

September 5, 2008

Mr. John Cronin
Town of Canton Pollution Abatement Facility
P.O Box 669
Staples Hill Road
Canton, ME. 04221

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0102067
Maine Waste Discharge License (WDL) Application #W006445-5L-H-M
Final Permit Modification

Dear John:

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 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 and Water Quality

Enc.

cc: Beth DeHaas, DEP/CMRO
Sandy Lao, USEPA

IN THE MATTER OF

TOWN OF CANTON)	MAINE POLLUTANT DISCHARGE
POLLUTION ABATEMENT FACILITY)	ELIMINATION SYSTEM PERMIT
CANTON, OXFORD COUNTY, MAINE)	AND
ME0102067)	WASTE DISCHARGE LICENSE
W006445-5L-H-M)	MODIFICATION
	APPROVAL	

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 TOWN OF CANTON (Town hereinafter), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The Town has applied for modification of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0102067/ Maine Waste Discharge License (WDL) #W006445-5L-G-M, (permit hereinafter) which was issued on February 22, 2006, and is due to expire on February 22, 2011. The MEPDES permit/WDL approved the discharge of up to a monthly average flow of 0.621 million gallons per day (MGD) of secondary treated waste water from a publicly owned treatment works (POTW) facility to Whitney Brook, Class B, in Canton, Maine.

MODIFICATIONS REQUESTED

The permittee has requested the Department eliminate the prohibition to discharge to Whitney Brook when the flow in the brook is less than 10 cfs due to changed circumstances with the operation of the dam that controls the flow in Whitney Brook.

MODIFICATIONS GRANTED

The Department is granting the request by the permittee to eliminate said prohibition.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated July 28, 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, 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 TOWN OF CANTON, to discharge up to a daily maximum of 0.621 MGD of secondary treated municipal waste waters under all flow rates in Whitney Brook, 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 to the February 22, 2006 MEPDES permit.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. All terms and conditions in the February 22, 2006 MEPDES permit not modified by this permitting action remain in effect and enforceable.
4. This permit modification expires on February 22, 2011 concurrent with the MEPDES permit issued on February 22, 2006.

DONE AND DATED AT AUGUSTA, MAINE, THIS 4th DAY OF September 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 August 22, 2007.

Date of application acceptance September 5, 2007.

Date filed with Board of Environmental Protection _____

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

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS – Outfall #001 (cont'd)

Footnotes:

Effluent receiving secondary treatment (Outfall #001) shall be sampled for all parameters specified in Special Condition A of this permitting action from the “*Effluent Monitoring Manhole*” as depicted on a drawing entitled, Treatment Site: Stabilization Ponds Process Piping, by Woodard & Curran Inc., dated August 1983. Any change in sampling location must be reviewed and approved by the Department in writing.

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

- (1) **Stream flow** - The stream flow shall be measured daily, when discharging, at the flow measuring station located at the bridge just upstream of Outfall 001.
- (2) **Discharge flow** - When discharging, Canton shall maintain a minimum dilution ratio of receiving water to plant flow of 53:1 at all times.
- (3) **Dilution factor** – The dilution factor for each discharge shall be calculated in accordance with the following formula;

$$\frac{\text{Plant flow (MGD)} + \text{Receiving water flow (MGD)}}{\text{Plant flow (MGD)}}$$

- (4) **BOD₅ and TSS** – Both flow and mass based limitations for BOD₅ and TSS are based on a sliding scale in Table A (Attachment A) of this permit and are dependent on flows measured in Whitney Brook . The values in the table on page 4 of this permit are the maximum discharge limitations based on a flow of greater than or equal to 50 cfs.
- (5) **Percent removal** – For secondary treated waste waters, the facility shall maintain a minimum of 85 percent removal of both BOD₅ and TSS. Compliance with the limitation is based on a twelve-month rolling average. Calendar monthly average percent removal values shall be calculated based on influent and effluent concentrations. The percent removal is not applicable when the monthly average influent concentration is less than 200 mg/L and shall not be included in the rolling average calculations. The permittee is not required to calculate percent removal rates until an influent sampling point is constructed that does not constitute a confined entry space.

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

FACT SHEET

Date: **July 28, 2008**

PERMIT NUMBER: **ME0102067**
LICENSE NUMBER: **W006445-5L-H-M**

NAME AND ADDRESS OF APPLICANT:

**TOWN OF CANTON
Pollution Abatement Facility
P. O. Box 669
Canton, Maine 04221**

COUNTY: **Oxford County**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**Town of Canton
Bixby Road/Primrose Lane
Canton, Maine 04221**

RECEIVING WATER/CLASSIFICATION: **Whitney Brook/Class B**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. John Cronin, Operator
(207) 597-2920**

1. APPLICATION SUMMARY

The Town has applied for modification of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0102067/ Maine Waste Discharge License (WDL)#W006445-5L-G-M, (permit hereinafter) which was issued on February 22, 2006, and is due to expire on February 22, 2011. The MEPDES permit/WDL approved the discharge of up to a monthly average flow of 0.621 million gallons per day (MGD) of secondary treated waste water from a publicly owned treatment works (POTW) facility to Whitney Brook, Class B, in Canton, Maine.

2. MODIFICATIONS REQUESTED

The permittee has requested the Department eliminate the prohibition to discharge to Whitney Brook when the flow in the brook is less than 10 cfs due to changed circumstances with the operation of the dam that controls the flow in Whitney Brook.

3. MODIFICATIONS GRANTED

The Department is granting the request by the permittee to eliminate said prohibition.

