.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This permit modification expires on May 23, 2011, concurrent with the MEPDES permit renewal issued by the Department on 5/23/06.

DONE AND DATED AT AUGUSTA, MAINE, THIS 12th DAY OF February, 2008.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
DAVID P. LITTELL, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: December 4, 2007.

Date of application acceptance: December 10, 2007.

Date filed with Board of Environmental Protection: _____.

This Order prepared by GREGG WOOD, BUREAU OF LAND & WATER QUALITY

SPECIAL CONDITIONS

M. EFFLUENT LIMITATIONS AND CONDITIONS FOR CSO'S

4. CSO Master Plan (see Sections 2 and 3 of Department rule Chapter 570)
The permittee shall implement CSO control projects in accordance with the approved CSO Master Plan entitled *Sewer System Master Plan for CSO Abatement City of Belfast, ME, January 2000*, prepared by Olver Associates, and the updated plan entitled *Updated Master Plan for CSO Abatement, City of Belfast, Maine, September 2005*, prepared by Olver Associates. The updated Master Plan was approved by the Department on April 26, 2006.

On or before July 31, 2008, [PCS Code 06699] the permittee shall submit a CSO Master Plan Update evaluating the success of the abatement projects and the need to proceed with the Upgrade of the Treatment Plant Influent Pump Capacity and subsequent CSO Abatement Projects.

To modify the dates and or projects specified above, the permittee must file an application with the Department to formally modify the permit. The remaining work items identified in the abatement schedule may be amended from time to time based on mutual agreements between the permittee and the Department. The permittee must notify the Department in writing prior to any proposed changes to the implementation schedule.

5. Nine Minimum Controls (NMC) (see Section 5 of Department rule Chapter 570)
The permittee shall implement and follow the Nine Minimum Control documentation as approved by EPA on August 2, 2000. Work performed on the Nine Minimum Controls during the year shall be included in the annual CSO Progress Report (see below).
6. CSO Compliance Monitoring Program (see Section 6 of Department rule Chapter 570)
The permittee shall conduct block testing or flow monitoring according to an approved *Compliance Monitoring Program* on all CSO points, as part of the CSO Master Plan. Annual flow volumes for all CSO locations shall be determined by actual flow monitoring, or by estimation using a model such as EPA's Storm Water Management Model (SWMM).

Results shall be submitted annually as part of the annual *CSO Progress Report* (see below), and shall include annual precipitation, CSO volumes (actual or estimated) and any block test data required. Any abnormalities during CSO monitoring shall also be reported. The results shall be reported on the Department form "CSO Activity and Volumes" included as Attachment D of the 5/23/06 permit or similar format and submitted to the Department on diskette.