



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAVID P. LITTELL  
COMMISSIONER

March 10, 2010

Ms. Cynthia Chapman  
Ashland Water & Sewer District  
P.O. Box 340  
Ashland, ME 04732  
[ashlandwater@juno.com](mailto:ashlandwater@juno.com)

Via Electronic Mail

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0101087  
Maine Waste Discharge License #W002697-6C-E-R  
**Final Permit/License – Ashland Water & Sewer District**

Dear Ms. Chapman:

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](mailto:phyllis.a.rand@maine.gov).

Sincerely,

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

Enclosure

cc: Sean Bernard, NMRO    Brian Pitt, USEPA    Sandy Mojica, USEPA  
Lori Mitchell, DMU    Steve Sutter

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PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
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STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
17 STATE HOUSE STATION  
AUGUSTA, ME 04333

**DEPARTMENT ORDER**

**IN THE MATTER OF**

ASHLAND WATER & SEWER DISTRICT ) MAINE POLLUTANT DISCHARGE  
PUBLICLY OWNED TREATMENT WORKS ) ELIMINATION SYSTEM PERMIT  
ASHLAND, AROOSTOOK COUNTY, MAINE ) AND  
ME0101087 ) WASTE DISCHARGE LICENSE  
W002697-6C-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 (“Department” hereinafter) has considered the application of ASHLAND WATER AND SEWER DISTRICT (“permittee” hereinafter), with its supportive data, agency review comments, and other related material on file and finds the following facts:

**APPLICATION SUMMARY**

The permittee has applied to the Department for renewal of combination Maine Pollutant Discharge Elimination System Permit (MEPDES)/Waste Discharge License (WDL) # ME0101087/W002697-5L-D-R, which was issued on April 8, 2005 and is scheduled to expire on April 8, 2010. The MEPDES permit/WDL authorized the monthly average discharge of up to 0.30 million gallons per day (MGD) of secondary treated wastewater from a publicly owned treatment works (POTW) through a freshwater (palustrine) forested wetland as a conveyance to the Aroostook River, Class B, in Ashland, Maine. A site location map is included as **Attachment A** of the Fact Sheet.

**MODIFICATION REQUESTED BY THE PERMITTEE**

1. Increase the monthly average limit for total suspended solids from 30 mg/L to 45 mg/L because the system has facultative lagoons.

**PERMIT SUMMARY – This permitting action is similar to the 4/08/05 permitting action in that it is:**

1. Carrying forward the monthly average discharge flow limit of 0.30 MGD and daily maximum discharge flow reporting requirement;
2. Carrying forward the monthly average, weekly average and daily maximum technology-based concentration and mass limitations for biochemical oxygen demand (BOD<sub>5</sub>) and total suspended solids (TSS);
3. Carrying forward the seasonal monitoring requirement for *Escherichia coli* bacteria;

**PERMIT SUMMARY (cont'd)**

4. Carrying forward the technology-based daily maximum concentration limit of 1.0 mg/L for total residual chlorine;
5. Carrying forward the technology based effluent pH limitations;
6. Carrying forward the requirement to maintain an up-to-date Operation and Maintenance Plan and Wet Weather Management Plan;

**This permitting action is different from the 4/08/05 permitting action in that it is:**

7. Establishing an analytical chemistry screening level monitoring frequency of 1/Quarter;
8. Eliminating the settleable solids monitoring requirement;
9. Establishing summer monitoring requirements for total phosphorus and dissolved orthophosphate during the first year of the permit;
10. Establishing a WET screening-level monitoring frequency of once per year (1/Year) for the brook trout (*Salvelinus fontinalis*) and water flea (*Ceriodaphnia dubia*);
11. Establishing an annual certification statement requirement as Special Condition K, *Surface Water Toxics Control Program*, 06-096 CMR 530(2)(D)(4) (effective October 9, 2005).

**CONCLUSIONS**

BASED on the findings in the attached Fact Sheet dated March 9, 2010, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, 38 M.R.S.A. §464(4)(F), will be met, in that:
  - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
  - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
  - (c) The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;

**CONCLUSIONS (cont'd)**

- (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and
  - (e) Where a discharge will result in lowering the existing water quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharge will be subject to effluent limitations that require application of best practicable treatment.

**ACTION**

THEREFORE, the Department APPROVES the above noted application of the ASHLAND WATER AND SEWER DISTRICT to discharge a monthly average flow of up to 0.30 MGD of secondary treated sanitary wastewater through a palustrine forested wetland as a conveyance to Aroostook River, Class B, in Ashland, Maine, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

The discharges shall be 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. This permit expires five (5) years from the date of signature below.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application December 22, 2009  
Date of application acceptance December 28, 2009

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

1. During the period **beginning the effective date of this permit**, the permittee is authorized to discharge secondary treated sanitary wastewater from **Outfall #001A** through a palustrine forested wetland as a conveyance to the Aroostook River. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
	as specified	as specified	as specified	as specified	as specified	as specified	as specified	as specified
<b>Flow</b> <i>[50050]</i>	0.30 MGD <i>[03]</i>	--	Report MGD <i>[03]</i>	--	--	--	Continuous <i>[99/99]</i>	Recorder <i>[RC]</i>
<b>BOD<sub>5</sub></b> <i>[00310]</i>	75 lbs/day <i>[26]</i>	113 lbs/day <i>[26]</i>	125 lbs/day <i>[26]</i>	30 mg/L <i>[19]</i>	45 mg/L <i>[19]</i>	50 mg/L <i>[19]</i>	1/Week <i>[01/07]</i>	Composite <i>[24]</i>
<b>BOD<sub>5</sub> Percent Removal<sup>(1)</sup></b> <i>[81010]</i>	--	--	--	85% <i>[23]</i>	--	--	1/Month <i>[01/30]</i>	Calculate <i>[CA]</i>
<b>TSS</b> <i>[00530]</i>	75 lbs/day <i>[26]</i>	113 lbs./day <i>[26]</i>	125 lbs/day <i>[26]</i>	30 mg/L <i>[19]</i>	45 mg/L <i>[19]</i>	50 mg/L <i>[19]</i>	1/Week <i>[01/07]</i>	Composite <i>[24]</i>
<b>TSS Percent Removal<sup>(1)</sup></b> <i>[81011]</i>	--	--	--	85% <i>[23]</i>	--	--	1/Month <i>[01/30]</i>	Calculate <i>[CA]</i>
<b><i>E. coli</i> Bacteria<sup>(2)</sup></b> <i>(May 15 – September 30)</i> <i>[31633]</i>	--	--	--	64/100 mL <sup>(3)</sup> <i>[13]</i>	--	427/100 mL <i>[13]</i>	1/Week <i>[01/07]</i>	Grab <i>[GR]</i>
<b>Total Residual Chlorine<sup>(4)</sup></b> <i>[50060]</i>	--	--	--	--	--	1.0 mg/L <i>[19]</i>	1/Day <i>[01/01]</i>	Grab <i>[GR]</i>
<b>pH<sup>(5)</sup></b> <i>[00400]</i>	--	--	--	--	--	6.0 – 9.0 SU <sup>(6)</sup> <i>[12]</i>	5/Week <i>[05/07]</i>	Grab <i>[GR]</i>
<b>Phosphorus (Total as P)<sup>(7)</sup></b> <i>(June 1 – August 31)</i> <i>[00665]</i>	---	---	Report lbs/day <i>[26]</i>	---	---	Report ug/L <i>[28]</i>	1/Week <i>[01/07]</i>	Grab <i>[GR]</i>
<b>Dissolved Orthophosphate (as P)<sup>(7)</sup></b> <i>(June 1 – August 31)</i> <i>[00671]</i>	---	---	Report lbs/day <i>[26]</i>	---	---	Report ug/L <i>[28]</i>	1/Week <i>[01/07]</i>	Grab <i>[GR]</i>

