



STATE OF MAINE
Department of Environmental Protection

JOHN ELIAS BALDACCI
GOVERNOR

David P. Littell
COMMISSIONER

Mr. Edmund LaFlamme
Warren Sanitary District
P.O. Box 447
Warren, Maine 04864

February 9, 2010

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0102253
Maine Waste Discharge License (WDL) Application #W007023-6B-E-R
Final Permit

Dear Mr. LaFlamme:

Enclosed, please find a copy of your **final** MEPDES permit and Maine WDL, which was approved by the Department of Environmental Protection. Please read the permit/license and its attached conditions carefully. You must follow the conditions in the order to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State law and is subject to enforcement action.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled "*Appealing a Commissioner's Licensing Decision.*"

If you have any questions regarding the matter, please feel free to call me at 287-7693.

Sincerely,

A handwritten signature in cursive script, appearing to read 'G. Wood'.

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

Enc.

cc: Denise Behr, DEP/CMRO
Sandy Mojica, USEPA



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

DEPARTMENT ORDER

IN THE MATTER OF

WARREN SANITARY DISTRICT)	MAINE POLLUTANT DISCHARGE
WARREN, KNOX COUNTY, MAINE)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS)	AND
ME0102253)	WASTE DISCHARGE LICENSE
W007023-6B-E-R)	RENEWAL
APPROVAL)	

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

APPLICATION SUMMARY

The District has submitted a timely and complete application to the Department for the renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit ME0102253/ Maine Waste Discharge License (WDL) W007023-5L-D-R that was issued by the Department on April 25, 2005 and is due to expire on April 25, 2010. The 4/25/05 permit authorized the seasonal discharge of secondary treated waste water to the St. George River, Class SB, in Warren, Maine. The permit established a warm season (June 1 – September 30) monthly average flow limitation of 0.0795 million gallons per day (MGD) and a cold season (October 1 – May 31) monthly average flow limitation of 0.2442 MGD.

PERMIT SUMMARY

This permitting action is carrying forward all the terms and conditions of the previous permitting action except that this permit is waiving all whole effluent toxicity (WET), analytical chemistry and priority pollutant testing.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated January 5, 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;
 - (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 WARREN SANITARY DISTRICT to discharge a monthly average of 0.0795 million gallons per day between June 1 and September 30 of each year and a monthly average of 0.2442 million gallons per day between October 1 and May 31 of each year of secondary treated municipal waste water to the St. George River, Class SB, 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 7, 2009

Date of application acceptance: December 10, 2009

This Order prepared by GREGG WOOD, Bureau of Land & Water Quality

ME0102253 2010

2/9/10

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

WARM SEASON (JUNE 1 – SEPTEMBER 30)

- Beginning the effective date of this permit and during the calendar months of June through September of each year, the permittee is authorized to discharge secondary treated sanitary wastewater from Outfall #001 to the St. George River. Such discharges shall be limited and monitored by the permittee as specified below⁽¹⁾⁽²⁾:

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>
Flow <i>[50050]</i>	0.0795 MGD <i>[03]</i>	Report MGD <i>[03]</i>	Report MGD <i>[03]</i>	---	---	---	Continuous <i>[99/99]</i>	Recorder <i>[RC]</i>
CBOD₅ <i>[80082]</i>	17 lbs./day <i>[26]</i>	20 lbs./day <i>[26]</i>	Report lbs./day <i>[26]</i>	25 mg/L <i>[19]</i>	30 mg/L <i>[19]</i>	Report mg/L <i>[19]</i>	1/Week <i>[01/07]</i>	Composite <i>[24]</i>
CBOD₅ Percent Removal⁽³⁾ <i>[81010]</i>	---	---	---	85% <i>[23]</i>	---	---	1/Month <i>[01/30]</i>	Calculate <i>[CA]</i>
TSS <i>[00530]</i>	17 lbs./day <i>[26]</i>	20 lbs./day <i>[26]</i>	Report lbs./day <i>[26]</i>	25 mg/L <i>[19]</i>	45 mg/L <i>[19]</i>	Report mg/L <i>[19]</i>	1/Week <i>[01/07]</i>	Composite <i>[24]</i>
TSS Percent Removal⁽³⁾ <i>[81011]</i>	---	---	---	85% <i>[23]</i>	---	---	1/Month <i>[01/30]</i>	Calculate <i>[CA]</i>
Settleable Solids <i>[00545]</i>	---	---	---	---	---	0.3 ml/L <i>[25]</i>	3/Week <i>[03/07]</i>	Grab <i>[GR]</i>
Fecal coliform bacteria⁽⁴⁾ (Year-round) <i>[31616]</i>	---	---	---	15/100 ml ⁽⁵⁾ <i>[13]</i>	---	50/100 ml <i>[13]</i>	1/Week <i>[01/07]</i>	Grab <i>[GR]</i>
Dissolved Oxygen⁽⁶⁾ <i>[00300]</i>	---	---	---	Report mg/L <i>[19]</i>	Report mg/L <i>[19]</i>	Report mg/L ⁽⁶⁾ <i>[19]</i>	5/Week <i>[05/07]</i>	Measured <i>[MS]</i>
pH <i>[00400]</i>	---	---	---	---	---	6.0 – 9.0 SU <i>[12]</i>	5/Week ⁽⁷⁾ <i>[05/07]</i>	Grab <i>[GR]</i>

The italicized numeric values bracketed in the table above and the tables that follow are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports (DMR).

Footnotes: See Pages 8 through 10 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

COLD SEASON (OCTOBER 1 – MAY 31)

2. Beginning the effective date of this permit and during the calendar months of October through May, inclusive, of each year, the permittee is authorized to discharge secondary treated sanitary wastewater from Outfall #001 to the St. George River. Such discharges shall be limited and monitored by the permittee as specified below⁽¹⁾:

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>
Flow [50050]	0.2442 MGD [03]	Report MGD [03]	Report MGD [03]	---	---	---	Continuous [99/99]	Recorder [RC]
CBOD₅ [80082]	51 lbs./day [26]	81 lbs./day [26]	Report lbs./day [26]	25 mg/L [19]	40 mg/L [19]	Report mg/L [19]	1/Week [01/07]	Composite [24]
CBOD₅ Percent Removal⁽³⁾ [81010]	---	---	---	85% [23]	---	---	1/Month [01/30]	Calculate [CA]
TSS [00530]	61 lbs./day [26]	92 lbs./day [26]	Report lbs./day [26]	30 mg/L [19]	45 mg/L [19]	Report mg/L [19]	1/Week [01/07]	Composite [24]
TSS Percent Removal⁽³⁾ [81011]	---	---	---	85% [23]	---	---	1/Month [01/30]	Calculate [CA]
Settleable Solids [00545]	---	---	---	---	---	0.3 ml/L [25]	3/Week [03/07]	Grab [GR]
Fecal coliform bacteria⁽⁴⁾ [31616] (<i>Year-round</i>)	---	---	---	15/100 ml ⁽⁵⁾ [13]	---	50/100 ml [13]	1/Week [01/07]	Grab [GR]
pH [00400]	---	---	---	---	---	6.0 – 9.0 SU [12]	5/Week ⁽⁷⁾ [05/07]	Grab [GR]

Footnotes: See Pages 8 through 10 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

Footnotes:

1. **Sampling** – 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 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis shall be analyzed by a laboratory certified by the State of Maine's Department of Human Services. Samples that are sent to another POTW licensed pursuant to *Waste discharge licenses*, 38 M.R.S.A. § 413 or laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended February 13, 2000).

All analytical test results shall be reported to the Department including results which are detected below the respective reporting limits (RLs) 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.

