



STATE OF MAINE
Department of Environmental Protection

JOHN ELIAS BALDACCI
GOVERNOR

David P. Littell
COMMISSIONER

July 8, 2009

Mr. Leonard Blanchette
Assistant General Manager
Brunswick Sewer District
10 Pine Tree Road
Brunswick, ME 04011

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100102
Maine Waste Discharge License (WDL) Application #W002600-5L-E-R
Final Permit -Brunswick Sewer District

Dear Mr. Blanchette:

Enclosed please find a copy of your **final** Maine MEPDES Permit/WDL which was approved by the Department of Environmental Protection. Please read the license and its attached conditions carefully. You must follow the conditions in the license 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 this matter, please feel free to contact me at (207) 287-7658 or at phyllis.a.rand@maine.gov.

Sincerely,

A handwritten signature in cursive script that reads "Phyllis Arnold Rand".

Phyllis Arnold Rand
Division of Water Quality Management
Bureau of Land and Water Quality

Enclosure

cc: Matt Hight, DEP Roger Janson, EPA Sandy Mojica, EPA Lori Mitchell, DMU

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 624-6550 FAX: (207) 624-6024
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) 764-6477 FAX: (207) 764-1507



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

DEPARTMENT ORDER

IN THE MATTER OF

BRUNSWICK SEWER DISTRICT) MAINE POLLUTANT DISCHARGE
BRUNSWICK, CUMBERLAND COUNTY, ME.) ELIMINATION SYSTEM
ME0100102) WASTE DISCHARGE LICENSE
W002600-5L-E-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 regulations, the Department of Environmental Protection has considered the application of the BRUNSWICK SEWER DISTRICT, with its supportive data, agency review comments, and other related material on file and finds the following facts:

APPLICATION SUMMARY

Application: The Brunswick Sewer District (“District,” hereinafter) has applied to the Department of Environmental Protection (the “Department”) for renewal of Waste Discharge License (WDL) #W002600-5L-D-R / Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100102, which was issued on May 26, 2004, and expired on May 26, 2009. The 5/26/04 permit authorized the monthly average discharge of up to 3.85 million gallons per day (MGD) of secondary treated sanitary waste water from a publicly owned treatment works to the Androscoggin River, Class C, in Brunswick, Maine.

PERMIT SUMMARY

This permitting action is similar to the 5/26/04 permitting action in that it is:

1. Carrying forward the daily maximum discharge flow reporting requirement and the maximum average flow limit of 3.85 MGD;
2. Carrying forward the monthly average, weekly average and daily maximum mass limitations and the monthly average, weekly average, and daily maximum concentration limitations for biochemical oxygen demand (BOD₅) and total suspended solids (TSS);
3. Carrying forward the requirements for a minimum of 85% removal of BOD₅ and TSS;
4. Carrying forward the daily maximum concentration limitation for settleable solids;
5. Carrying forward the seasonal daily maximum concentration limitation for *Escherichia coli* bacteria;
6. Carrying forward the daily maximum, water quality-based limitation and the monthly average, technology-based limitation for total residual chlorine (TRC);

PERMIT SUMMARY (cont'd)

7. Carrying forward the pH range limitation of 6.0 to 9.0 standard units (SU);
8. Carrying forward screening level whole effluent toxicity (WET) and priority pollutant testing requirements consistent with 06-096 CMR 530;
9. Carrying forward an annual certification statement requirement as Special Condition I, *Statement for Reduced/Waived Toxics Testing* of this permit (a requirement imposed in the 4/10/06 permit amendment);
10. Carrying forward the minimum monitoring frequency requirements for all monitored parameters;

This permitting action is different from the 5/26/04 permitting action in that it is:

11. Revising the monthly average *E. coli* bacteria limitation from 142 colonies/100 mL to 126 colonies/100 mL based on revisions to the State's Water Classification Program for Class C waters;
12. Establishing screening level monitoring requirements for priority pollutants consistent with 06-096 CMR 530;
13. Revising the settleable solids monitoring frequency from 1/Day to three times per week.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated July 8, 2009, and subject to the Conditions listed below, the Department makes the following conclusions:

1. The discharges, either individually or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharges, either individually 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) Where 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 38 M.R.S.A. § 414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the above noted application of the BRUNSWICK SEWER DISTRICT to discharge up to 3.85 MILLION GALLONS of secondary treated municipal waste waters from Outfall #001A to the Androscoggin River, Class C, in Brunswick, 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.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: April 27, 2009

Date of application acceptance: April 30, 2009

This Order prepared by Phyllis Arnold Rand, BUREAU OF LAND & WATER QUALITY

ME0100102 2009

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Beginning the effective date of the permit, the permittee is authorized to discharge secondary treated waste waters to the Androscoggin River via OUTFALL #001A. Such treated waste water discharges shall be limited and monitored by the permittee as specified below ⁽¹⁾:

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	<u>Monthly Average</u> as specified	<u>Weekly Average</u> as specified	<u>Daily Maximum</u> as specified	<u>Monthly Average</u> as specified	<u>Weekly Average</u> as specified	<u>Daily Maximum</u> as specified	<u>Measurement Frequency</u> as specified	<u>Sample Type</u> as specified
Flow ^[50050]	3.85 MGD ^[03]	---	Report (MGD)	---	---	---	Continuous ^[99/99]	Recorder ^[RC]
Biochemical Oxygen Demand (BOD ₅) ^[00310]	963 lbs/Day ^[26]	1445 lbs/Day ^[26]	1605 lbs/Day ^[26]	30 mg/L ^[19]	45 mg/L ^[19]	50 mg/L ^[19]	3/Week ^[03/07]	Composite ^[24]
BOD ₅ % Removal ⁽²⁾ ^[81011]	---	---	---	85% ^[23]	---	---	1/Month ^[01/30]	Calculate ^[CA]
Total Suspended Solids (TSS) ^[00530]	963 lbs/Day ^[26]	1445 lbs/Day ^[26]	1605 lbs/Day ^[26]	30 mg/L ^[19]	45 mg/L ^[19]	50 mg/L ^[19]	3/Week ^[03/07]	Composite ^[24]
TSS % Removal ⁽²⁾ ^[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 ⁽³⁾ (May 15-September 30) ^[31633]	---	---	---	126/100 ml ⁽⁴⁾ ^[13]	---	949/100 ml ^[13]	3/Week ^[03/07]	Grab ^[GR]
Total Residual Chlorine ⁽⁵⁾ ^[50060]	---	---	---	---	---	0.86 mg/L ^[19]	2/Day ^[02/01]	Grab ^[GR]
pH (Std. Units) ^[00400]	---	---	---	---	---	6.0-9.0 ^[12]	1/Day ^[01/01]	Grab ^[GR]

The italicized bracketed numeric values in the table above and tables that follow are not limitations but are code numbers used by Department personnel to code the Discharge Monitoring Reports (DMR)

SPECIAL CONDITIONS

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

FOOTNOTES:

1. **Sampling –Influent sampling** for flow, BOD₅ and TSS shall be sampled at the downstream end of the aerated grit chamber. **Effluent receiving secondary treatment** (Outfall #001A) shall be sampled for all parameters after the chlorine contact chamber on a year-round basis. Any change in sampling location(s) other than those specified above must be reviewed and approved by the Department in writing.

Sampling and analysis must be conducted in accordance with; a) methods approved in Title 40, Code of Federal Regulations (40 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. See **Attachment A** of this permit for a list of the Department's current RL's. If a non-detect analytical test result is below the respective RL, the concentration result shall be reported as <Y where Y is the actual 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. Compliance with this permit will be evaluated based on whether or not a compound is detected at or above the Department's RL.

2. **Percent Removal** – The treatment facility shall maintain a minimum of 85 percent removal for both biochemical oxygen demand and total suspended solids for all flows receiving secondary treatment. The percent removal shall be calculated based on influent and effluent concentration values. The percent removal shall be waived when the monthly average influent concentration is less than 200 mg/L and the permittee shall enter "NODI-9" on the monthly Discharge Monitoring Report (DMR) for such instances.
3. **Bacteria Limits** – *E. coli* bacteria limits and monitoring requirements are seasonal and apply between May 15 and September 30 of each year. The Department reserves the right to reopen this permit in accordance with Special Condition M, *Reopening of Permit for Modifications*, to impose year-round bacteria limitations to protect the health, safety and welfare of the public.
4. **Bacteria Reporting** – The monthly average *E. coli* bacteria limitation is a geometric mean limitation and sample results shall be reported as such.

SPECIAL CONDITIONS

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

FOOTNOTES:

5. **TRC Monitoring** – TRC limits and monitoring requirements are applicable whenever elemental chlorine or chlorine-based compounds are being used to disinfect the discharge. TRC shall be tested using an EPA-approved method that is capable of bracketing the TRC concentration limitations in this permit.
6. **Whole effluent toxicity (WET) testing** – Definitive WET testing is a multi-concentration testing event (a minimum of five dilutions bracketing the critical acute and chronic thresholds of 2.21% and 0.3% respectively), which provides a point estimate of toxicity in terms of No Observed Effect Level, commonly referred to as NOEL or NOEC. A-NOEL is defined as the acute no observed effect level with survival as the end point. C-NOEL is defined as the chronic no observed effect level with survival, reproduction and growth as the end points. The critical acute and chronic thresholds were derived as the mathematical inverse of the applicable acute and chronic dilution factors of 45.2:1 and 338.5:1, respectively. See **Attachment B** of this permit for a copy of the Department's WET reporting form.