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

**FOOTNOTES:** See Pages 7 – 10 of this permit for applicable footnotes.

**SPECIAL CONDITIONS**

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

2. **SCREENING LEVEL TESTING** – Beginning 12 months prior to expiration of the this permit or in the fifth year since the last screening test, whichever is sooner:

Effluent Characteristic	Discharge Limitations						Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
<b>Whole Effluent Toxicity (WET)<sup>(8)</sup></b>								
<u>A-NOEL</u>								
<i>Ceriodaphnia dubia [TDA3B]</i>	---	---	---	---	---	Report % [23]	1/Year [01/YR]	Composite [24]
<i>Salvelinus fontinalis [TDA6F]</i>	---	---	---	---	---	Report % [23]	1/Year [01/YR]	Composite [24]
<u>C-NOEL</u>								
<i>Ceriodaphnia dubia [TBP3B]</i>	---	---	---	---	---	Report % [23]	1/Year [01/YR]	Composite [24]
<i>Salvelinus fontinalis [TBQ6F]</i>	---	---	---	---	---	Report % [23]	1/Year [01/YR]	Composite [24]
<b>Analytical Chemistry<sup>(9,10)</sup></b> [51477]	---	---	---	---	---	Report ug/L [28]	1/Quarter [01/90]	Composite/ Grab [24/GR]
<b>Priority Pollutants<sup>(10)</sup></b> [50008]	---	---	---	---	---	Report ug/L [28]	1/Year [01/YR]	Composite/ Grab [24/GR]

**FOOTNOTES:** See Pages 7 – 10 of this permit for applicable footnotes.

## SPECIAL CONDITIONS

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

Footnotes:

**Sampling Locations:**

**Influent sampling** shall be conducted from a location prior to entering Lagoon #1.

**Effluent sampling** shall be conducted at a location following the last treatment unit in the treatment process as to be representative of end-of-pipe effluent characteristics. All effluent monitoring shall be conducted at a location following the last treatment unit in the treatment process as to be representative of end-of-pipe effluent characteristics.

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 Human Services. Samples that are sent to another 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). Laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of 10-144 CMR 263.

All analytical test results shall be reported to the Department including results which are detected below the respective reporting limits (RL's) specified by the Department or as specified by other approved test methods. If a non-detect analytical test result is below the respective RL, the concentration result shall be reported as <Y where Y is the 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. See **Attachment A** of this permit for a list of the Department's RL's.

1. **Percent Removal** – For secondary treated wastewater, the facility shall maintain a minimum of 85 percent removal of both BOD5 and TSS. Compliance with the limitation is based on a twelve-month rolling average. Calendar monthly average percent removal values shall be calculated based on influent and effluent concentrations. The permittee is not required to include monthly average percent removal values in the twelve-month rolling average calculation when the influent concentration for said month(s) is less than 200 mg/L. For the purposes of this permitting action, the twelve-month rolling average calculation is based on the most recent twelve-month period of time.
2. **E. coli bacteria** – Limits are seasonal and apply between May 15<sup>th</sup> and September 30<sup>th</sup> of each calendar year. The Department reserves the right to require disinfection on a year-round basis to protect the health and welfare of the public.

**SPECIAL CONDITIONS**

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

**FOOTNOTES:**

3. ***E. coli* bacteria** – The monthly average limitation is a geometric mean limitation and shall be calculated and reported as such.
4. **Total Residual Chlorine (TRC)** – Limitations and monitoring requirements are applicable whenever elemental chlorine or chlorine based compounds are being used to disinfect the discharge. The permittee shall utilize approved test methods that are capable of bracketing the limitation of 1.0 mg/L. For instances when the facility is not disinfecting the effluent with chlorine-based compounds, the facility shall report “**NODI-9**” or “**N9**” for this parameter on the monthly DMR.
5. **pH Monitoring** – Effluent monitoring for pH is not required on official holidays observed by the permittee. For instances when this occurs, the permittee shall provide a comment on the monthly discharge monitoring report to indicate the number of actual sampling events for that week.
6. **pH Range Limitation** – The pH value of the effluent shall not be lower than 6.0 SU nor higher than 9.0 SU at any time unless these limitations are exceeded due to natural causes. The permittee shall provide oral notification of any exceedence within 24 hours from the time the permittee becomes aware of the circumstances and shall submit a written explanation of the exceedence within 5 days of the time the permittee becomes aware of the circumstances.
7. **Phosphorus & Dissolved Orthophosphate Monitoring** – During 2010 only.
8. **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 0.51% and 0.47%, 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 inverses of the applicable acute and chronic dilution factors of 195:1 and 212:1, respectively. See **Attachment B** of this permit for a copy of the Department’s WET reporting form.

**Surveillance level testing** is not required pursuant to *Surface Water Toxics Control Program*, 06-096 CMR 530(2)(D)(3)(b) (effective October 9, 2005).

**Screening level testing** – Beginning 12 months prior to expiration of the permit or in the fifth year since the last screening test, whichever is sooner, the permittee shall conduct screening level WET testing at a minimum frequency of once per year (1/Year) for the water flea (*Ceriodaphnia dubia*) and the brook trout (*Salvelinus fontinalis*).

## SPECIAL CONDITIONS

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

#### FOOTNOTES:

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 thirteen (13) parameters specified in the analytical chemistry section of the form in Attachment A of this permit each time a WET test is performed.**

9. **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, cyanide amenable to chlorination, total lead, total nickel, total silver, total zinc, total hardness and total residual chlorine.

**Surveillance level testing** is not required pursuant to 06-096 CMR 530(2)(D)(3).

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

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

**Surveillance level testing** is not required pursuant to 06-096 CMR 530(2)(D)(3).

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

## SPECIAL CONDITIONS

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

#### FOOTNOTES:

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.

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 06-096 CMR 584. For the purposes of DMR reporting, enter a "1" for yes, testing done this monitoring period or "NODI-9" or "N9" for monitoring not required this period.

### 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 discharges shall not cause visible discoloration or turbidity in the receiving waters which would impair the usages designated by the classification of the receiving waters.
4. Notwithstanding specific conditions of this permit the effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

### C. TREATMENT PLANT OPERATOR

The person who has the management responsibility over the treatment facility must hold a **Grade II** certificate (or higher) or must be a Maine Registered Professional Engineer pursuant to *Sewerage Treatment Operators*, 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 before the permittee may engage the services of the contract operator.

#### **D. 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.

#### **E. UNAUTHORIZED DISCHARGES**

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on 12/28/09; 2) the terms and conditions of this permit; and 3) only from Outfall #001A. 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)(*Bypass*) of this permit.

#### **F. NOTIFICATION REQUIREMENT**

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 into the system at the time of permit issuance. For the purposes of this section, notice regarding substantial change 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 caused by the change in the quantity or quality of the waste water to be discharged from the treatment system.