2. **Dissolved Air Flotation (DAF)** – The permittee shall operate the DAF unit during the summer discharge period (June 1 through September 30) whenever the plant is discharging flow. The permittee is not required to operate the DAF during the winter discharge period (October 1 through May 31).
3. **Percent Removal** – The treatment facility shall maintain a minimum of 85 percent removal of both carbonaceous biochemical oxygen demand and total suspended solids for all flows receiving secondary treatment. 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. For the purposes of this permitting action, the twelve-month rolling average calculation is based on the most recent twelve-month period. 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 instances when the 12-month rolling average influent value is less than 200 mg/L, the calculation is not valid and the permittee shall report “**NODI-9**” on the monthly discharge monitoring report (DMR). The permittee is also required to report the percent removal values on the DEP “49” form.
4. **Bacteria** – Fecal coliform bacteria limits and monitoring requirements are in effect on a year-round basis.
5. **Bacteria Reporting** – The monthly average fecal coliform bacteria limitation is a geometric mean limitation and sample results shall be reported as such.

SPECIAL CONDITIONS

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

Footnotes:

6. **Dissolved Oxygen Monitoring** – Based on a 10/27/00 Settlement Agreement between the District, the Georges River Tidewater Association and the Natural Resources Council of Maine, between June 1 and September 30 of each year, the permittee shall monitor Zone 3 of Lagoon #1 for dissolved oxygen (DO) at mid-depth of the wastewater in the lagoon between 7:00 AM and 9:00 AM. Routine maintenance of Lagoon #1 shall not be scheduled between June 1 and September 30. Should Zone 3 of Lagoon #1 be off-line for maintenance between June 1 and September 30, the permittee shall monitor Lagoon #2 for dissolved oxygen at mid-depth of the wastewater in the lagoon between 7:00 AM and 9:00 AM and shall take all appropriate steps to minimize the duration and impact of having Lagoon #1 out of service. Though one “Report” requirement is placed in the daily maximum column in this permit, the permittee shall report the minimum DO recorded during a calendar month.
7. **pH monitoring** – Effluent monitoring for pH is not required on official holidays observed by the Warren Sanitary District. For instances when this occurs, the District shall provide a comment on the monthly discharge monitoring report to indicate the number of actual sampling events for that week.

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*, Title 32 M.R.S.A., Sections 4171-4182 and *Regulations for Wastewater Operator Certification*, 06-096 CMR 531 (effective May 8, 2006). All proposed contracts for facility operation by any person must be approved by the Department before the permittee may engage the services of the contract operator.

SPECIAL CONDITIONS

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. NOTIFICATION REQUIREMENT

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

1. Any introduction of pollutants into the wastewater collection and treatment system from an indirect discharger in a primary industrial category discharging process wastewater; and
2. Any substantial change in the volume or character of pollutants being introduced into the wastewater 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 wastewater introduced to the wastewater collection and treatment system; and
 - (b) any anticipated impact caused by the change in the quantity or quality of the wastewater to be discharged from the treatment system.

In addition, the permittee shall verbally notify the State of Maine Department of Marine Resources (DMR) as soon as it becomes aware of a malfunction in the disinfection system at the waste water treatment facility which results in or could result in an exceedence of the permitted limits for fecal coliform bacteria. The permittee shall also notify DMR in the event of a malfunction of the sanitary sewer collection system and appurtenances that results in untreated or partially treated water being discharged to a surface water body that may cause or contribute to the closure of a shellfish harvesting area.

F. 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 December 10, 2009; 2) the terms and conditions of this permit; and 3) only from Outfall #001. Discharges of waste water 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.

SPECIAL CONDITIONS

G. OPERATIONS AND MAINTENANCE PLAN

This facility shall have a current written comprehensive Operation & Maintenance (O&M) Plan. The plan shall provide a systematic approach by which the permittee shall at all times, properly operate and maintain all facilities and systems of 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 wastewater treatment facility to ensure that it is up-to-date. The O&M Plan shall be kept on-site at all times and made available to Department and USEPA personnel upon request.

Within 90 days of completion of new and or substantial upgrades of the wastewater treatment facility, the permittee shall submit the updated O&M Plan to their Department inspector for review and comment.