Screening level testing – Beginning 12 months prior to expiration of the current permit or in the fifth year since the last screening test, whichever is sooner, the permittee shall conduct reduced screening level WET testing at a minimum frequency of once per year for the water flea (*Ceriodaphnia dubia*) and the brook trout (*Salvelinus fontinalis*).

WET test results must be submitted to the Department not later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, that the permittee may review the toxicity reports for up to 10 business days of their availability before submitting them. The permittee shall evaluate test results being submitted and identify to the Department possible exceedences of the critical acute and chronic water quality thresholds specified above.

Toxicity tests must be conducted by an experienced laboratory approved by the Department. The laboratory must follow procedures as described in the following USEPA methods manuals.

- a. Short Term Methods for Estimating the Chronic Toxicity of Effluent and Receiving Water to Freshwater Organisms, Fourth Edition, October 2002, EPA-821-R-02-013.
- b. Methods for Measuring the Acute Toxicity of Effluent and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition, October 2002, EPA-821-R-02-012.

The permittee is also required to analyze the effluent for the nine (9) parameters specified in the WET chemistry section, and the twelve (12) parameters specified in the analytical chemistry section of the form in Attachment A of this permit each time a WET test is performed.

Surveillance level testing is not required pursuant to 06-096 CMR 530.

SPECIAL CONDITIONS

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

FOOTNOTES:

7. **Analytical chemistry** – Pursuant to 06-096 CMR 530(2)(C)(4), Refers to a suite of chemical tests that include ammonia nitrogen (as N), total aluminum, total arsenic, total cadmium, total chromium, total copper, total cyanide, total lead, total nickel, total silver, total zinc and total residual chlorine.

Screening level testing – Beginning 12 months prior to expiration of the current permit or in the fifth year since the last screening test, whichever is sooner, the permittee shall conduct analytical chemistry testing at a minimum frequency of once per calendar quarter for four consecutive calendar quarters.

Surveillance level testing is not required pursuant to 06-096 CMR 530.

8. **Priority pollutant testing** – Priority pollutants are those parameters specified at *Effluent Guidelines and Standards*, 06-096 CMR 525(4)(IV) (effective January 12, 2001).

Screening level testing – Beginning 12 months prior to expiration of the current permit or in the fifth year since the last screening test, whichever is sooner, the permittee shall conduct screening level priority pollutant testing at a minimum frequency of once per year, except for those analytical chemistry parameter(s) otherwise regulated in this permit.

Surveillance level testing is not required pursuant to 06-096 CMR 530.

9. Priority pollutant and analytical chemistry testing shall be conducted on samples collected at the same time as those collected for whole effluent toxicity tests when applicable. Priority pollutant and analytical chemistry testing shall be conducted using methods that permit detection of a pollutant at existing levels in the effluent or that achieve minimum reporting levels of detection as specified by the Department. See **Attachment A** of this permit for a list of the Department's most current reporting limits (RL's).

Test results must be submitted to the Department not later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, that the permittee may review the toxicity reports for up to 10 business days of their availability before submitting them. The permittee shall evaluate test results being submitted and identify to the Department, possible exceedences of the acute, chronic or human health AWQC as established in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective October 9, 2005). For the purposes of DMR reporting, enter a "1" for yes, testing done this monitoring period or "NODI-9" monitoring not required this period.

SPECIAL CONDITIONS

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

FOOTNOTES:

All mercury sampling required to determine compliance with interim limitations established pursuant to *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001), shall be conducted in accordance with USEPA'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 C**, *Effluent Mercury Test Report*, of this permit for the Department's form for reporting mercury test results.

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 discharge shall not cause visible discoloration or turbidity in the receiving waters, which would impair the usages designated by the classification of the receiving waters.
5. 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 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*," above.

D. TREATMENT PLANT OPERATOR

The person who has the management responsibility over the wastewater treatment facility must hold a Maine **Grade IV** certificate, or a registered Maine Professional Engineer's License, pursuant to *Sewerage Treatment Operators*, Title 32 M.R.S.A., Sections 4171-4182 and *Regulations for Wastewater Operator Certification*, 06-096 CMR 531 (effective May 8, 2006). All proposed contracts for facility operation by any person must be approved by the Department within two weeks of the contractor being retained by the licensee.

SPECIAL CONDITIONS

E. LIMITATIONS FOR INDUSTRIAL USERS

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

F. AUTHORIZED DISCHARGES

The permittee is authorized to discharge only: 1) in accordance with the permittee's General Application for Waste Discharge License, accepted for processing on April 30, 2009; 2) in accordance with the terms and conditions of this permit; and, 3) via Outfall #001A (secondary treated waste waters). 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), *Bypasses*, of this permit.

G. NOTIFICATION REQUIREMENTS

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

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

SPECIAL CONDITIONS

H. 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 shall be postmarked by the thirteenth (13th) day of the month or hand-delivered to a Department Regional Office such that the DMRs are received by the Department by 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, unless otherwise specified, to the Department's facility inspector at:

Department of Environmental Protection
Southern Maine Regional Office
Division of Water Quality Management
312 Canco Road
Portland, Maine 04103

Alternatively, if you are submitting an electronic Discharge Monitoring Report (eDMR), the completed eDMR must be electronically submitted to the Department by a facility authorized DMR Signatory **not later than close of business on the 15th day of the month** following the completed reporting period. **Hard Copy documentation** submitted in support of the eDMR must be **postmarked on or before the thirteenth (13th) day of the month or hand-delivered to the Department's Regional Office such that it is received by the Department on or before the fifteenth (15th) day of the month** following the completed reporting period. **Electronic documentation** in support of the eDMR must be submitted **not later than close of business on the 15th day of the month** following the completed reporting period.

I. 530(2)(D)(4) STATEMENT FOR REDUCED/WAIVED TOXICS TESTING

This permitting action establishes reduced surveillance level testing for WET and analytical chemistry testing. **On or before December 31st of each year** of the effective term of this permit [*PCS Code 95799*], the permittee shall provide the Department with statements describing the following:

- (a) 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;
- (b) Changes in the operation of the treatment works that may increase the toxicity of the discharge; and
- (c) 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 testing be re-instituted if it determines that there have been changes in the character of the discharge or if annual certifications described above are not submitted.

SPECIAL CONDITIONS

J. OPERATIONS 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 waste water 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 waste water treatment facility, the permittee shall submit the updated O&M Plan to their Department inspector for review and comment.

K. WET WEATHER FLOW MANAGEMENT PLAN

The treatment facility staff shall revise and maintain a Wet Weather Management Plan to direct the staff on how to operate the facility effectively during periods of high flow. The staff shall maintain a record that the plan has been reviewed annually and the changes documented, even if no changes have been made to the plan.

Within 90 days of completion of new and/or substantial upgrades of the waste water treatment facility, the permittee shall submit to the Department for review and approval, a new or revised Wet Weather Flow Management Plan which conforms to Department guidelines for such plans. The staff shall maintain a record that the plan has been reviewed annually and the changes documented, even if no changes have been made to the plan. The revised plan shall include operating procedures for a range of intensities, address solids handling procedures (including septic tank wastes and other high-strength wastes if applicable) and provide written operating and maintenance procedures during the events.

L. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY

During the effective period of this permit, the permittee is authorized to receive and introduce into the treatment process or solids handling stream up to **a daily maximum of 25,000 gallons per day [and a monthly total of 750,000 gallons]** of transported wastes, subject to the following terms and conditions.

1. "Transported wastes" means any liquid non-hazardous waste delivered to a wastewater treatment facility by a truck or other similar conveyance that has different chemical constituents or a greater strength than the influent described on the facility's application for a waste discharge license. Such wastes may include, but are not limited to septage, industrial wastes or other wastes to which chemicals in quantities potentially harmful to the treatment facility or receiving water have been added.

SPECIAL CONDITIONS

L. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY (cont'd)

2. The character and handling of all transported wastes received must be consistent with the information and management plans provided in application materials submitted to the Department.
3. At no time shall the addition of transported wastes cause or contribute to effluent quality violations. Transported wastes may not cause an upset of or pass through the treatment process or have any adverse impact on the sludge disposal practices of the wastewater treatment facility.

Wastes that contain heavy metals, toxic chemicals, extreme pH, flammable or corrosive materials in concentrations harmful to the treatment operation must be refused. Odors and traffic from the handling of transported wastes may not result in adverse impacts to the surrounding community. If any adverse effects exist, the receipt or introduction of transported wastes into the treatment process or solids handling stream shall be suspended until there is no further risk of adverse effects.

4. The permittee shall maintain records for each load of transported wastes in a daily log which shall include at a minimum the following.
 - (a) The date;
 - (b) The volume of transported wastes received;
 - (b) The source of the transported wastes;
 - (d) The person transporting the transported wastes;
 - (e) The results of inspections or testing conducted;
 - (f) The volumes of transported wastes added to each treatment stream; and
 - (g) The information in (a) through (d) for any transported wastes refused for acceptance.