#### **G. WET WEATHER FLOW MANAGEMENT PLAN**

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

**Within 90 days of completion of new and or substantial upgrades of the wastewater treatment facility**, the permittee shall submit to the Department for review and approval, a new or revised Wet Weather Management Plan which conforms to Department guidelines for such plans. The revised plan shall include operating procedures for a range of intensities, address solids handling procedures (including septic waste and other high strength wastes if applicable) and provide written operating and maintenance procedures during the events. **The permittee shall review their plan annually** and record any necessary changes to keep the plan up to date.

## SPECIAL CONDITIONS

### H. OPERATION & MAINTENANCE (O&M) PLAN

This facility shall maintain 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 transport, 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.

### I. DISPOSAL OF TRANSPORTED WASTE INTO THE WASTEWATER TREATMENT FACILITY

The permittee is prohibited from accepting transported wastes for disposal into any part or parts of the wastewater disposal system. "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.

### J. MERCURY

All mercury sampling (**4/Year**) 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 EPA'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.

## **SPECIAL CONDITIONS**

### **K. 06-096 CMR 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 31<sup>st</sup> 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 reinstated if it determines that there have been changes in the character of the discharge or if annual certifications described above are not submitted.

### **L. REOPENING OF PERMIT FOR MODIFICATIONS**

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

### **M. 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 **postmarked on or before the thirteenth (13<sup>th</sup>) day of the month or hand-delivered to a Department Regional Office such that the DMR's are received by the Department on or before the fifteenth (15<sup>th</sup>) day of the month** following the completed reporting period. A signed copy of the DMR and all other reports required herein shall be submitted to the following address:

Department of Environmental Protection  
Northern Maine Regional Office  
Bureau of Land and Water Quality  
Division of Water Quality Management  
1235 Central Drive, Skyway Park  
Presque Isle, Maine 04769

## **SPECIAL CONDITIONS**

### **M. MONITORING AND REPORTING (cont'd)**

Alternatively, if you are submitting an electronic DMR (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 15<sup>th</sup> 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 (13<sup>th</sup>) 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 (15<sup>th</sup>) 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 15<sup>th</sup> day of the month** following the completed reporting period.

### **N. SEVERABILITY**

In the event that any provision(s), 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.**

Facility Name \_\_\_\_\_ MEPDES # \_\_\_\_\_ Facility Representative Signature \_\_\_\_\_  
 Pipe # \_\_\_\_\_ To the best of my knowledge this information is true, accurate and complete.

Licensed Flow (MGD)   
 Acute dilution factor   
 Chronic dilution factor   
 Human health dilution factor   
 Criteria type: M(arine) or F(resh)

Flow for Day (MGD)<sup>(1)</sup>  Flow Avg. for Month (MGD)<sup>(2)</sup>   
 Date Sample Collected  Date Sample Analyzed

Laboratory \_\_\_\_\_ Telephone \_\_\_\_\_  
 Address \_\_\_\_\_  
 Lab Contact \_\_\_\_\_ Lab ID # \_\_\_\_\_

**ERROR WARNING !** Essential facility information is missing. Please check required entries in bold above.

**FRESH WATER VERSION**  
 Please see the footnotes on the last page.

WHOLE EFFLUENT TOXICITY		Effluent Limits, %			Receiving Water or Ambient	Effluent Concentration (ug/L or as noted)	WET Result, % Do not enter % sign	Reporting Limit Check	Possible Exceedence <sup>(7)</sup>		
		Acute	Chronic						Acute	Chronic	
	Trout - Acute										
	Trout - Chronic										
	Water Flea - Acute										
	Water Flea - Chronic										
WET CHEMISTRY											
	pH (S.U.) <sup>(9)</sup>				(8)						
	Total Organic Carbon (mg/L)				(8)						
	Total Solids (mg/L)										
	Total Suspended Solids (mg/L)										
	Alkalinity (mg/L)				(8)						
	Specific Conductance (umhos)										
	Total Hardness (mg/L)				(8)						
	Total Magnesium (mg/L)				(8)						
	Total Calcium (mg/L)				(8)						
ANALYTICAL CHEMISTRY <sup>(3)</sup>											
	Also do these tests on the effluent with WET. Testing on the receiving water is optional	Reporting Limit	Effluent Limits, ug/L					Reporting Limit Check	Possible Exceedence <sup>(7)</sup>		
			Acute <sup>(6)</sup>	Chronic <sup>(6)</sup>	Health <sup>(6)</sup>				Acute	Chronic	Health
	TOTAL RESIDUAL CHLORINE (mg/L) <sup>(9)</sup>	0.05				NA					
	AMMONIA	NA				(8)					
M	ALUMINUM	NA				(8)					
M	ARSENIC	5				(8)					
M	CADMIUM	1				(8)					
M	CHROMIUM	10				(8)					
M	COPPER	3				(8)					
M	CYANIDE	5				(8)					
M	LEAD	3				(8)					
M	NICKEL	5				(8)					
M	SILVER	1				(8)					
M	ZINC	5				(8)					

**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 <sup>(4)</sup>		Effluent Limits			Reporting Limit Check	Possible Exceedence <sup>(7)</sup>		
	Reporting Limit	Acute <sup>(6)</sup>	Chronic <sup>(6)</sup>	Health <sup>(6)</sup>		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-TRICHLOROBENZENE	5						
BN	1,2-(O)DICHLOROBENZENE	5						
BN	1,2-DIPHENYLHYDRAZINE	10						
BN	1,3-(M)DICHLOROBENZENE	5						
BN	1,4-(P)DICHLOROBENZENE	5						
BN	2,4-DINITROTOLUENE	6						
BN	2,6-DINITROTOLUENE	5						
BN	2-CHLORONAPHTHALENE	5						
BN	3,3'-DICHLOROBENZIDINE	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						



**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.**

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) Priority Pollutants should be reported 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 # \_\_\_\_\_  
Pipe # \_\_\_\_\_

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 \_\_\_\_\_  
 Pipe # \_\_\_\_\_

Purpose of this test:  Initial limit determination  
 Compliance monitoring for: year \_\_\_\_\_ calendar quarter \_\_\_\_\_  
 Supplemental or extra test

### SAMPLE COLLECTION INFORMATION

Sampling Date: 

mm	dd	yy

 Sampling time: \_\_\_\_\_ AM/PM

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**

**March 9, 2010**

MEPDES PERMIT: #ME0101087  
WASTE DISCHARGE LICENSE: #W002697-6C-E-R

NAME AND ADDRESS OF APPLICANT:

**ASHLAND WATER AND SEWER DISTRICT  
115 Portage Road  
P.O. BOX 340  
Ashland, ME 04732**

COUNTY: **AROOSTOOK**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**Ashland Water & Sewer District  
127 Lagoon Road  
Ashland, Maine 04732**

RECEIVING WATER / CLASSIFICATION: **Aroostook River/Class B**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Cynthia Chapman  
District Administrator  
(207) 435-2223  
[ashlandwater@juno.com](mailto:ashlandwater@juno.com)**

**1. APPLICATION SUMMARY**

The Ashland Water and Sewer District ("permittee," hereinafter) has applied to the Department of Environmental Protection ("Department," hereinafter) for renewal of combination Maine Pollutant Discharge Elimination System Permit(MEPDES)/Waste Discharge License (WDL) # ME0101087/W002697-5L-D-R, which was issued on April 8, 2005 and is scheduled to expire on April 8, 2010. The MEPDES permit/WDL authorized the monthly average discharge of up to 0.30 million gallons per day (MGD) of secondary treated wastewater from a publicly owned treatment works (POTW) through a freshwater (palustrine) forested wetland as a conveyance to the Aroostook River, Class B, in Ashland, Maine.