H. WET WEATHER FLOW MANAGEMENT PLAN

The treatment facility staff shall have 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.

The 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 at least annually and record any necessary changes to keep the plan up to date. Any changes to the plans must be submitted to the Department for review and approval.

I. BEST MANAGEMENT PRACTICES (BMP's)

Based on a 10/27/00 Settlement Agreement between the District, the Georges River Tidewater Association and the Natural Resources Council of Maine, the District shall employ the following Best Management Practices (BMPs) through the effective term of this permit:

1. Maintain two baffles in Lagoon No. 1 of the treatment facility to create three zones (an anaerobic first zone, an anoxic middle zone, and an aerobic third zone) and maintain a pump system (with the capability of recycling at least 2 times influent volume) to recycle some of the effluent in the third zone back to the first two zones, the purpose of which is to encourage denitrification. The purpose of the first two zones in Lagoon No. 1 is to treat the CBOD. The purpose of the third zone is to encourage nitrification.

SPECIAL CONDITIONS

I. BEST MANAGEMENT PRACTICES (BMP's) (cont'd)

2. Use Lagoons No. 2 and No. 3 of the treatment facility as polishing lagoons with limited aeration.
3. The amount of aeration added to the lagoons will be based on the actual CBOD loads (using the industry standard ratio of 2 lbs. O₂ to 1 lb. CBOD) and the DO levels in the system. In addition, the District shall continue to determine the amount of aeration necessary for the third zone of Lagoon No. 1 based on the actual ammonia-nitrogen loads (using the industry standard ratio of O₂ to ammonia) as well as CBOD loads using the industry standards as referenced above.
4. Maintain the use of Lagoon No. 4 of the treatment facility for summer storage. Lagoon No. 4 shall receive no aeration. From June 1 through September 30, effluent may be discharged out of Lagoon No. 3 or No. 4 in accordance with the professional judgment of the plant operator based on effluent quality. The remaining flow shall be stored in Lagoon No. 4. From October 1 through May 31, effluent shall be discharged out of Lagoon No. 3 and No. 4 with the intention that Lagoon No. 4 will be drawn down before the next summer storage season.
5. Periodically remove sludge from all lagoons in accordance with the facility's design specifications in order to maximize these BMPs and treatment performance. At least 60 days prior to initiating any sludge removal projects, the District shall submit to the Department, for review and comment, a description of the planned project(s) and an description of proposed actions that will be taken to ensure compliance with the conditions of this permit, including, but not limited to, Special Condition A, *Effluent Limitations and Monitoring Requirements*. During sludge removal project(s), the Department acknowledges the BMPs listed in paragraphs 1 through 4 above may not be possible or may not provide the most effective wastewater treatment. The District shall follow the approved sludge removal plan unless, in the best professional judgment of the treatment plant operator, different or additional action is necessary to provide best practicable treatment of the wastewater or to prevent violations of the special and standard conditions associated with this permit. The operation of the treatment plant system, including, but not limited to, the determination of how much aeration should be provided and when sludge shall be removed from the lagoon shall be left to the professional judgment of the plant operator.
6. Maintain the automatic shut-off system, the purpose of which is to cease discharge upon activation of the UV disinfection system failure alarm.

SPECIAL CONDITIONS

J. CHAPTER 530.5(B)(7)(c)(iii) CERTIFICATION

By December 31 of each calendar year [PCS Code 95799], the permittee shall provide the Department with a certification describing any of the following that have occurred since the effective date of this permit:

1. Increases in the number, types and flows of industrial, commercial or domestic discharges to the facility that in the judgment of the Department may cause the receiving water to become toxic.
2. Changes in the condition or operations of the facility that may increase the toxicity of the discharge.
3. Changes in storm water collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge.
4. Increases in the type or volume of hauled wastes accepted by the facility.
5. The Department reserves the right to reinstate annual (surveillance level) testing or other toxicity testing if new information becomes available that indicates the discharge may cause or have a reasonable potential to cause exceedences of ambient water quality criteria/thresholds.