These records shall be maintained at the treatment facility for a minimum of five years.

5. The addition of transported wastes into the treatment process or solids handling stream shall not cause the treatment facility's design capacity to be exceeded. If, for any reason, the treatment process or solids handling facilities become overloaded, introduction of transported wastes into the treatment process or solids handling stream shall be reduced or terminated in order to eliminate the overload condition.
6. Holding tank wastewater from domestic sources to which no chemicals in quantities potentially harmful to the treatment process have been added shall not be recorded as transported wastes but should be reported in the treatment facility's influent flow.
7. During wet weather events, transported wastes may be added to the treatment process or solids handling facilities only in accordance with a current Wet Weather Flow Management Plan approved by the Department pursuant to Special Condition K that provides for full treatment of transported wastes without adverse impacts.

SPECIAL CONDITIONS

L. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY (cont'd)

8. In consultation with the Department, chemical analysis is required prior to receiving transported wastes from new sources that are not of the same nature as wastes previously received. The analysis must be specific to the type of source and designed to identify concentrations of pollutants that may pass through, upset or otherwise interfere with the facility's operation.
9. Access to transported waste receiving facilities may be permitted only during the times specified in the application materials and under the control and supervision of the person responsible for the wastewater treatment facility or his/her designated representative.
10. The authorization in the Special Condition is subject to annual review and, with notice to the permittee and other interested parties of record, may be suspended or reduced by the Department as necessary to ensure full compliance with Chapter 555 of the Department's rules and the terms and conditions of this permit.

M. 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 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 monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

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

Maine Department of Environmental Protection
WET and Chemical Specific Data Report Form

This form is for reporting laboratory data and facility information. Official compliance reviews will be done by DEP.

	PRIORITY POLLUTANTS ⁽⁴⁾	Effluent Limits				Reporting Limit Check	Possible Exceedence ⁽⁷⁾		
		Reporting Limit	Acute ⁽⁶⁾	Chronic ⁽⁶⁾	Health ⁽⁶⁾		Acute	Chronic	Health
M	ANTIMONY	5							
M	BERYLLIUM	2							
M	MERCURY (5)	0.2							
M	SELENIUM	5							
M	THALLIUM	4							
A	2,4,6-TRICHLOROPHENOL	3							
A	2,4-DICHLOROPHENOL	5							
A	2,4-DIMETHYLPHENOL	5							
A	2,4-DINITROPHENOL	45							
A	2-CHLOROPHENOL	5							
A	2-NITROPHENOL	5							
A	4,6 DINITRO-O-CRESOL (2-Methyl-4,6-dinitrophenol)	25							
A	4-NITROPHENOL	20							
A	P-CHLORO-M-CRESOL (3-methyl-4-chlorophenol)+B80	5							
A	PENTACHLOROPHENOL	20							
A	PHENOL	5							
BN	1,2,4-TRICHLOROENZENE	5							
BN	1,2-(O)DICHLOROENZENE	5							
BN	1,2-DIPHENYLHYDRAZINE	10							
BN	1,3-(M)DICHLOROENZENE	5							
BN	1,4-(P)DICHLOROENZENE	5							
BN	2,4-DINITROTOLUENE	6							
BN	2,6-DINITROTOLUENE	5							
BN	2-CHLORONAPHTHALENE	5							
BN	3,3'-DICHLOROENZIDINE	16.5							
BN	3,4-BENZO(B)FLUORANTHENE	5							
BN	4-BROMOPHENYLPHENYL ETHER	2							
BN	4-CHLOROPHENYL PHENYL ETHER	5							
BN	ACENAPHTHENE	5							
BN	ACENAPHTHYLENE	5							
BN	ANTHRACENE	5							
BN	BENZIDINE	45							
BN	BENZO(A)ANTHRACENE	8							
BN	BENZO(A)PYRENE	3							
BN	BENZO(G,H,I)PERYLENE	5							
BN	BENZO(K)FLUORANTHENE	3							
BN	BIS(2-CHLOROETHOXY)METHANE	5							
BN	BIS(2-CHLOROETHYL)ETHER	6							
BN	BIS(2-CHLOROISOPROPYL)ETHER	6							
BN	BIS(2-ETHYLHEXYL)PHTHALATE	3							
BN	BUTYLBENZYL PHTHALATE	5							
BN	CHRYSENE	3							
BN	DI-N-BUTYL PHTHALATE	5							
BN	DI-N-OCTYL PHTHALATE	5							
BN	DIBENZO(A,H)ANTHRACENE	5							
BN	DIETHYL PHTHALATE	5							
BN	DIMETHYL PHTHALATE	5							
BN	FLUORANTHENE	5							
BN	FLUORENE	5							
BN	HEXACHLOROENZENE	2							
BN	HEXACHLOROBUTADIENE	1							
BN	HEXACHLOROCYCLOPENTADIENE	10							
BN	HEXACHLOROETHANE	2							
BN	INDENO(1,2,3-CD)PYRENE	5							
BN	ISOPHORONE	5							
BN	N-NITROSODI-N-PROPYLAMINE	10							

Maine Department of Environmental Protection
 WET and Chemical Specific Data Report Form

This form is for reporting laboratory data and facility information. Official compliance reviews will be done by DEP.

	PRIORITY POLLUTANTS ⁽⁴⁾	Effluent Limits				Reporting Limit Check	Possible Exceedence ⁽⁷⁾		
		Reporting Limit	Acute ⁽⁶⁾	Chronic ⁽⁶⁾	Health ⁽⁶⁾		Acute	Chronic	Health
BN	N-NITROSODIMETHYLAMINE	1							
BN	N-NITROSODIPHENYLAMINE	5							
BN	NAPHTHALENE	5							
BN	NITROBENZENE	5							
BN	PHENANTHRENE	5							
BN	PYRENE	5							
P	4,4'-DDD	0.05							
P	4,4'-DDE	0.05							
P	4,4'-DDT	0.05							
P	A-BHC	0.2							
P	A-ENDOSULFAN	0.05							
P	ALDRIN	0.15							
P	B-BHC	0.05							
P	B-ENDOSULFAN	0.05							
P	CHLORDANE	0.1							
P	D-BHC	0.05							
P	DIELDRIN	0.05							
P	ENDOSULFAN SULFATE	0.1							
P	ENDRIN	0.05							
P	ENDRIN ALDEHYDE	0.05							
P	G-BHC	0.15							
P	HEPTACHLOR	0.15							
P	HEPTACHLOR EPOXIDE	0.1							
P	PCB-1016	0.3							
P	PCB-1221	0.3							
P	PCB-1232	0.3							
P	PCB-1242	0.3							
P	PCB-1248	0.3							
P	PCB-1254	0.3							
P	PCB-1260	0.2							
P	TOXAPHENE	1							
V	1,1,1-TRICHLOROETHANE	5							
V	1,1,2,2-TETRACHLOROETHANE	7							
V	1,1,2-TRICHLOROETHANE	5							
V	1,1-DICHLOROETHANE	5							
V	1,1-DICHLOROETHYLENE (1,1-dichloroethene)	3							
V	1,2-DICHLOROETHANE	3							
V	1,2-DICHLOROPROPANE	6							

**Maine Department of Environmental Protection
WET and Chemical Specific Data Report Form**

This form is for reporting laboratory data and facility information. Official compliance reviews will be done by DEP.

	PRIORITY POLLUTANTS ⁽⁴⁾	Effluent Limits			Reporting Limit Check	Possible Exceedence ⁽⁷⁾		
		Reporting Limit	Acute ⁽⁶⁾	Chronic ⁽⁶⁾		Health ⁽⁶⁾	Acute	Chronic
V	1,2-TRANS-DICHLOROETHYLENE (1,2-trans-dichloroethene)	5						
V	1,3-DICHLOROPROPYLENE (1,3-dichloropropene)	5						
V	2-CHLOROETHYL VINYL ETHER	20						
V	ACROLEIN	NA						
V	ACRYLONITRILE	NA						
V	BENZENE	5						
V	BROMOFORM	5						
V	CARBON TETRACHLORIDE	5						
V	CHLOROBENZENE	6						
V	CHLORODIBROMOMETHANE	3						
V	CHLOROETHANE	5						
V	CHLOROFORM	5						
V	DICHLOROBROMOMETHANE	3						
V	ETHYLBENZENE	10						
V	METHYL BROMIDE (Bromomethane)	5						
V	METHYL CHLORIDE (Chloromethane)	5						
V	METHYLENE CHLORIDE	5						
V	TETRACHLOROETHYLENE (Perchloroethylene or Tetrachloroethene)	5						
V	TOLUENE	5						
V	TRICHLOROETHYLENE (Trichloroethene)	3						
V	VINYL CHLORIDE	5						

Notes:

- (1) Flow average for day pertains to WET/PP composite sample day.
- (2) Flow average for month is for month in which WET/PP sample was taken.
- (3) Analytical chemistry parameters must be done as part of the WET test chemistry.
- (4) Report ammonia, metals and priority pollutants in micrograms per liter (ug/L).
- (5) Mercury is often reported in nanograms per liter (ng/L) by the contract laboratory, so be sure to convert to micrograms per liter on this spreadsheet.
- (6) Effluent Limits are calculated based on dilution factor, background allocation (10%) and water quality reserves (15% - to allow for new or changed discharges or non-point sources).
- (7) Possible Exceedence determinations are done for a single sample only on a mass basis using the actual pounds discharged. This analysis does not consider watershed wide allocations for fresh water discharges.
- (8) These tests are optional for the receiving water. However, where possible samples of the receiving water should be preserved and saved for the duration of the WET test. In the event of questions about the receiving water's possible effect on the WET results, chemistry tests should then be conducted.
- (9) pH and Total Residual Chlorine must be conducted at the time of sample collection. Tests for Total Residual Chlorine need be conducted only when an effluent has been chlorinated or residual chlorine is believed to be present for any other reason.