**2. MODIFICATION REQUESTED BY THE PERMITTEE**

1. Increase the monthly average limit for total suspended solids from 30 mg/L to 45 mg/L because the system has facultative lagoons.

### 3. PERMIT SUMMARY

- a. Terms and Conditions: This permitting action is similar to the 4/08/05 permitting action in that it is:

1. Carrying forward the monthly average discharge flow limit of 0.30 MGD and daily maximum discharge flow reporting requirement;
2. Carrying forward the monthly average, weekly average and daily maximum technology-based concentration and mass limitations for biochemical oxygen demand (BOD<sub>5</sub>) and total suspended solids (TSS);
3. Carrying forward the seasonal monitoring requirement for *Escherichia coli* bacteria;
4. Carrying forward the technology-based daily maximum concentration limit of 1.0 mg/L for total residual chlorine;
5. Carrying forward the technology based effluent pH limitations;
6. Carrying forward the requirement to maintain an up-to-date Operation and Maintenance Plan and Wet Weather Management Plan;

**This permitting action is different from the 4/08/05 permitting action in that it is:**

7. Establishing an analytical chemistry screening level monitoring frequency of 1/Quarter;
  8. Eliminating the settleable solids monitoring requirement;
  9. Establishing summer monitoring requirements for total phosphorus and dissolved orthophosphate during the first year of the permit;
  10. Establishing a WET screening-level monitoring frequency of once per year (1/Year) for the brook trout (*Salvelinus fontinalis*) and water flea (*Ceriodaphnia dubia*);
  11. Establishing an annual certification statement requirement as Special Condition L, *Surface Water Toxics Control Program*, 06-096 CMR 530(2)(D)(4) (effective October 9, 2005).
- b. Facility History: This section provides a summary of significant licensing/permitting actions and milestones that have been completed for the permittee:

January 1, 1963 – The permittee commenced operation to provide secondary treatment of wastewater generated by residential and commercial customers in the Town of Ashland.

September 1, 1991 – The permittee completed an upgrade of the wastewater treatment facility, which most notably included the installation of an effluent disinfection system and mechanical aeration for Lagoon #1.

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

February 1, 1995 – The Department issued a Fact Sheet to the permittee which outlined the requirements of the Surface Water Toxics Control Program (Department rule 06-096 CMR Chapter 530.5). At that time, the permittee was required to perform whole effluent toxicity (WET) and chemical-specific testing and was placed in the low testing frequency category. The Department relieved the permittee of their obligation to continue WET and chemical-specific testing in the 5/18/00 WDL based on an interpretation of Maine law which has since been clarified through consultation with the State Attorney General's Office.

June 30, 1986 – The USEPA issued NPDES permit #ME0101087 to the permittee for the discharge of secondary treated wastewater to a palustrine forested wetland as a conveyance to Aroostook River in Ashland. The 6/30/86 NPDES permit superseded the previous NPDES permit issued on May 31, 1979.

May 18, 2000 – The Department issued WDL #W002697-5L-C-R to the permittee for the monthly average discharge of up to 0.30 MGD of secondary treated sanitary wastewater to a palustrine forested wetland as a conveyance to Aroostook River in Ashland. The 5/18/00 WDL superseded WDL #W002697-59-B-R issued on April 6, 1990 and WDL #W002697-45-A-R issued on June 12, 1984.

May 14, 2002 – Pursuant to Maine law, 38 M.R.S.A. §420 and Department rule, 06-096 CMR Chapter 519, *Interim Effluent Limitations and Controls for the Discharge of Mercury*, the Department administratively modified WDL #W002697-5L-C-R by establishing interim monthly average and daily maximum concentration limits of 8.97 parts per trillion (ppt) and 13.65 ppt, respectively, for mercury. It is noted that the mercury effluent limitations have not been incorporated into Special Condition A, *Effluent Limitations and Monitoring Requirements*, of this permit as the limits and monitoring frequencies are regulated separately through Department rule 06-096 CMR 519. However, the interim limitations remain in effect and enforceable, and any modifications to the limits and/or monitoring frequencies will be formalized pursuant to 06-096 CMR 519 outside of this permitting document.

April 8, 2005 – The Department issued WDL #W002697-5L-D-R to the permittee for the monthly average discharge of up to 0.30 MGD of secondary treated sanitary wastewater to a palustrine forested wetland as a conveyance to Aroostook River in Ashland.

April 10, 2006 – The Department issued a permit modification for Surface Water Toxics testing requirements pursuant to Department rule 06-096 CMR 530.

December 28, 2009 – The Department accepted the permittee's General Application for renewal of WDL #W002697-5L-D-R. The application was assigned WDL #W002697-6C-E-R.

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

- c. Source Description: The permittee owns and operates a wastewater treatment facility in Ashland, Maine, for the treatment of sanitary, process and non-process wastewater generated by a total of approximately 1,000 people in the Town of Ashland.

The permittee has historically received process wastewater from one or more “hot ponds” utilized by Fraser Timber Company, a debarking operation and a significant industrial user as defined by Department rule 06-096 CMR Chapter 528(4)(t). This source of wastewater is subject to national effluent guidelines for *Timber Products Processing Point Source Category* promulgated at Title 40 CFR Part 429 and must meet general pretreatment standards for existing sources promulgated at 40 CFR Part 403. The USEPA has not established specific numeric limits for this category; therefore this permitting action is not establishing formal pretreatment requirements for the permittee.

The permittee receives up to approximately 37,400 gallons per day (based on maximum operating capacity) of cooling tower blowdown on a continuous basis from Boralex Energy Plant. Boralex is a significant industrial user as defined by Department rule 06-096 CMR Chapter 528(4)(t) and must meet general pretreatment standards for existing sources promulgated at 40 CFR Part 403.

The permittee maintains an approximately 6-mile long, 100% separated sewer collection system and one pump station, which is located on the State Route 11 Bridge crossing the Aroostook River. There are no combined sewer overflow (CSO) points associated with the collection system. The permittee experiences high flows during heavy rain events and during two weeks in April. The permittee is working with the Town of Ashland to address inflow and infiltration issues through a Sewer Use Ordinance. The permittee has a Wet Weather Management Plan that was last updated in April 2009. The permittee is not approved and does not seek approval to accept septage at the treatment facility.

A map showing the location of the facility and the receiving water is included as Fact Sheet **Attachment A**.

- d. Wastewater Treatment: The permittee commenced operation in 1963 to provide secondary treatment of sanitary, process and non-process wastewater via influent screening and three facultative lagoons. Raw wastewater is conveyed through a basket grit removal system and is subsequently measured using a 6-inch Parshall flume, which are located in the influent control building. Screened influent flows to the first of three facultative lagoons which may be operated in parallel during high flows or in series to optimize effluent quality. Lagoon #1 measures 254 feet wide by 703 feet long by 6 feet deep, has a volume of 7.3 million gallons, occupies approximately 4.1 acres of land.