K. MERCURY

All mercury sampling (4/Year) required by this permit or required to determine compliance with interim limitations established pursuant to Department rule Chapter 519, 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 A, Effluent Mercury Test Report**, of this permit for the Department's form for reporting mercury test results.

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

SPECIAL CONDITIONS

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 shall be postmarked by the thirteenth (13th) day of the month or hand-delivered to a Department Regional Office such that the DMRs are received by the Department by the fifteenth (15th) day of the month following the completed reporting period.** A signed copy of the DMR and all other reports required herein shall be submitted, unless otherwise specified, to the Department's facility inspector at:

Department of Environmental Protection
Central Maine Regional Office
Bureau of Land and Water Quality
Division of Water Quality Management
17 State House Station
Augusta, Maine 04333

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 15th day of the month** following the completed reporting period. **Hard Copy documentation** submitted in support of the eDMR must be **postmarked on or before the thirteenth (13th) day of the month or hand-delivered to the Department's Regional Office such that it is received by the Department on or before the fifteenth (15th) day of the month** following the completed reporting period. **Electronic documentation** in support of the eDMR must be submitted **not later than close of business on the 15th day of the month** following the completed reporting period.

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

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:	<table border="1"><tr><td> </td><td> </td><td> </td></tr><tr><td>mm</td><td>dd</td><td>yy</td></tr></table>				mm	dd	yy	Sampling time:	_____ AM/PM
mm	dd	yy							
Sampling Location:									
Weather Conditions: _____									
Please describe any unusual conditions with the influent or at the facility during or preceding the time of sample collection:									
Optional test - not required but recommended where possible to allow for the most meaningful evaluation of mercury results:									
Suspended Solids	_____ mg/L	Sample type:	_____ Grab (recommended) or _____ Composite						

ANALYTICAL RESULT FOR EFFLUENT MERCURY

Name of Laboratory:	_____		
Date of analysis:	_____	Result:	 ng/L (PPT)
Please Enter Effluent Limits for your facility			
Effluent Limits:	Average = _____ ng/L	Maximum = _____ ng/L	
Please attach any remarks or comments from the laboratory that may have a bearing on the results or their interpretation. If duplicate samples were taken at the same time please report the average.			

CERTIFICATION

I certify that to the best of my knowledge the foregoing information is correct and representative of conditions at the time of sample collection. The sample for mercury was collected and analyzed using EPA Methods 1669 (clean sampling) and 1631 (trace level analysis) in accordance with instructions from the DEP.	
By: _____	Date: _____
Title: _____	

PLEASE MAIL THIS FORM TO YOUR ASSIGNED INSPECTOR

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

AND

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: January 5, 2010

PERMIT NUMBER: **ME0102253**

LICENSE NUMBER: **W007023-6B-E-R**

NAME AND ADDRESS OF APPLICANT:

**WARREN SANITARY DISTRICT (DISTRICT)
P. O. BOX 447
WARREN, ME 04864**

COUNTY: **KNOX**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**WARREN SANITARY DISTRICT
Route #97
Warren, Maine**

RECEIVING WATER CLASSIFICATION: **St. George River/Class SB**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Edmund LaFlamme, Director
(207) 596-6401**

1. APPLICATION SUMMARY

- a. Application: The District has submitted a timely and complete application to the Department for the renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit ME0102253/ Maine Waste Discharge License (WDL) W007023-5L-D-R that was issued by the Department on April 25, 2005 and is due to expire on April 25, 2010. The 4/25/05 permit authorized the seasonal discharge of secondary treated waste water to the St. George River, Class SB, in Warren, Maine. The permit established a warm season (June 1 – September 30) monthly average flow limitation of 0.0795 million gallons per day (MGD) and a cold season (October 1 – May 31) monthly average flow limitation of 0.2442 MGD.