Comments:

ATTACHMENT B

**MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
WHOLE EFFLUENT TOXICITY REPORT
FRESH WATERS**

Facility Name _____ MEPDES Permit # _____

Facility Representative _____ Signature _____

By signing this form, I attest that to the best of my knowledge that the information provided is true, accurate, and complete.

Facility Telephone # _____ Date Collected _____ Date Tested _____
mm/dd/yy mm/dd/yy

Chlorinated? _____ Dechlorinated? _____

Results	% effluent		Effluent Limitations	
	water flea	trout	A-NOEL	C-NOEL
A-NOEL				
C-NOEL				

Data summary	water flea			trout		
	% survival		no. young	% survival		final weight (mg)
QC standard	A>90	C>80	>15/female	A>90	C>80	> 2% increase
lab control						
receiving water control						
conc. 1 (%)						
conc. 2 (%)						
conc. 3 (%)						
conc. 4 (%)						
conc. 5 (%)						
conc. 6 (%)						
stat test used						

place * next to values statistically different from controls

for trout show final wt and % incr for both controls

Reference toxicant	water flea		trout	
	A-NOEL	C-NOEL	A-NOEL	C-NOEL
toxicant / date				
limits (mg/L)				
results (mg/L)				

Comments _____

Laboratory conducting test

Company Name _____ Company Rep. Name (Printed) _____

Mailing Address _____ Company Rep. Signature _____

City, State, ZIP _____ Company Telephone # _____

Report WET chemistry on DEP Form "ToxSheet (Fresh Water Version), March 2007."

ATTACHMENT C

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:	<table border="1"><tr><td> </td><td> </td><td> </td></tr><tr><td>mm</td><td>dd</td><td>yy</td></tr></table>				mm	dd	yy	Sampling time:	_____ 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	_____ mg/L	Sample type:	_____ Grab (recommended) or _____ Composite						

ANALYTICAL RESULT FOR EFFLUENT MERCURY

Name of Laboratory:	_____		
Date of analysis:	_____	Result:	 ng/L (PPT)
Please Enter Effluent Limits for your facility			
Effluent Limits:	Average = _____ ng/L	Maximum = _____ 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: July 8, 2009

MEPDES PERMIT NUMBER: **ME0100102**
WASTE DISCHARGE LICENSE: **W002600-5L-E-R**

NAME AND ADDRESS OF APPLICANT:

**BRUNSWICK SEWER DISTRICT
10 Pine Tree Road
Brunswick, Maine 04011**

COUNTY: **CUMBERLAND**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**8 Pine Tree Road
Brunswick, Maine 04011**

RECEIVING WATER / CLASSIFICATION: **ANDROSCOGGIN RIVER / CLASS C**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Leonard Blanchette
Assistant General Manager
(207) 729-0148 ext. 15**

1. APPLICATION SUMMARY

- a. Application: The Brunswick Sewer District (“District,” hereinafter) has applied to the Department of Environmental Protection (Department) for renewal of Waste Discharge License (WDL) #W002600-5L-D-R / Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100102, which was issued on May 26, 2004, and expired on May 26, 2009. The 5/26/04 permit authorized the monthly average discharge of up to 3.85 million gallons per day (MGD) of secondary treated sanitary waste water from a publicly owned treatment works to the Androscoggin River, Class C, in Brunswick, Maine. See **Attachment A** of this Fact Sheet for facility site location maps.

2. PERMIT SUMMARY

a. Terms and Conditions

This permitting action is similar to the 5/26/04 permitting action in that it is:

1. Carrying forward the daily maximum discharge flow reporting requirement and maximum average flow limit of 3.85 MGD;
2. Carrying forward the monthly average, weekly average and maximum daily mass limitations and the monthly average, weekly average, and daily maximum concentration limitations for biochemical oxygen demand (BOD₅) and total suspended solids (TSS);
3. Carrying forward the requirements for a minimum of 85% removal of BOD₅ and TSS;
4. Carrying forward the daily maximum concentration limitation for settleable solids;
5. Carrying forward the seasonal daily maximum concentration limitation for *Escherichia coli* bacteria;
6. Carrying forward the daily maximum, water quality-based limitation and the monthly average, technology-based limitation for total residual chlorine (TRC);
7. Carrying forward the pH range limitation of 6.0 to 9.0 standard units (SU);
8. Carrying forward screening level whole effluent toxicity (WET) and priority pollutant testing requirements consistent with 06-096 CMR 530;
9. Carrying forward an annual certification statement requirement as Special Condition I, *Statement for Reduced/Waived Toxicity Testing* of this permit (a requirement imposed in the 4/10/06 permit amendment);
10. Carrying forward the minimum monitoring frequency requirements for all monitored parameters;

This permitting action is different from the 5/26/04 permitting action in that it is:

11. Revising the monthly average *E. coli* bacteria limitation from 142 colonies/100 mL to 126 colonies/100 mL based on revisions to the State's Water Classification Program for Class C waters;
12. Establishing screening level monitoring requirements for priority pollutants consistent with 06-096 CMR 530;
13. Revising the settleable solids monitoring frequency from 1/Day to three times per week.

2. PERMIT SUMMARY (cont'd)

- b. History: This section provides a summary of recent, relevant licensing/permitting actions that have been completed for the facility:

October 1, 1999 – The Department issued WDL#W002600-5L-C-R, for a five-year term.

June 7, 2000 – The Department established interim effluent limits for mercury of 58.9 parts per trillion (ng/L) (average concentration) and 88.4 ng/L (maximum concentration).

January 12, 2001 – The Department received authorization from the EPA to administer the NPDES program.

May 26, 2004 – The Department issued combination WDL #W002600-5L-D-R/MEPDES Permit #ME0100102 for a five-year term.

April 10, 2006 – The Department amended the 5/26/04 WDL/MEPDES permit to incorporate testing requirements of 06-096 CMR 530.

April 30, 2009 – The permittee submitted a complete and timely application for renewal of WDL #W002600-5L-D-R/MEPDES Permit #ME0100102.

- c. Source Description: The District treats domestic and commercial waste water from the towns of Brunswick and Topsham, Maine, including flows from the Brunswick Naval Air Station (including remediated groundwater), approximately 4,000 gallons per day (gpd) of waste water from a local car wash and laundromats, 300 gpd of cooling water from Bath Iron Works and 1,000 gpd of rinse waters from Bath Iron Works. There are no industrial establishments contributing flows that meet the criteria of an “industrial user” as defined in 40 CFR 403.3(t). The District maintains a separated sewer collection system with the stormwater runoff collection system maintained by the Town of Brunswick. The District has a DEP Storm Water Multi-Sector permit. There are no combined sewer overflows in the system. The District identified two sanitary sewer overflow sites in the collection system, further clarifying in a letter dated 5/07/09 that the two structures are blocked and inoperable.

The District is authorized to receive and introduce into the treatment process a daily maximum of up to 25,000 gpd of septic tank wastes in accordance with the terms and conditions of this permit and *Standards for the Addition of Transported Wastes to Waste Water Treatment Facilities*, 06-096 CMR 555 (last amended March 9, 2009).

- d. Wastewater Treatment: The District’s facility was upgraded from primary treatment to secondary treatment in 1991. Influent waste water screenings and grit are removed at the headworks. The waste water receives primary treatment in three rectangular clarifiers before the primary effluent is pumped to two trickling filters where secondary treatment is achieved. The waste water is then directed to two secondary clarifiers where it receives secondary clarification followed by seasonal disinfection using sodium hypochlorite in dual chlorine contact chambers. The waste water is discharged to the Androscoggin River via a thirty-six-inch diameter outfall pipe (without diffusers) located on the bank of the river (at low tide the outfall is exposed). If needed, the facility adjusts the effluent pH with sodium hydroxide.

2. PERMIT SUMMARY (cont'd)

The District has a 15,000-gallon capacity concrete tank for the storage of septic tank wastes. In 2008, the facility received a monthly average of 144,100 gallons of septage and 63,400 gallons of holding tank waste. The District limits the volume of holding tank waste to a total monthly average of 3.85 MGD.

The facility uses a bleach mist in its odor control towers in order to control odors from the belt filter press operation. The condensed mist is piped to the headworks. Sludge dewatering is accomplished using two, 2-meter belt filter presses and dewatered sludge is lime stabilized and hauled to field spreading and stacking sites in Bowdoinham, Maine, or to the Hawk Ridge Compost Facility in Unity, Maine, for composting. Refer to **Attachment B** of this Fact Sheet for a schematic of the treatment process.