The permittee typically operates the lagoons in series such that wastewater from Lagoon #1 flows to Lagoon #2, which measures 228 feet wide by 476 feet long by 6 feet deep, has a volume of approximately 4.8 million gallons, occupies a surface area of approximately 2.5 acres and is equipped with two (2) mechanical surface aerators. Wastewater from Lagoon #2 flows to Lagoon #3, which measures 373 feet wide by 282 feet long by 6 feet deep, has a volume of approximately 4.8 million gallons, occupies a

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

surface area of approximately 2.4 acres and does not include aeration. Effluent flow from Lagoon #3 is conveyed to an effluent control building for disinfection, when necessary, using premixed calcium hypochlorite. Effluent flow is measured using a "V-notch" weir. The permittee stated that they do not intend to disinfect the effluent between May 15 and September 30 provided that the bacteria content of the effluent prior to disinfection is equal to or lower than the *E. coli* effluent limits in this permitting action.

The outfall pipe from Lagoon #3 terminates immediately below the effluent control building in a rock-lined conveyance. The flow is conveyed to a culvert which serves to transport the wastewater from the east side to the west side of a Bangor and Aroostook railroad bed. From this point, the flow is conveyed in a defined channel. Final effluent travels 1000 feet through palustrine, forested wetland as a conveyance to the Aroostook River. Effluent flow through the wetland becomes braided and less defined and meanders through an undetermined area of forested wetland before entering a defined channel immediately adjacent and perpendicular to the eastern shore of the Aroostook River. The effluent channel bisects a natural ice berm on the shore of the river and effluent ultimately enters the river as surface flow.

### 4. 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, *Certain deposits and discharges prohibited*, 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.

### 5. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A., §467(15)(C)(1)(b) classifies the main stem of the Aroostook River from its confluence with the Machias River to the Sheridan Dam, including the point of discharge, as a Class B waterway. Maine law, 38 M.R.S.A. §465(3) describes the standards for Class B waters.

### 6. RECEIVING WATER QUALITY CONDITIONS

*The State of Maine 2008 Integrated Water Quality Monitoring and Assessment Report* prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists a 39.6-mile minor tributary of the Aroostook River (Hydrologic Unit Code ME0101000412\_141R) as, "*Category 2: Rivers and Streams Attaining Some Designated Uses, Insufficient Information for Other Uses.*" The Department has no information at this time that the discharge from permittee causes or contributes to non-

**6. RECEIVING WATER QUALITY CONDITIONS (cont'd)**

attainment of the Class B standards of this tributary. In addition, all freshwaters in Maine are listed as only partially attaining the designated use of recreational fishing due to a fish consumption advisory (Category 5-C). The advisory was established in response to elevated levels of mercury in some fish caused by atmospheric deposition. The Department has no information at this time that the discharge from permittee causes or contributes to non-attainment of the standards of classification for Aroostook River at the point of discharge. If future water quality sampling or modeling runs determine that, at full permitted discharge limits, the permittee's discharge is causing or contributing to nonattainment, this permit will be reopened per Special Condition M, *Reopening of Permit For Modifications*, to impose more stringent limitations to meet water quality standards.

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 *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001).

**7. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS**

- a. Flow: This permitting action is carrying forward a monthly average discharge flow limitation of 0.30 MGD and the daily maximum discharge flow reporting requirement to facilitate compliance evaluations. This permitting action is carrying forward the "continuous recorder" monitoring requirement based on the existing, installed effluent monitoring technology.

A review of the monthly DMR data for the period December 2005 – December 2009 indicates the following:

**Flow**

<b>Value</b>	<b>Limit (MGD)</b>	<b>Range (MGD)</b>	<b>Average (MGD)</b>	<b>Number of DMR's</b>
Monthly Average	0.30	0.06 – 0.57	0.17	47
Daily Maximum	Report	0.11 – 1.3	0.37	47

**7. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)**

- b. Dilution Factors: The Department has established applicable dilution factors for the discharge from the permittee in accordance with freshwater protocols established in *Surface Water Toxics Control Program*, 06-096 CMR 530 (effective October 9, 2005). With a monthly average flow limit of 0.30 MGD, dilution factors associated with the discharge from the permittee may be calculated as follows:

$$\text{Acute: } 1\text{Q}10 = 90 \text{ cfs} \quad \Rightarrow \frac{(90 \text{ cfs})(0.6464) + 0.30 \text{ MGD}}{0.30 \text{ MGD}} = 195:1$$

$$\text{Chronic: } 7\text{Q}10 = 98 \text{ cfs} \quad \Rightarrow \frac{(98 \text{ cfs})(0.6464) + 0.30 \text{ MGD}}{0.30 \text{ MGD}} = 212:1$$

$$\text{Harmonic Mean} = 365.0 \text{ cfs} \quad \Rightarrow \frac{(365.0 \text{ cfs})(0.6464) + 0.30 \text{ MGD}}{0.30 \text{ MGD}} = 787:1$$

Final effluent is conveyed through a forested wetland as a conveyance to the Aroostook River. Prior to issuance of the 5/18/00 licensing action, the permittee in conjunction with the Department conducted what the licensing action referred to as a “crude dye study” to determine the approximate travel time of the effluent from the outfall pipe to the edge of the river. The Department documented that the results of this evaluation indicate a travel time of approximately two (2) hours. This relatively short travel time indicates that the wetland serves as a conveyance for the discharge to the Aroostook River. On December 6, 2004, Department staff inspected the outfall and determined that, after dispersing through the forested wetland, the effluent flow is conveyed back into a defined channel adjacent to the river. Based on a Department best professional judgment determination, this permitting action is utilizing the 1Q10 stream design flow in acute evaluations.

- c. Biochemical Oxygen Demand (BOD<sub>5</sub>) & Total Suspended Solids (TSS): In their permit renewal application, the permittee requested a change in their TSS monthly average concentration limitation from 30 mg/L to 45 mg/L because the system has facultative lagoons. The Department evaluated the permittee’s 3-year historical TSS data as outlined in the manual entitled *Design, Operation & Regulation of Aerated Facultative Lagoons in Maine*, and determined that the permittee does not qualify for the requested increase. Therefore, this permitting action is carrying forward the monthly average and weekly average BOD<sub>5</sub> & TSS concentration limits of 30 mg/L and 45 mg/L, respectively, which are based on secondary treatment requirements in Department rule 06-096 CMR Chapter 525(3)(III). This permitting action is carrying forward the daily maximum BOD<sub>5</sub> & TSS concentration limits of 50 mg/L based on a Department best professional judgment (BPJ) of best practicable treatment (BPT). Department rule 06-096 CMR Chapter 523(6)(f) states that all pollutants limited in permits shall have limitations, standards or prohibitions expressed in terms of mass. This permitting action is carrying

**7. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)**

forward the monthly average, weekly average and daily maximum technology-based mass limits of 75 lbs/day, 113 lbs/day and 125 lbs/day, respectively. The mass limitations were derived using the monthly average discharge flow limit of 0.30 MGD as follows:

Monthly Average Mass Limit:  $(30 \text{ mg/L})(8.34 \text{ lbs/gal})(0.30 \text{ MGD}) = 75 \text{ lbs/day}$   
 Weekly Average Mass Limit:  $(45 \text{ mg/L})(8.34 \text{ lbs/gal})(0.30 \text{ MGD}) = 113 \text{ lbs/day}$   
 Daily Maximum Mass Limit:  $(50 \text{ mg/L})(8.34 \text{ lbs/gal})(0.30 \text{ MGD}) = 125 \text{ lbs/day}$

This permitting action is carrying forward the requirement for a minimum of 85% removal of BOD<sub>5</sub> & TSS pursuant to *Effluent Guidelines and Standards*, 06-096 CMR Chapter 525(3)(III)(a)(3) and (b)(3) (effective January 12, 2001). Whereas the effluent sample type for BOD<sub>5</sub> & TSS is a 24-hour composite, influent samples must also be collected as 24-hour composites in order to perform the percent removal calculations. Compliance with the percent removal limitation is based on a twelve-month rolling average (see Special Condition A, Footnote #1 of this permit for further discussion on rolling average calculations).