1. APPLICATION SUMMARY (cont'd)

- b. Source Description: The Warren Sanitary District, located on State Route 97 in Warren, treats domestic sanitary waste water generated by a population of approximately 950 residents (250 connections) within the Village of Warren. Approximately 72% of the total sanitary waste water influent flows to the facility originate at the State of Maine Department of Corrections Minimum and Maximum Security Prison Facility (hereinafter Bolduc Correctional Facility, BCF), which is located on Cushing Road adjacent to the treatment facility, and the Maine Correctional Institute located off State Route 97 in Warren.

The State of Maine Department of Corrections owns and maintains an approximately one-mile long, gravity sewer collection system that serves the two correctional institutions. This water flows to a pump station owned by the WSD (Pump Station No. 2). The pump station is located on the WSD property behind the Bolduc Correctional Facility and serves to convey the waste water to the treatment facility headworks and is equipped with emergency back-up power. The District's collection system consists of approximately 5 miles of gravity sewer, 4.5 miles of force main and two (2) pump stations. Pump Station No. 1 is located in Warren Village and is equipped with back-up power; Pump Station No. 3 serves and is located adjacent to the local school and pumps to the Warren Village Station. It is noted the school is currently vacant (no use at this time) so there is very little flow to the associated pump station and the school building is for sale. There are no combined sewer overflow (CSO) points and no industrial users associated with the collection system and the facility is not required to implement a formal pretreatment program or authorized to receive transported wastes.

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

- c. Waste water Treatment: The District provides secondary treatment of sanitary waste water via a four-cell, partial mix, aerated lagoon system lagoon system with the following characteristics:

Lagoon Cell	No. 1	No. 2	No. 3	No. 4
Volume (million gallons)	5.59 MG	1.58 MG	1.58 MG	15.0 MG
Dimensions (LxWxD)	500' x 145' x 18'	230' x 125' x 18'	230' x 125' x 18'	Irregular shaped x 18'
Lagoon Acreage	1.66 acres	0.66 acres	0.66 acres	4.5 acres

Waste water is conveyed to the treatment facility via gravity and force main sewer lines and influent flows from the BCF and Warren Village are measured separately via flow meters prior to entering Lagoon #1. Although any of the four available lagoon cells may be removed from service, flows typically follow the sequential pattern: Lagoon #1 > Lagoon #2 > Lagoon #3 > Lagoon #4. Treated effluent from the lagoons flows by gravity to a dissolved air floatation (DAF) unit for algae removal when necessary. The piping layout includes provisions to bypass the DAF unit, however the District has typically operated the DAF on a continuous, year-round basis. The District has recently shut the DAF down for the cold season as the influent to the DAF unit is within permit limits and not necessary. The District has indicated the DAF unit will remain

1. APPLICATION SUMMARY (cont'd)

available for treatment if effluent quality diminishes. When the DAF is in operation, a polymer is added to the flow prior to entering the DAF unit to assist in coagulation and flocculation. Floc is skimmed from the surface of the DAF unit to a wet well. The contents of the wet well are periodically (daily basis) pumped back to the headworks for additional treatment via the lagoon system. Following the DAF unit, the flow is conveyed to a splitter box located in the disinfection building and evenly-distributed to up to four channels equipped with an ultraviolet (UV) disinfection system. The UV system is equipped with an alarm system and automatic shut-off designed to cease discharge upon activation of the alarm. Final effluent is measured using a Parshall flume installed immediately below the UV system channels. See **Attachment B** of this Fact Sheet for a schematic of the waste water treatment process.

Final effluent is conveyed to the St. George River for discharge via an 8-inch diameter outfall pipe. The outfall pipe extends out approximately 120 feet into the tidal river and is submerged to a depth of approximately 20 feet below the surface at mean low water. The outfall includes a diffuser port with four (4) 4-inch diameter outfall ports to enhance mixing with the receiving waters.