3. CONDITIONS OF PERMITS

Conditions of licenses, 38 M.R.S.A. § 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., § 420 and 06-096 CMR 530 require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective October 9, 2005), 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

Classification of major river basins, 38 M.R.S.A. § 467(1)(A)(2) classifies the Androscoggin River at the point of discharge as a Class C waterway. *Standards for classification of fresh surface waters*, 38 M.R.S.A. § 465(4)(C) describes the standards for Class C waters.

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2008 Integrated Water Quality Monitoring and Assessment Report lists the Androscoggin River as, “*Category 4-B: Rivers and Streams Impaired by Pollutants - Pollution Control Requirements Reasonably Expected to Result in Attainment.*” Impairment in this context refers to a fish consumption advisory due to the presence of dioxin (including 2,3,7,8-TCDD). The 2008 Report states that new dioxin sources have been removed and the river is expected to attain its ascribed standards. Compliance is measured by (1) no detection of dioxin in any internal waste stream (at 10 pg/L detection limit); and (2) no detection in fish tissue sampled below a mill's outfall greater than upstream reference. The Department has no information at this time that the discharges from the District cause or contribute to the non-attainment status for fish consumption due to dioxin.

The 2008 Report also list the Androscoggin River as “*Category 5-B: Rivers and Streams Impaired by Bacteria Contamination (TMDL Required).*” The Department has not scheduled a TMDL for bacteria for the Androscoggin River at this time.

5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

The 2008 Report lists all of Maine’s fresh waters as, “*Category 5-C: Waters Impaired by Atmospheric Deposition of Mercury. Regional or National TMDL may be Required.*” Impairment in this context refers to a statewide fish consumption advisory due to elevated levels of mercury in some fish tissues. Pursuant to 38 M.R.S.A. § 420(1-B)(B), “*a facility is not in violation of the ambient criteria for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413 subsection 11.*” The Department has established interim monthly average and daily maximum mercury concentration limits and reporting requirements for this facility pursuant to 06-096 CMR 519.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

- a. Flow: This permitting action is carrying forward the monthly average discharge flow limitation of 3.85 MGD for Outfall #001A, which is based on the average dry weather design criterion, and is carrying forward the daily maximum discharge flow reporting requirement.

A review of the monthly DMR data for the period June 2004 – April 2009 indicates the following:

Flow (n=57)

Value	Limit (MGD)	Range (MGD)	Average (MGD)
Monthly Average	3.85	2.0 – 4.9	2.9

- b. Dilution Factors: Dilution factors associated with the average design flow of 3.85 MGD were derived in accordance with 06-096 CMR 530(4)(A) and were calculated as follows:

$$\text{Modified Acute}^{(1)} = 481 \text{ cfs} \Rightarrow \frac{(481 \text{ cfs})(0.6464) + (3.85 \text{ MGD})}{(3.85 \text{ MGD})} = 45.2:1$$

$$\text{Acute: 1Q10} = 1,052 \text{ cfs} \Rightarrow \frac{(1052 \text{ cfs})(0.6464) + (3.85 \text{ MGD})}{(3.85 \text{ MGD})} = 177.8:1$$

$$\text{Chronic: 7Q10} = 2,010 \text{ cfs} \Rightarrow \frac{(2010 \text{ cfs})(0.6464) + (3.85 \text{ MGD})}{(3.85 \text{ MGD})} = 338.5:1$$

$$\text{Harmonic Mean:} = 4,399 \text{ cfs} \Rightarrow \frac{(4399 \text{ cfs})(0.6464) + (3.85 \text{ MGD})}{(3.85 \text{ MGD})} = 739.6:1$$

Footnote:

1. Maine rule Chapter 530(4)(B)(1) states that analyses using numeric acute criteria for aquatic life must be based on 1/4 of the 1Q10 stream design flow to prevent substantial acute toxicity within any mixing zone. The 1Q10 is the lowest one day flow over a ten-year recurrence interval. 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

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

Footnote:

efficient diffuser or other effective method, analyses may use a greater proportion of the stream design, up to including all of it. The Department has made the determination that the discharge does not receive rapid and complete mixing with the receiving water; therefore the default stream flow of ¼ of the 1Q10 is applicable in acute statistical evaluations pursuant to Chapter 530.

- c. Biochemical Oxygen Demand (BOD₅) and Total Suspended Solids (TSS): This permitting action is carrying forward monthly average and weekly average technology-based concentration limits of 30 mg/L and 45 mg/L, respectively, for BOD₅ and TSS based on the secondary treatment requirements specified at *Effluent Guidelines and Standards*, 06-096 CMR 525(3)(III) (effective January 12, 2001), and a daily maximum concentration limit of 50 mg/L, which is based on a Department best professional judgment of best practicable treatment for secondary treated municipal wastewater.

This permitting action is carrying forward a 30-day average percent removal requirement of 85 percent for BOD₅ and TSS as required pursuant to 06-096 CMR 525(3)(III)(a&b)(3) for all flows receiving secondary treatment.

A review of the monthly DMR data for the period June 2004 – April 2009 indicates the following:

BOD mass (n=56)

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	963	193 – 643	353
Daily Maximum	1605	273 – 1060	525

BOD concentration (n=56)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	11 – 24	17
Daily Maximum	50	13 - 29	20

TSS mass (n=57)

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	963	343 – 1024	507
Daily Maximum	1605	427 – 1658	771

TSS concentration (n =57)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	15 – 31	24
Daily Maximum	50	19 – 41	28

This permitting action is carrying forward the minimum monitoring frequency requirement of three times per week for BOD₅ and TSS based on a Department best professional judgment.

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

- d. Settleable Solids – This permitting action is carrying forward a daily maximum settleable solids concentration limit of 0.3 mL/L, which is considered best practicable treatment (BPT) for secondary treated wastewater.

A review of the monthly DMR data for the period June 2004 – April 2009 (n=57) indicates the daily maximum settleable solids concentration was 0.1 mL/L and the facility was in compliance 100% during that time. Due to the facility’s 100 % compliance record with the settleable solids limit, this permitting action is reducing the settleable solids monitoring frequency from 1/Day to three times per week (3/Week) based on a Department best professional judgment.

- e. Escherichia coli bacteria: The previous permitting action carried forward seasonal (May 15-September 30 of each year) monthly average (geometric mean) and daily maximum *E. coli* bacteria concentration limits of 142 colonies/100 mL and 949 colonies/100 mL, respectively, based on the State’s Water Classification Program criteria for Class C waters in effect at the time the permit was issued. Maine law at 38 M.R.S.A. § 465(4) has since been amended to require that the *E. coli* bacteria of human and domestic animal origin in Class C waters may not exceed a geometric mean of 126 colonies/100 mL or an instantaneous level of 236 colonies/100 mL.

This permitting action is revising the monthly average (geometric mean) limitation for *E. coli* bacteria from 142 colonies/100 mL to 126 colonies/100 mL. The Department has determined that end-of-pipe limitations for the instantaneous concentration standard of 236 colonies/100 mL will be achieved through available dilution of the effluent with the receiving waters and need not be revised in MEPDES permits for facilities with adequate dilution (at least 6.5:1 for facilities in Class C waters). This permitting action is carrying forward a minimum monitoring frequency requirement of three times per week for *E. coli* bacteria (during the applicable period) based on best professional judgment.

A review of the monthly DMR data for the period June 2004 – April 2009 indicates the following:

***E. coli* bacteria (n =23)**

Value	Limit (col/100 mL)	Range (col/100 mL)	Mean (col/100 mL)
Monthly Average	142	4 – 38	15
Daily Maximum	949	13 – 1215	401

- f. Total Residual Chlorine (TRC): The previous permitting action established a daily maximum TRC limit of 0.86 mg/L. Limits on TRC are specified to ensure that ambient water quality standards are maintained and that BPT is being applied to the discharge. The Department establishes the more stringent of the water quality or technology based limits in permitting actions. End-of-pipe water quality based concentration thresholds are calculated as follows:

Parameter	Acute Criteria	Chronic Criteria	Acute Dilution	Chronic Dilution	Acute Limit	Chronic Limit
Chlorine	19 ug/L	11 ug/L	45.2:1	338.5:1	0.86 mg/L	3.72 mg/L

Example calculation, Acute: 0.019 mg/L (45.2) = 0.86 mg/L

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

The Department has established a total residual chlorine daily maximum BPT limitation of 1.0 mg/L for those facilities that disinfect their effluent with elemental chlorine or chlorine based compounds unless the calculated acute water quality based threshold is lower than 1.0 mg/L. For facilities that need to dechlorinate the discharge to meet water quality based thresholds, the Department has established daily maximum and monthly average BPT limits of 0.3 mg/L and 0.1 mg/L, respectively. However, the Department has made a Best Professional Judgment that those facilities with calculated acute water quality based total residual chlorine thresholds between 0.8 mg/L – 1.0 mg/L *and* having historical data that shows they were in compliance with their calculated water quality limits, do not have to dechlorinate their effluent in order to meet water quality standards. Historical data over the past five years shows the District was in 100% compliance with their total residual chlorine limit.