A review of the DMR data for the period December 2005 – December 2009 indicates the monthly average and daily maximum mass and concentration values have been reported as follows:

**BOD<sub>5</sub> mass**

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)	Number of DMR's
Monthly Average	75	4 – 64	18	47
Daily Maximum	125	7 – 151	30	47

**BOD<sub>5</sub> concentration**

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMR's
Monthly Average	30	4 – 49	13	47
Daily Maximum	50	4 – 54	18	47

**TSS mass**

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)	Number of DMR's
Monthly Average	75	2 – 67	14	47
Daily Maximum	125	2 – 110	25	47

**TSS concentration**

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMR's
Monthly Average	30	2 – 34	11	47
Daily Maximum	50	3 – 49	16	47

**7. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)**

This permitting action is carrying forward the BOD5 and TSS minimum monitoring frequency requirement of once per week (1/Week) based on Department guidance for POTW's permitted to discharge between 0.1 and 0.5 MGD.

- d. Settleable Solids – A previous permitting action established a daily maximum technology based concentration limitation of 0.3 mL/L for settleable solids based on a Department best professional judgment of best practicable treatment. The Department has since reconsidered the need to monitor and limit settleable solids at lagoon facilities and has made a best professional judgment decision to eliminate both the numeric limitation and monitoring requirements for this parameter. It is noted for the record, however, that a summary of settleable solids data as reported on the monthly DMR's for the period of December 2005 – December 2009 (#DMR's = 47) indicates the daily maximum settleable solids concentration discharge has been in compliance with the 0.3 mL/L limit 100% of the time.
  
- e. Escherichia coli Bacteria: This permitting action is carrying forward the seasonal *E. coli* monthly average and daily maximum concentration limits of 64 colonies/100 mL (geometric mean) and 427 colonies/100 mL (instantaneous level), respectively, which were based on the State of Maine Water Classification Program criteria for Class B waters found at 38 M.R.S.A. §465(3)(B). Following the issuance of the previous permitting action, 38 M.R.S.A. § 465(3) was amended to require that the *E. coli* bacteria of human and domestic animal origin in Class B waters may not exceed a geometric mean (monthly average) of 64 colonies/100 mL or an instantaneous level (daily maximum) of 236 colonies/100 mL. The Department has subsequently determined that end-of-pipe limitations for the instantaneous *E. coli* 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 1.1:1), such as that for the permittee.

This permitting action is carrying forward the *E. coli* minimum monitoring frequency requirement of once per week based on Department guidance for POTWs permitted to discharge between 0.1 and 0.5 MGD. Although *E. coli* bacteria limits are seasonal and apply between May 15 and September 30 of each year, the Department reserves the right to impose year-round bacteria limits if deemed necessary to protect the health, safety and welfare of the public.

A review of the DMR data for the period December 2005 – December 2009 indicates the monthly average and daily maximum values have been reported as follows:

***E. coli***

Value	Limit (col/100mL)	Range (col/100mL)	Average (col/100 mL)	Number of DMR's
Monthly Average	64	0 – 35	6	18
Daily Maximum	427	0 – 88	16	18

**7. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)**

- f. Total Residual Chlorine (TRC): The previous permitting action established a daily maximum technology-based concentration limit of 1.0 mg/L for TRC and a minimum monitoring frequency requirement of once per day. Limitations on TRC are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. Department licensing/permitting actions impose the more stringent of either a water quality-based or BPT-based limit.

End-of-pipe acute and chronic water quality based concentration thresholds are calculated as follows:

Acute (A) Criterion	Chronic (C) Criterion	A & C Dilution Factors	Calculated	
			Acute Threshold	Chronic Threshold
0.019 mg/L	0.011 mg/L	195:1 (A) 212:1 (C)	3.7 mg/L	2.3 mg/L

The Department has established a daily maximum BPT limitation of 1.0 mg/L for facilities that disinfect their effluent with elemental chlorine or chlorine-based compounds. The BPT-based limit of 1.0 mg/L is more stringent than the calculated chronic water quality-based threshold of 2.3 mg/L and is therefore being carried forward in this permitting action. This permitting action is carrying forward the minimum monitoring frequency once per day (1/Day) based on Department guidance for POTWs permitted to discharge between 0.1 and 0.5 MGD. TRC monitoring must be performed during any period in which chlorine-based compounds are in use for effluent disinfection. For instances when chlorine-based compounds are not used for disinfection during an entire reporting period, the facility shall report “NODI-9” for this parameter on the monthly Discharge Monitoring Report (DMR). The permittee reported NODI-9 for TRC during the period of December 2005 – December 2009 (#DMR’s = 47).

- g. pH: This permitting action is carrying forward the pH range limitation of 6.0 – 9.0 SU pursuant to Department rule found at 06-096 525(3)(III)(c), which is considered BPT for secondary treated wastewater. This permitting action is carrying forward the minimum monitoring frequency requirement of five times per week (5/Week), except that monitoring is not required on official holidays observed by the permittee. For instances when this occurs, the permittee shall provide a comment on the monthly Discharge Monitoring Report to indicate the number of actual sampling events for that week and refer to the provisions of Special Condition A, Footnote #5 of this permit.

The permittee must provide the Department with written documentation as to the cause(s) of the pH results if found outside the 6.0 – 9.0 SU range.

**7. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)**

A review of the DMR data for the period December 2005 – December 2009 indicates the daily maximum mass and concentration values have been reported as follows:

<b>pH</b>			
<b>Value</b>	<b>Limit (SU)</b>	<b>Range (SU)</b>	<b>Number of DMR's</b>
Daily Maximum	6.0 – 9.0	6.8 – 10.1	47

- h. Whole Effluent Toxicity (WET) and Chemical-Specific Testing: Maine law, 38 M.R.S.A., Sections 414-A and 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. Department rule, 06-096 CMR 530 sets forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

On February 1, 1995, the Department issued a Fact Sheet to the permittee outlining the WET and chemical-specific testing requirements and minimum monitoring frequency requirements. Pursuant to the criteria established in former Department rule Chapter 530.5, the permittee was placed in the low frequency category for WET and chemical-specific testing as the permittee did not meet the criteria for either the medium or high frequency categories. A previous permitting action relieved the permittee of their obligation to continue WET and chemical-specific testing based on the Department's interpretation of Maine law, at that time, that the permittee did not discharge directly to "fresh surface waters" of the State. The Department, in consultation with the State of Maine Office of the Attorney General, has since reconsidered the definitions of "*fresh surface waters*" and "*waters of the State*" defined at 38 M.R.S.A §361-A (2) and §361-A(7), respectively, as the terms apply to freshwater wetlands and has concluded that wetlands do, in fact, constitute fresh surface waters of the State through their associations with and connections to ground water and other surface waters.

WET, priority pollutant and analytical chemistry testing as required by 06-096 CMR 530 is included in this permit in order to fully characterize the effluent. This permit also 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.

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 and vertebrate species. Priority pollutant and analytical chemistry testing is required to assess the levels of individual toxic pollutants in the discharge, comparing each pollutant to acute, chronic, and human health AWQC as established in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective October 9, 2005).