2. PERMIT SUMMARY

- a. Terms and Conditions: This permitting action is carrying forward all the terms and conditions of the previous permitting action except that this permit is waiving all whole effluent toxicity (WET), analytical chemistry and priority pollutant testing.
- b. History: The most recent significant permitting/licensing actions completed for the District include the following:

May 25, 1990 – The Department issued WDL #W007023-59-A-N, which contained alternate concentration limits (more stringent than secondary treatment limitations) for biochemical oxygen demand (BOD) and total suspended solids (TSS). No mass limits for BOD and TSS were established in the license. The license also contained less stringent limitations for fecal coliform bacteria than were routinely imposed on discharges to marine waters. The aforementioned limits were based on recommendations and performance guarantee considerations by the manufacturer of the ultra-violet disinfection system.

July 16, 1990 – The USEPA issued NPDES permit #ME0102253 to the District, which contained standard monthly average, weekly average and daily maximum secondary treatment concentration limits of 30 mg/L, 45 mg/L and 50 mg/L, respectively, and corresponding mass limits based on a flow limit of 0.151 MGD.

2. PERMIT SUMMARY (cont'd)

November 19, 1999 – The Department published the final St. George River data report, which contained the results of the St. George River estuary study. The data revealed that Class SB minimum dissolved oxygen criteria were not met in portions of the estuary. A major source of the dissolved oxygen depletion was attributed to respiration of algae in the early morning. It is noted that Item #8 in the Executive Summary section of a report published by the Department entitled, *St. George River Modeling Report*, dated April 2000, that at model runs with the District at zero discharge and at a licensed flow of 0.151 MGD, when compared, indicate no measurable differences in dissolved oxygen.

April 7, 2000 – After taking into consideration the written comments on the draft model report, the Department published the final St. George River Modeling Report. The final report reached the same conclusion that the draft report reached in that the dissolved oxygen depletion attributable to the District discharging at 0.10 MGD during the summer months (June 1 – September 30) is predicted to be less than the instrument measurement error of 0.1 part per million (ppm). Therefore, the impact of the discharge on in-stream dissolved oxygen levels is not measurable.

April 7, 2000 – The Department issued WDL #W007023-5L-B-R to the District, which superseded WDL #W007023-59-A-N issued on May 25, 1990.

June 1, 2000 – Pursuant to Maine law, 38 M.R.S.A. §420 and §413 and Department rule, 06-096 CMR Chapter 519, *Interim Effluent Limitations and Controls for the Discharge of Mercury*, the Department issued a *Notice of Interim Limits for the Discharge of Mercury*.

October 27, 2000 – The District entered into a settlement agreement with the Georges River Tidewater Association (GRTA) and Natural Resources Council of Maine (NRCM) (Settlement Agreement hereinafter).

January 12, 2001 – The Department received authorization from the U.S. Environmental Protection Agency to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine.

May 15, 2001 – The Department issued WDL modification #W007023-5L-C-M / MEPDES Permit #ME0102253 to the District. The WDL modification request from the District was filed to incorporate conditions of the 10/27/00 Settlement Agreement. The 5/15/01 WDL modification was issued to include a reduction in the warm season discharge flow limit, an increase in the cold season flow limit, reductions in mass and concentration limits for carbonaceous biochemical oxygen demand (CBOD) and total suspended solids (TSS) during the cold season, imposition of concentration reporting requirements for nitrite-nitrogen and total kjeldahl nitrogen during the warm season, imposition of best management practices for the facility, imposition of a schedule of compliance for treatment plant improvements, revised cold season and warm season dilution factors based on the revised flow limits, and an increase in the pH range limit. The 5/15/01 permitting action superseded NPDES permit #ME0102253 issued by the USEPA on July 16, 1990.

2. PERMIT SUMMARY (cont'd)

February 3, 2005 – The District submitted a General Application for renewal of the 4/7/00 WDL and 5/15/01 WDL modification/MEPDES permit. The application was accepted for processing on February 9, 2005 and was assigned WDL #W007023-5L-D-R.