A review of the monthly DMR data for the period June 2004 – April 2009 indicates the following:

Total Residual Chlorine (n =23)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Daily Maximum	0.86	0.36 – 0.84	0.62

This permitting action is carrying forward a best professional judgment minimum monitoring frequency requirement of twice per day for TRC any time chlorine or chlorine-based compounds are in use for effluent disinfection.

- g. **pH:** This permitting action is carrying forward a technology-based pH limit of 6.0 – 9.0 standard units, which is based on 06-096 CMR 525(3)(III), and a minimum monitoring frequency requirement of once per day based on best professional judgment.

A review of the monthly DMR data for the period June 2004 – April 2009 (n=57) indicates the pH ranged from 6.0 – 6.5 standard units.

- h. **Whole Effluent Toxicity (WET), Priority Pollutant, and Analytical Chemistry Testing:** 38 M.R.S.A. § 414-A and 38 M.R.S.A. § 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. 06-096 CMR 530 sets forth effluent monitoring requirements and procedures to establish safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected and narrative and numeric water quality criteria are met. 06-096 CMR 584 sets 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 06-096 CMR 530, is included in this permit in order to characterize the effluent. 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 water flea (*Ceriodaphnia dubia*) and vertebrate brook trout

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

(*Salvelinus fontinalis*). Chemical-specific monitoring is required to assess the levels of individual toxic pollutants in the discharge, comparing each pollutant to acute, chronic, and human health water quality criteria. Priority pollutant testing refers to the analysis for levels of priority pollutants listed in 06-096 CMR 525(4)(VI). Analytical chemistry refers to a suite of thirteen (13) chemical tests consisting of: ammonia-nitrogen, total aluminum, total cadmium, total chromium, total copper, total hardness (fresh water only), total lead, total nickel, total silver, total zinc, total arsenic, total cyanide and total residual chlorine.

06-096 CMR 530(2)(A) specifies the dischargers subject to the rule as, “*all licensed dischargers of industrial process wastewater or domestic wastes discharging to surface waters of the State must meet the testing requirements of this section. Dischargers of other types of wastewater are subject to this subsection when and if the Department determines that toxicity of effluents may have reasonable potential to cause or contribute to exceedences of narrative or numerical water quality criteria.*” The District discharges municipal wastewater consisting of combined commercial and domestic waste water to surface water via Outfall #001A and is therefore subject to the testing requirements of the toxics rule.

06-096 CMR 530(4)(C) states, “*The background concentration of specific chemicals must be included in all calculations using the following procedures. The Department may publish and periodically update a list of default background concentrations for specific pollutants on a regional, watershed or statewide basis. In doing so, the Department shall use data collected from reference sites that are measured at points not significantly affected by point and non-point discharges and best calculated to accurately represent ambient water quality conditions.*”

“*The Department shall use the same general methods as those in section 4(D) to determine background concentrations. For pollutants not listed by the Department, an assumed concentration of 10% of the applicable water quality criteria must be used in calculations.*” The Department has insufficient information on the background levels of metals in the water column in the Androscoggin River. Therefore, a default background concentration of 10% of the applicable water quality criteria is being used in the calculations of this permitting action.

06-096 CMR 530(4)(E) states “*In allocating assimilative capacity for toxic pollutants, the Department shall hold a portion of the total capacity in an unallocated reserve to allow for new or changed discharges and non-point source contributions. The unallocated reserve must be reviewed and restored as necessary at intervals of not more than five years. The water quality reserve must be not less than 15% of the total assimilative quantity.*” Therefore, the Department is reserving 15% of the applicable water quality criteria used in the calculations of this permitting action.

06-096 CMR 530(4)(F) requires evaluation of toxic pollutant impacts on a watershed basis. This section of the rule states, “*Where there is more than one discharge into the same fresh or estuarine receiving water or watershed, the Department shall consider the cumulative effects of those discharges when determining the need for and establishment of the level of effluent limits. The Department shall calculate the total allowable discharge quantity for specific pollutants, less the water quality reserve and background concentration, necessary to achieve or maintain water quality criteria at all points of discharge, and in the entire watershed.*” The Department is currently working to construct a computer program to conduct this analysis. Until such

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

time the model is complete and a multi-discharger statistical evaluation can be conducted, the Department is evaluating the impact of the District's discharge assuming it is the only discharger to the river. Should the multi-discharger evaluation indicate there are parameters that exceed or have a reasonable potential to exceed applicable AWQC, this permit may be reopened pursuant to Special Condition M, *Reopening of Permit For Modifications*, to incorporate additional limitations and or revise monitoring requirements.

This permit 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.

On October 9, 2005, a new Department rule, 06-096 CMR 530, became effective and replaced the previous toxics rule, Chapter 530.5. On April 10, 2006, the Department amended WDL #W002600-5L-D-R/MEPDES Permit #ME0100102 by issuing a Surface Waters Toxics Control Program fact sheet for the District and establishing or revising test frequencies to be consistent with 06-096 CMR 530 requirements and provisions for reduced testing.

06-096 CMR 530(2)(B) categorizes dischargers subject to the toxics rule into one of four levels (Levels I through IV) of toxics testing frequency. These criteria place the District in the Level III category for WET testing as the facility has a chronic dilution factor of at least 100:1 but less than 500:1.

06-096 CMR 530(2)(D) specifies default WET, priority pollutant, and analytical chemistry test schedules for Level III dischargers as follows:

Screening level testing – Beginning 12 months prior to expiration of the current permit and in every fifth year since the last screening test, which ever is sooner.

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

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

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

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

WET Evaluation

06-096 CMR 530(3)(E) states:

“For effluent monitoring data and the variability of the pollutant in the effluent, the Department shall apply the statistical approach in Section 3.3.2 and Table 3-2 of USEPA’s ‘Technical Support Document for Water Quality-Based Toxics Control’ (USEPA Publication 505/2-90-001, March, 1991, EPA, Office of Water, Washington, D.C.) to data to determine whether water-quality based effluent limits must be included in a waste discharge license. Where it is determined through this approach that a discharge contains pollutants or WET at levels that have a reasonable potential to cause or contribute to an exceedence of water quality criteria, appropriate water quality-based limits must be established in any licensing action.”

On 5/07/09, the Department conducted a statistical evaluation on the most recent 60 months of WET test results on file with the Department for the District in accordance with the statistical approach outlined above. The statistical evaluation indicates the discharge from the District has not demonstrated a reasonable potential to exceed the critical acute or chronic ambient water quality thresholds for the water flea or the brook trout. See **Attachment C** of this Fact Sheet for a summary of the WET test results. See **Attachment D** of this Fact Sheet for a summary of priority pollutant testing conducted for this facility.

06-096 CMR 530(2)(D)(3)(b) states, in part, *“Dischargers in Level III and IV may be waived from conducting surveillance testing for individual WET species or chemicals provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedence as calculated pursuant to section 3(E).”* Based on the provisions of 06-096 CMR 530 and Department best professional judgment, this permitting action is carrying forward reduced surveillance level testing for the water flea and brook trout based on facility test results.

Therefore, this permitting action is carrying forward reduced surveillance level testing and the default screening level testing for WET organisms.

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

Level	WET Testing	Priority pollutant testing	Analytical chemistry
III	None	None	None

Screening level testing – Beginning 12 months prior to expiration of the current permit and in every fifth year since the last screening test, which ever is sooner.

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

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

06-096 CMR 530(2)(D)(4) states, “*All dischargers having waived or reduced testing must file statements with the Department on or before December 31 of each year describing the following.*”

- (a) *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;*
- (b) *Changes in the operation of the treatment works that may increase the toxicity of the discharge; and*
- (c) *Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge.”*

The 4/10/06 fact sheet discussed above specified that the facility must comply with this annual notification statement to continue waived surveillance level testing. This permitting action is formally establishing the notification requirement in this permitting action as Special Condition I, *Statement for Reduced/Waived Toxics Testing*, pursuant to 06-096 CMR 530(2)(D)(4). This permit provides for reconsideration of testing requirements, including the imposition of certain testing, in consideration of the nature of the wastewater discharged, existing wastewater treatment, receiving water characteristics, and results of testing.

Priority Pollutants

The previous permitting action did not require priority pollutant testing. This permitting action is establishing surveillance level priority pollutant testing per 06-096 CMR 530(2)(D)(1).

- i. Mercury: Pursuant to *Certain deposits and discharges prohibited*, Maine law, 38 M.R.S.A. § 420 and Waste discharge licenses, 38 M.R.S.A. § 413 and Interim Effluent Limitations and Controls for the Discharge of Mercury, 06-096 CMR 519 (last amended October 6, 2001), the Department issued a Notice of Interim Limits for the Discharge of Mercury to the permittee on June 7, 2001, thereby administratively modifying MEPDES #ME0100102/WDL # W002600-5L-D-R by establishing interim monthly average and daily maximum effluent concentration limits of 58.9 parts per trillion (ppt) and 88.4 ppt, respectively, and a minimum monitoring frequency requirement of four (4) tests per year for mercury. It is noted the limitations have not been incorporated into Special Condition A, *Effluent Limitations And Monitoring Requirements*, of this permit as limitations and monitoring frequencies are regulated separately through 38 M.R.S.A. § 413 and 06-096 CMR 519. However, the interim limitations remain in effect and enforceable and any modifications to the limits and or monitoring requirements will be formalized outside of this permitting document.