**7. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)**

Department rule 06-096 CMR 530 establishes four categories of testing requirements based predominately on the chronic dilution factor. The categories are as follows:

- 1) Level I – chronic dilution factor of <20:1.
- 2) Level II – chronic dilution factor of  $\geq 20:1$  but <100:1.
- 3) Level III – chronic dilution factor  $\geq 100:1$  but <500:1 or >500:1 and  $Q \geq 1.0$  MGD
- 4) Level IV – chronic dilution >500:1 and  $Q \leq 1.0$  MGD

06-096 CMR 530 specifies the criteria to be used in determining the minimum monitoring frequency requirements for WET, priority pollutant and analytical chemistry testing. Based on 06-096 CMR 530, the permittee’s facility falls into the Level III frequency category as the facility has a chronic dilution factor of  $\geq 100:1$  but <500:1.

06-096 CMR 530 specifies that default screening and surveillance level testing requirements are as follows:

Screening level testing – Beginning 12 months prior to expiration of the this permit or in the fifth year since the last screening test, whichever 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 through 12 months prior to permit expiration.

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

The permittee is required to analyze the effluent for the nine (9) parameters specified in the WET chemistry section and the thirteen (13) parameters specified in the analytical chemistry section on the “WET and Chemical Specific Data Report Form” included as **Attachment A** of this permit each time a WET test is performed.

WET Evaluation – On January 4, 2010, the Department conducted a statistical evaluation on the most recent 60 months of WET test results on file with the Department for the permittee in accordance with the statistical approach outlined above. The results of the 1/04/10 WET and chemical specific evaluation indicates that the discharge does not exceed or have a reasonable potential to exceed the critical acute or chronic WET NOEL thresholds (0.51% and 0.47%, respectively – mathematical inverses of the applicable dilution factors) for any of the WET species tested to date or any of the AWQC for the chemical specific elements/compounds tested to date. See **Attachment B** of this fact sheet for a summary of the WET test results.

**7. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)**

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 exceedance as calculated pursuant to section 3(E).” Based on the provisions of 06-096 CMR 530, the reduced surveillance level WET testing authorized by the 4/10/06 permit modification, and Department best professional judgment, this permitting action is waiving surveillance level WET testing requirements.

A summary of the permittee’s WET testing requirements is below:

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

Level	WET Testing
III	None

Screening level testing – Beginning 12 months prior to expiration of the permit or in the fifth year since the last screening test, whichever is sooner.

Level	WET Testing
III	1/Year

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 permit modification discussed above specified that the facility must comply with this annual notification statement to continue waived surveillance level testing. This permitting action is establishing the notification requirement in this permitting action as Special Condition L, 06-096 CMR 530(2)(D)(4) *Statement for Reduced/Waived Toxics Testing*. 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.

**7. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)**

Priority Pollutants and Analytical Chemistry

On January 4, 2010, the Department conducted a statistical evaluation on the one chemical specific test result on file with the Department for the permittee in accordance with the statistical approach outlined above. The results of the statistical evaluation were compared to 06-096 CMR 584 and the Ambient Water Quality Criteria (AWQC). Based on the 1/04/10 statistical evaluation, the Department has determined the discharge does not exceed or demonstrate a reasonable potential to exceed the critical AWQC for any of the tested parameters. See **Attachment C** of this fact sheet for a summary of chemical-specific test dates and specific test results.

Based on the provisions of 06-096 CMR 530, the reduced surveillance level priority pollutant and analytical chemistry testing authorized by the 4/10/06 permit amendment, and Department best professional judgment, this permitting action is waiving surveillance level analytical chemistry testing requirements. This permitting action is carrying forward the default screening level priority pollutant testing requirement of 1/Year based on 06-096 CMR 530(2)(D)(1). This permitting action is carrying forward the default screening level analytical chemistry testing requirement of 1/Quarter per 06-096 CMR 530(2)(D). A summary of the permittee’s analytical chemistry and priority pollutant testing requirements is below:

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

Level	Priority pollutants	Analytical chemistry
III	None	None

Screening level testing – Beginning 12 months prior to expiration of the permit or in the fifth year since the last screening test, whichever is sooner.

Level	Priority pollutants	Analytical chemistry
III	1/Year	4/Year

- i. Mercury: May 14, 2002 – 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 thereby administratively modifying WDL #W002697-5L-C-R by establishing interim monthly average and daily maximum effluent concentration limits of 8.97 parts per trillion (ppt) and 13.65 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

## 7. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)

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 period June 2004 through the present indicates mercury test results reported have ranged from 1.1 ppt to 7.3 ppt with an arithmetic mean (number of DMR's = 22) of 2.6 ppt.

## 8. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As permitted, the Department has determined the existing water uses will be maintained and protected and the discharge will not cause or contribute to the failure of the Aroostook River to meet standards for Class B waters.

## 9. PUBLIC COMMENTS

Public notice of this application was made in the *Star Herald* newspaper on or about December 2, 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 Chapter 522 of the Department's rules.

## 10. DEPARTMENT CONTACTS

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

Phyllis A. 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](mailto:phyllis.a.rand@maine.gov)

## **11. RESPONSE TO COMMENTS**

During the period of January 21, 2010 through the issuance date of the permit, the Department solicited comments on the proposed draft Maine Pollutant Discharge Elimination System Permit to be issued to the permittee for the proposed discharge. The Department received one significant comment on the draft permit from Mr. Steve Sutter on February 19, 2010. The significant comment and Department response is as follows.

### **Comment:**

Since facultative lagoons have significant concentrations of phosphorus in the effluents, the Department has a responsibility to at least monitor phosphorus concentrations and mass during summer months. In the (2004) Aroostook River Modeling Report (DEPLW-0622), author Paul Mitnick noted that “collective point source phosphorus reductions of greater than 50% from current amounts are needed to eliminate algae blooms.”

### **Response:**

The Department has no historical effluent data on file from the permittee for total phosphorus or dissolved orthophosphate. Therefore, the Department is requiring the permittee to analyze weekly effluent samples for total phosphorus and dissolved orthophosphate during the summer of 2010. The Department will evaluate the test results and determine whether or not further action is required.

# **ATTACHMENT A**



ROUTE 227

ASHLAND

ROUTE 163

ROUTE 163

AROSTOOK RIVER

B-2

B-2

B-2

Mason's Brook

BANGOR

MASON'S BROOK

WALKER ST

AROSTOOK LAGOON

FARM RD

ST. DR.

NEKOOSA

FIELD

SCHOOL

WALKER ST

ALLEN

FLORENCE ST

EXCHANGE ST

MAIN ST

PRESQUE ST

HAYWARD ST

WALKER ST

BROOK ST

STATION ST

WATT ST

SHERIDAN ST

PLANT ENT.