Section 7(a&b) of the Fact Sheet of the February 22, 2006 MEPDES contained the following italicized text;

- a. *Flow: The previous permitting established a monthly average flow limitation of 0.25 MGD. The permittee has requested the Department considering authorizing the facility to discharge on a sliding scale ranging from 0.124 MGD to 0.621 MGD as a daily maximum while maintaining a dilution factor of greater than or equal to 53:1. See Section 2 (a-c) of this Fact Sheet for an explanation of the permittee's request to be regulated via a sliding scale. The dilution factor of 53:1 was established by the Department more than 15 years earlier and is the threshold dilution in Whitney Brook whereby Class B dissolved oxygen standards will be maintained. The permittee has chosen 0.621 MGD as the top end of the scale given constraint's in obtaining accurate flow measurements in Whitney Brook above 50 cfs. Given the control the permittee has on the timing, duration and conditions under which to discharge as the result of a "hold and release" treatment system, the Department is granting the permittee's request by establishing a daily maximum flow limit of 0.621 MGD provided there is sufficient flow in Whitney Brook to maintain a dilution factor of 53:1. The permittee will be limit to a daily maximum flow based on the flow in Whitney Brook on any given day in accordance with the schedule in Table A of this permit. It is noted Special Condition D, Stream Flow Monitoring, of this permit requires the permittee to measure flow in Whitney Brook on a daily basis when discharging. The permittee is prohibited from discharging when the flow in Whitney Brook is less than or equal to (\leq) 10 cfs. This is an arbitrary cut-off level established by the Department to protect Whitney Brook during extremely low flow conditions.*
- b. *Dilution Factors - The Department establishes applicable dilution factors for the discharge in accordance with freshwater protocols established in Department Rule Chapter 530, Surface Water Toxics Control Program, October 2005. A critical low flow value of 20 cfs for Whitney Brook was established by the Department more than 15 years earlier. It is noted a private party owns and operates the dam at the outlet of Canton Lake which controls the flow rate in Whitney Brook. The flow rate of 20 cfs is a target rate only. There is no requirement on the dam owner to pass a specified minimum flow.*

3. MODIFICATIONS GRANTED (cont'd)

On May 8, 2007, the State of Maine's Department of Defense, Veterans and Emergency Management issued an *Emergency Supplemental Dam Safety Order* for Anasagunticook Lake Dam in Canton, Maine. Page 4 of the Order states;

“Until and unless the remedial actions required in the December 4 Order are undertaken to restore the structural integrity of the dam and provide for safe and effective operation of the spillway gates, the closing of the spillway gates and refilling of Anasagunticook Lake in accordance with the terms and conditions of the outstanding water level order may further compromise the structural integrity of the dam, significantly increasing the risk that the dam will breach and flood areas below with little or no advanced warning.

Based on the available information, I find that the situation at the dam presents a potential but real and impending danger to life, limb or property because of flooding or potential and imminent flooding pursuant to 37-B M.R.S.A. section 1114(2).

Maintaining a lower water level and keeping the spillway gates open, until such time as the remedial actions required in the December 4 Order are undertaken, constitutes the most prudent and appropriate means to mitigate this emergency situation and to prevent life and property damage pursuant to 37-B M.R.S.A. section 1114(2).

Based on the above findings and conclusions, I hereby order that, until the remedial actions required in the December 4, 2006 Dam Safety Order are undertaken, the owner, lessee or other person in control of the Anasagunticook Dam shall leave the overflow sluice gates at the dam open and clear of the water.”

In August of 2008, the Town of Canton exercised its eminent domain authority and took possession of the dam. The Town is assessing the costs associated with remedial actions such that it will restore the ability to close the gates at the dam and fill Anasagunticook Lake so that that flows can be regulated in Whitney Brook. Until such time the remedial actions are completed, the Town of Canton can not plan their discharge events such that there is >10 cfs in the Whitney Brook. Due to this change in operation of the dam, the Department is granting the permittee's request to discharge when there is less than 10 cfs in Whitney Brook. However, the permit requirement to maintain a dilution factor of 53:1 to maintain water quality remains in effect.

4. 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.

5. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A., §467(1)(A)(2) states that Whitney Brook is a Class B waterway. Maine law 38 M.R.S.A., §465(4) contains the standards for Class B waters.

6. ANTIDEGREDATION/DISCHARGE IMPACT ON RECEIVING WATER QUALITY

The provisions of the State's antidegradation policy found at Maine law, 38 MRSA Section 464(4)(F), will be met as the assimilative capacity of the receiving water remains the same as the previous permitting action due to the sliding scale limiting the discharge to the same dilution factor, 53:1 . The Department has made the determination that existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected. In addition, the Department has made a determination that as permitted, the discharge will not cause or contribute to the failure of the water body to meet the standards of Class B classification and the discharge will be subject to effluent limitations that require application of best practicable treatment.

As permitted, the Department has made the determination that the discharge from the Canton facility will not cause or contribute to the failure of the receiving water to meet the standards of its assigned classification and the existing and designated uses will be maintained and protected.

7. PUBLIC COMMENTS

Public notice of this application was made in the Sun Journal newspaper on August 23, 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.

8. DEPARTMENT CONTACTS

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

Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017
e-mail: gregg.wood@maine.gov
Telephone: (207) 287-7693

9. RESPONSE TO COMMENT

During the period of July 28, 2008, through the issuance date of the permit modification, the Department solicited comments on the proposed draft modification to be issued for the discharge(s) from the Canton facility. The Department did not receive comments from the permittee, state or federal agencies or interested parties that resulted in any substantive change(s) in the terms and conditions of the permit. Therefore, the Department has not prepared a Response to Comments.