Maine law 38 M.R.S.A., §420 1-B,(B)(1) states that a facility is not in violation of the AWQC for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413, subsection 11. A review of the Department’s database for the previous 60-month period indicates mercury test results reported have ranged from 7.4 ppt to 60.6 ppt with an arithmetic mean (n=15) of 25.8 ppt.

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

- j. Septage – The previous permitting action authorized the District to receive up to 25,000 gpd of septage. Department rule Chapter 555, *Standards For The Addition of Transported Wastes to Wastewater Treatment Facilities*, limits the quantity of septage received at a facility to 1% of the design capacity of treatment facility if the facility utilizes a side stream or storage method of introduction into the influent flow, or 0.5% of the design capacity of the facility if the facility does not utilize the side stream or storage method of introduction into the influent flow. A facility may receive more than 1% of the design capacity on a case-by-case basis. In their application for permit renewal, the District has requested the Department carry forward the daily quantity of septage it is authorized to receive and treat (up to 25,000 gpd) as it utilizes the side stream/storage method of metering septage into the facility's influent flow. With a design capacity of 3.85 MGD, 25,000 gpd only represents 0.65% of said capacity. The permittee has submitted an up-to-date Septage Management Plan as an exhibit to their 4/30/09 application for permit renewal.

The Department has reviewed and approved said plan and determined that under normal operating conditions, the receipt and treatment of 25,000 gpd of septage to the facility will not cause or contribute to upset conditions of the treatment process.

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As permitted, the Department has made a determination based on a best professional judgment that the existing water uses will be maintained and protected and the discharge will not cause or contribute to the failure of the waterbody to meet standards for Class C classification.

8. PUBLIC COMMENTS

Public notice of this application was made in the *Times Record* on or about April 10, 2009. 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 *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR 522 (effective January 12, 2001).

9. DEPARTMENT CONTACTS

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

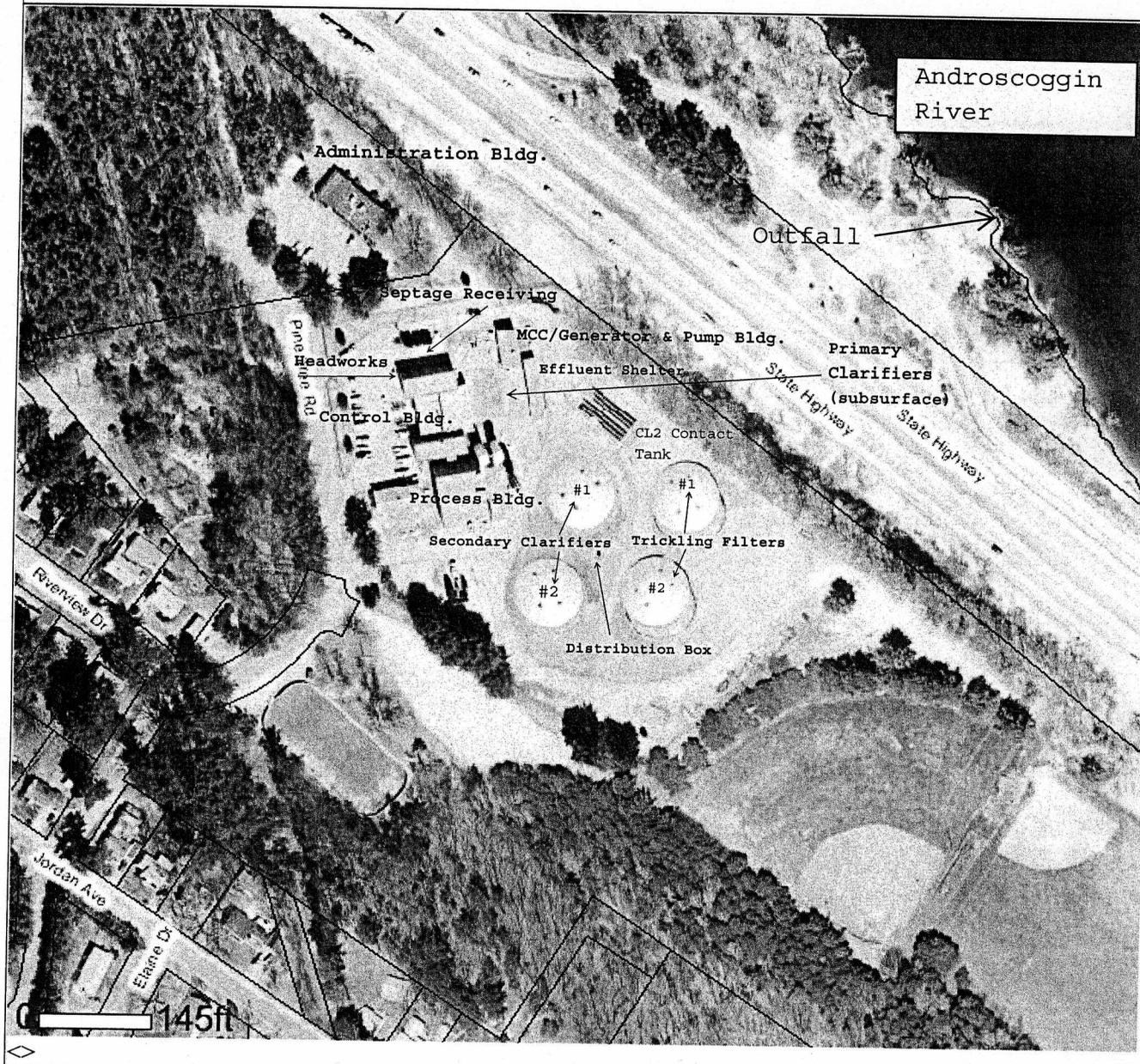
Phyllis Rand
Division of Water Quality Management
Bureau of Land & Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 287-7658 Fax: (207) 287-3435
e-mail: phyllis.a.rand@maine.gov

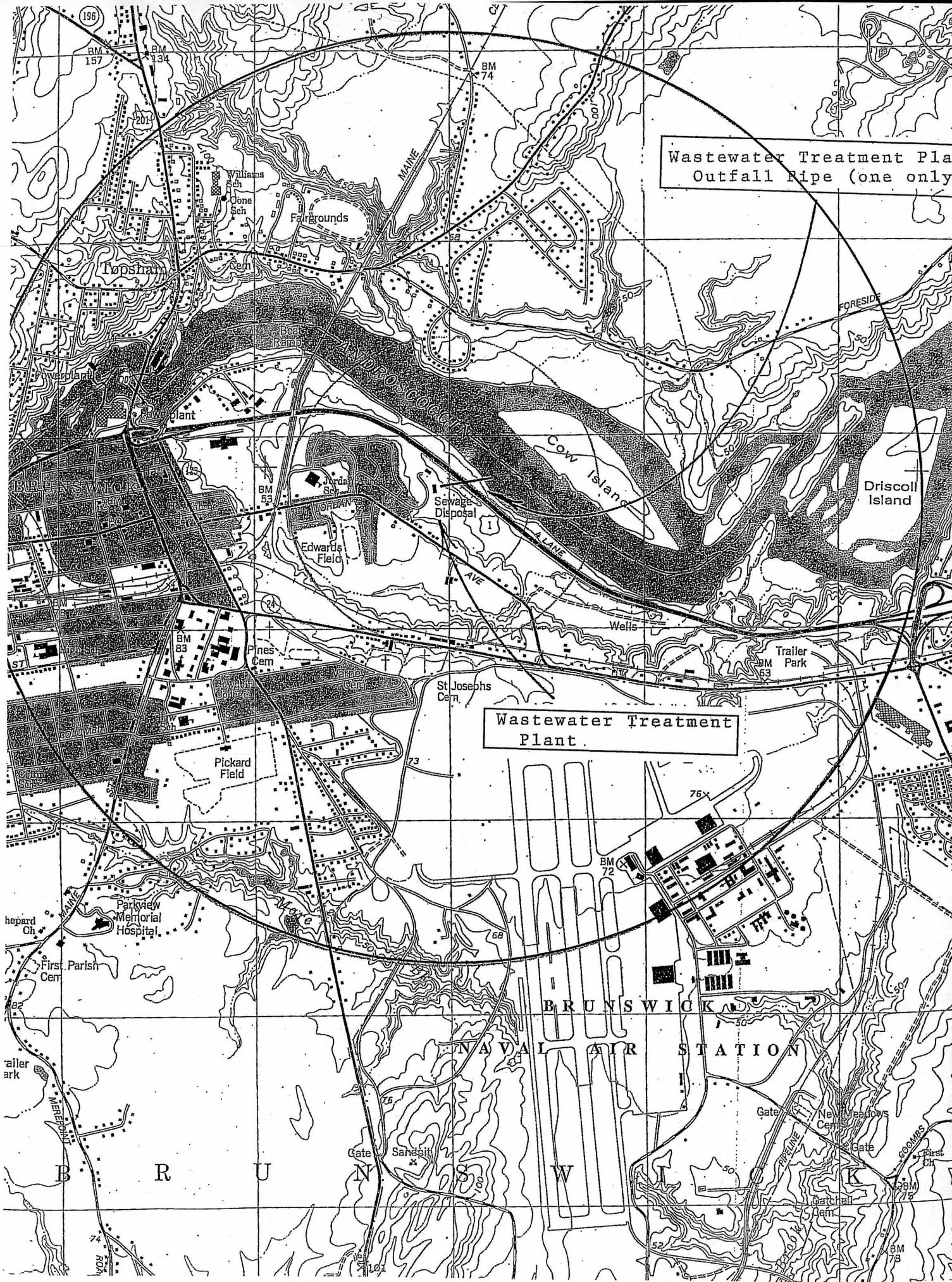
10. RESPONSE TO COMMENTS

During the period of June 5, 2009, through the issuance date of the permit/license, the Department solicited comments on the proposed draft permit/license to be issued for the discharge(s) from the Brunswick Sewer District. 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.