ROAD

CARTER

BROOK

AND

CLARK RD

AROSTOOK

MILLIS

B-2

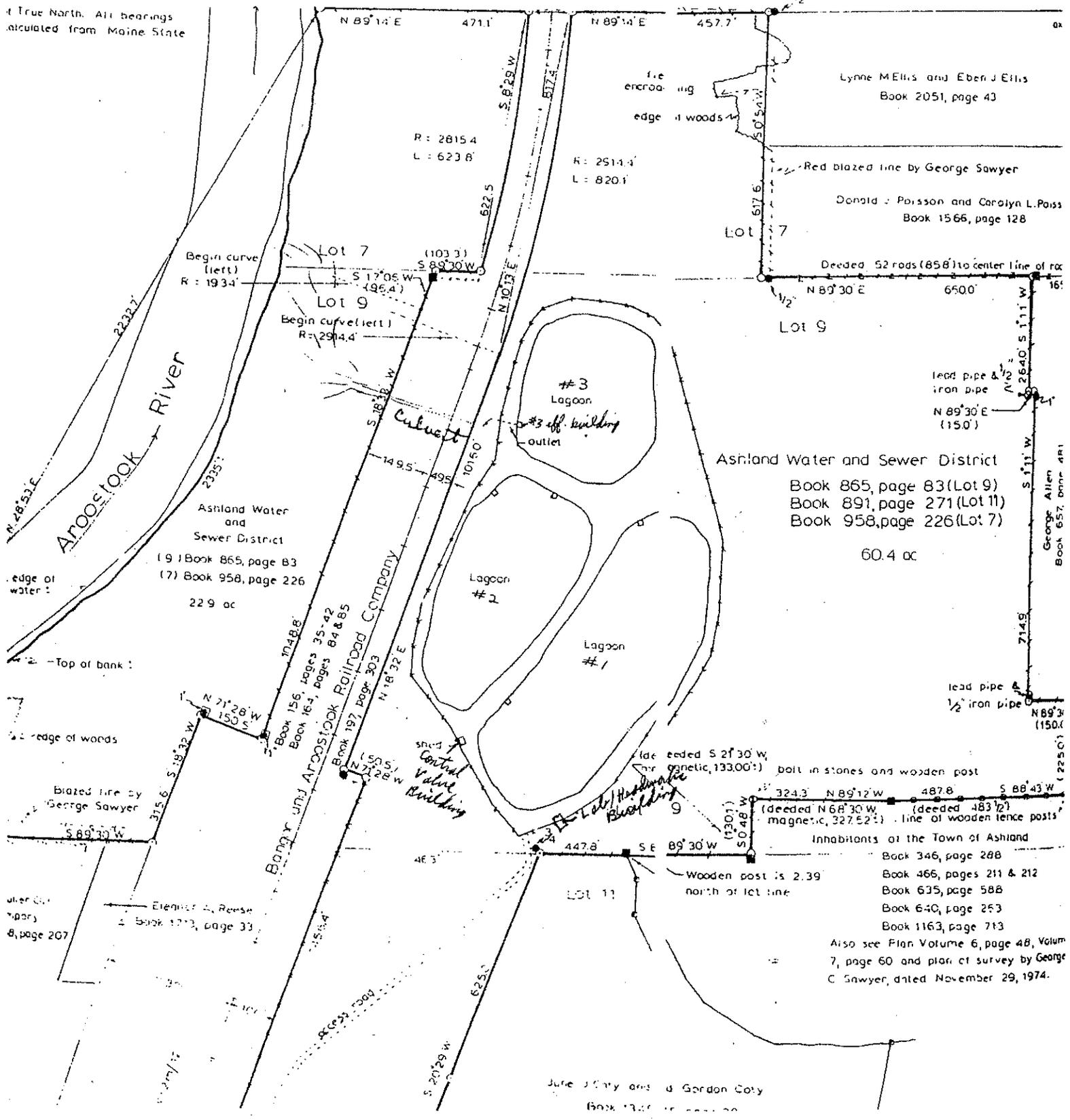
A

20 Miles

PL

Attachment #1

True North. All bearings  
calculated from Maine State



Lynne Mellis and Eben J. Ellis  
Book 2051, page 43

Donald J. Parison and Carolyn L. Poiss  
Book 1566, page 128

Ashland Water and Sewer District  
Book 865, page 83 (Lot 9)  
Book 891, page 271 (Lot 11)  
Book 958, page 226 (Lot 7)

60.4 ac

Inhabitants of the Town of Ashland  
Book 346, page 288  
Book 466, pages 211 & 212  
Book 635, page 588  
Book 640, page 253  
Book 1163, page 713  
Also see Plan Volume 6, page 48, Volume  
7, page 60 and plan of survey by George  
C. Sawyer, dated November 29, 1974.

June 1974 and Gordon City  
Book 1346, page 200

tie  
encroa. in  
edge of

R: 2815.4  
L: 623.8'

R: 2914.4  
L: 820.1

Begin curve  
(left)  
R: 1934'

Lot 7

(103.3)  
S 89°30' W

hog S 17°05' W  
(95.4)

Lot 9

Begin curve  
(left)  
R: 2914.4'

power lines

River

disperses  
the swamps  
12' bank  
gravel  
bottom  
12' deep  
culvert  
15' deep  
culvert

trickling  
down  
rocks  
149.5'

Lagoon

# 001A  
outlet

Ashland Water  
and  
Sewer District

- (9) Book 855, page 83
- (7) Book 958, page 226

22.9 ac

1048.8'

Book 156, pages 35-42  
Book 164, pages 84 & 85  
Stook Railroad Company

N 18°32' E

Lagoon

Lagoon

shed

N 71°28' W  
150.5'

2335'

622.5

S 8°29' W

817.4'

N 10°13' E

10150'

495'

# **ATTACHMENT B**

Species	Test	Test Result %	Sample Date
TROUT	A_NOEL	100	06/07/1995
TROUT	C_NOEL	100	06/07/1995
WATER FLEA	A_NOEL	100	06/07/1995
WATER FLEA	C_NOEL	50	06/07/1995
TROUT	A_NOEL	100	09/04/1996
TROUT	C_NOEL	50	09/04/1996
TROUT	LC50	>100	09/04/1996
WATER FLEA	A_NOEL	100	09/04/1996
WATER FLEA	C_NOEL	100	09/04/1996
WATER FLEA	LC50	>100	09/04/1996
TROUT	A_NOEL	100	10/14/1997
TROUT	C_NOEL	25	10/14/1997
TROUT	LC50	>100	10/14/1997
WATER FLEA	A_NOEL	100	10/14/1997
WATER FLEA	C_NOEL	100	10/14/1997
WATER FLEA	LC50	>100	10/14/1997
TROUT	A_NOEL	100	08/24/1999
TROUT	C_NOEL	100	08/24/1999
WATER FLEA	A_NOEL	100	08/24/1999
WATER FLEA	C_NOEL	100	08/24/1999

# **ATTACHMENT C**

**Sample Date: 09/28/2005**

Plant flows provided

Total Tests:	42	mon. (MGD) = 0.116
Missing Compounds:	82	day (MGD) = 0.211
Tests With High DL:	0	
M = 0	V = 0	A = 0
BN = 0	P = 0	other = 0

---

**Sample Date: 11/02/2005**

Plant flows provided

Total Tests:	82	mon. (MGD) = 0.352
Missing Compounds:	42	day (MGD) = 0.392
Tests With High DL:	2	
M = 0	V = 0	A = 0
BN = 2	P = 0	other = 0

---

**Sample Date: 10/27/2009**

Plant flows provided

Total Tests:	135	mon. (MGD) = 0.109
Missing Compounds:	1	day (MGD) = 0.178
Tests With High DL:	0	
M = 0	V = 0	A = 0
BN = 0	P = 0	other = 0

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MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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**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).

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**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

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- 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.

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- (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.

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**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.

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**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

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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).

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- (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.

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**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.

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**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.

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**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.

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**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.**

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