ATTACHMENT A

BSD-Treatment Plant & Outfall





ATTACHMENT B

ATTACHMENT C

Species	Test	Test Result %	Sample Date
FATHEAD	LC50	>100	04/01/1992
WATER FLEA	LC50	>100	04/01/1992
FATHEAD	LC50	>100	12/15/1992
WATER FLEA	LC50	>100	12/15/1992
FATHEAD	LC50	>100	06/08/1993
TROUT	LC50	>100	06/08/1993
WATER FLEA	LC50	>100	06/08/1993
FATHEAD	LC50	>100	11/29/1993
WATER FLEA	LC50	>100	11/29/1993
FATHEAD	LC50	>100	06/13/1994
WATER FLEA	LC50	>100	06/13/1994
FATHEAD	LC50	>100	11/28/1994
WATER FLEA	LC50	>100	11/28/1994
FATHEAD	A_NOEL	100	07/31/1995
FATHEAD	LC50	100	07/31/1995
WATER FLEA	A_NOEL	100	07/31/1995
WATER FLEA	LC50	100	07/31/1995
FATHEAD	A_NOEL	100	08/13/1996
FATHEAD	LC50	>100	08/13/1996
WATER FLEA	A_NOEL	100	08/13/1996
WATER FLEA	LC50	>100	08/13/1996
FATHEAD	A_NOEL	100	08/03/1997
FATHEAD	LC50	>100	08/03/1997
TROUT	A_NOEL	100	08/03/1997
TROUT	C_NOEL	100	08/03/1997
WATER FLEA	A_NOEL	100	08/03/1997
WATER FLEA	C_NOEL	<5	08/03/1997
WATER FLEA	LC50	>100	08/03/1997
WATER FLEA	A_NOEL	100	09/28/1997
WATER FLEA	C_NOEL	<5	09/28/1997
WATER FLEA	LC50	>100	09/28/1997
FATHEAD	A_NOEL	100	08/03/1998
FATHEAD	LC50	>100	08/03/1998
TROUT	A_NOEL	100	08/03/1998
TROUT	C_NOEL	100	08/03/1998
TROUT	LC50	>100	08/03/1998
WATER FLEA	A_NOEL	100	08/03/1998
WATER FLEA	C_NOEL	1	08/03/1998
WATER FLEA	LC50	>100	08/03/1998
FATHEAD	A_NOEL	100	07/05/1999
FATHEAD	LC50	>100	07/05/1999
TROUT	A_NOEL	100	07/05/1999

Species	Test	Test Result %	Sample Date
TROUT	C_NOEL	100	07/05/1999
TROUT	LC50	>100	07/05/1999
WATER FLEA	A_NOEL	100	07/05/1999
WATER FLEA	C_NOEL	100	07/05/1999
WATER FLEA	LC50	>100	07/05/1999
WATER FLEA	A_NOEL	100	12/14/1999
WATER FLEA	C_NOEL	50	12/14/1999
WATER FLEA	LC50	>100	12/14/1999
WATER FLEA	A_NOEL	100	02/13/2000
WATER FLEA	C_NOEL	100	02/13/2000
WATER FLEA	LC50	>100	02/13/2000
TROUT	A_NOEL	100	04/30/2000
TROUT	C_NOEL	100	04/30/2000
TROUT	LC50	>100	04/30/2000
WATER FLEA	A_NOEL	100	04/30/2000
WATER FLEA	C_NOEL	100	04/30/2000
WATER FLEA	LC50	>100	04/30/2000
WATER FLEA	A_NOEL	100	07/16/2000
WATER FLEA	C_NOEL	100	07/16/2000
WATER FLEA	LC50	>100	07/16/2000
TROUT	A_NOEL	100	04/22/2001
TROUT	C_NOEL	50	04/22/2001
TROUT	LC50	>100	04/22/2001
WATER FLEA	A_NOEL	100	04/22/2001
WATER FLEA	C_NOEL	100	04/22/2001
WATER FLEA	LC50	>100	04/22/2001
FATHEAD	A_NOEL	100	06/13/2001
FATHEAD	LC50	>100	06/13/2001
WATER FLEA	A_NOEL	100	06/13/2001
WATER FLEA	LC50	>100	06/13/2001
TROUT	A_NOEL	100	04/15/2002
TROUT	C_NOEL	10	04/15/2002
TROUT	LC50	>100	04/15/2002
WATER FLEA	A_NOEL	100	04/15/2002
WATER FLEA	C_NOEL	100	04/15/2002
WATER FLEA	LC50	>100	04/15/2002
FATHEAD	A_NOEL	100	09/24/2002
FATHEAD	LC50	100	09/24/2002
WATER FLEA	A_NOEL	100	09/24/2002
WATER FLEA	LC50	>100	09/24/2002
TROUT	A_NOEL	100	04/06/2003
TROUT	C_NOEL	50	04/06/2003

Species	Test	Test Result %	Sample Date
TROUT	LC50	>100	04/06/2003
WATER FLEA	A_NOEL	100	04/06/2003
WATER FLEA	C_NOEL	100	04/06/2003
WATER FLEA	LC50	>100	04/06/2003
TROUT	A_NOEL	100	09/16/2003
TROUT	LC50	>100	09/16/2003
WATER FLEA	A_NOEL	8.3	09/16/2003
WATER FLEA	LC50	20.2	09/16/2003
TROUT	A_NOEL	100	04/04/2004
TROUT	C_NOEL	100	04/04/2004
TROUT	LC50	>100	04/04/2004
WATER FLEA	A_NOEL	58.3	04/04/2004
WATER FLEA	C_NOEL	10.0	04/04/2004
WATER FLEA	LC50	91.7	04/04/2004
TROUT	A_NOEL	>100	04/06/2008
TROUT	C_NOEL	100	04/06/2008
WATER FLEA	A_NOEL	>100	04/06/2008
WATER FLEA	C_NOEL	100	04/06/2008

ATTACHMENT D

Sample Date: 04/24/2001

Plant flows provided

Total Tests:	123	mon. (MGD) = 4.301	
Missing Compounds:	1	day (MGD) = 4.065	
Tests With High DL:	0		
M = 0	V = 0	A = 0	
BN = 0	P = 0	other = 0	

Total Tests:	123		
Missing Compounds:	1		
Tests With High DL:	0		
M = 0	V = 0	A = 0	
BN = 0	P = 0	other = 0	

Sample Date: 04/15/2002

Plant flows provided

Total Tests:	141	mon. (MGD) = 3.058	
Missing Compounds:	1	day (MGD) = 3.278	
Tests With High DL:	0		
M = 0	V = 0	A = 0	
BN = 0	P = 0	other = 0	

Sample Date: 04/06/2004

Only acute flow provided

Total Tests:	135	day (MGD) = 2.880	
Missing Compounds:	1		
Tests With High DL:	0		
M = 0	V = 0	A = 0	
BN = 0	P = 0	other = 0	

Sample Date: 04/06/2003

Plant flows provided

Total Tests:	135	mon. (MGD) = 2.830	
Missing Compounds:	1	day (MGD) = 2.335	
Tests With High DL:	0		
M = 0	V = 0	A = 0	
BN = 0	P = 0	other = 0	

Sample Date: 07/26/2004

Plant flows provided

Total Tests:	123	mon. (MGD) = 2.271	
Missing Compounds:	1	day (MGD) = 2.181	
Tests With High DL:	0		
M = 0	V = 0	A = 0	
BN = 0	P = 0	other = 0	

Sample Date: 09/10/2003

Plant flows provided

Total Tests:	123	mon. (MGD) = 2.024	
Missing Compounds:	1	day (MGD) = 1.886	
Tests With High DL:	0		
M = 0	V = 0	A = 0	
BN = 0	P = 0	other = 0	

Sample Date: 04/06/2008

Plant flows provided

Total Tests:	133	mon. (MGD) = 4.113	
Missing Compounds:	1	day (MGD) = 4.694	
Tests With High DL:	0		
M = 0	V = 0	A = 0	
BN = 0	P = 0	other = 0	

Sample Date: 10/28/2003

Plant flows provided

Total Tests:	123	mon. (MGD) = 2.500	
Missing Compounds:	1	day (MGD) = 2.847	
Tests With High DL:	0		
M = 0	V = 0	A = 0	
BN = 0	P = 0	other = 0	

Sample Date: 01/13/2004

Plant flows not provided

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.