April 25, 2005 – The Department issued MEPDES permit ME01012253/WDL W007023-5L-D-R.

April 10, 2006 – The Department unilaterally modified the 4/25/05 permit by waiving whole effluent toxicity testing and analytical chemistry testing.

December 7, 2009 – The permittee submitted a timely and complete application to the Department to renew the 4/25/05 permit.

3. CONDITIONS OF PERMITS

Maine law, 38 M.R.S.A. Section 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, 38 M.R.S.A., Section 420 and Department rule 06-096 CMR Chapter 530, *Surface Water Toxics Control Program*, require the regulation of toxic substances not to exceed levels set forth in Department rule 06-096 CMR Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants*, and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

4. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A. §469 classifies the St. George River at the point of discharge as a Class SB waterway. Maine law, 38 M.R.S.A., §465-B(2) describes the classification standards for Class SB waterways.

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2008 Integrated Water Quality Monitoring and Assessment Report, prepared pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the St. George River as, “*Category 2: Estuary and Marine Waters Attaining Some Designated Uses – Insufficient Information for Others.*” The report indicates DMR shellfish harvesting Area # 27, *Upper St. George River and Tributaries (Warren to St. George)* is seasonally closed due to the presence of the WSD waste water treatment facility. See **Attachment A** of this permit for a location map. The DMR traditionally closes shellfish harvesting areas if there are known sources of discharges with unacceptable bacteria levels (instream thresholds established in the National Shellfish Sanitation Program) or keep areas closed due to lack of updated information. In addition, a small area is closed in the immediate vicinity of all waste water treatment outfall pipes in the unlikely event of a failure in the disinfection system for the treatment plant.

5. RECEIVING WATER QUALITY CONDITIONS

Compliance with the fecal coliform bacteria limits and Special Condition J(6) in this permitting action ensure that the discharge from the District will not cause or contribute to the shellfish harvesting closure. See Section 6(g) of this Fact Sheet for the most recent compliance history with fecal coliform bacteria limits indicating the facility has been in compliance 100% of the time with said limits over the previous five-year period.

The 2008 305(b) report also lists all estuarine and marine waters in a category entitled, *Category 5-D: Estuarine and Marine Waters Impaired by Legacy Pollutants*. The waters are listed as partially supporting fishing (“shellfish consumption) due to elevated levels of PCBs and other persistent, bioaccumulating substances in lobster tomally. The Department is not aware of any PCBs or persistent, bioaccumulating substances (other than mercury) being discharged from the WSD waste water treatment that cause or contribute to the waterbodies impairment. For a discussion on mercury, see section 6(j) of this Fact Sheet.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

- a. Flow: The previous permitting action established monthly average warm season (June 1 through September 30) and cold season (October 1 through May 31) discharge flow limits of 0.0795 MGD and 0.2442 MGD, respectively, as well as weekly average and daily maximum discharge flow reporting requirements which are being carried forward in this permitting action. Separate warm season and cold season limits were established to encourage District to hold waste water during the summer months when the receiving waters are most vulnerable to adverse impacts from point and non-point source pollution.

A review of the monthly DMR data for the period January 2006 - August 2009 indicates the permittee has been in compliance with the flow limitations 100% of the time with values reported as follows:

Warm season (June 1 – September 30)

Flow (DMRs=11)

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	0.0795	0.0641 – 0.079	0.072
Weekly Average	Report	0.0660 – 0.1641	0.085
Daily Maximum	Report	0.0667 – 0.2285	0.097

Cold season (October 1 – May 31)

Flow (DMRs=29)

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	0.2442	0.1150 - 0.2344	0.193
Weekly Average	Report	0.1565 - 0.2442	0.214
Daily Maximum	Report	0.1577 – 0.2778	0.214

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

- b. Dilution: Department rule, 06-096 CMR Chapter 530.5(D)(3)(b), *Surface Water Toxics Control Program*, states that, “for discharges to the ocean, dilution must be calculated as near-field or initial dilution, or that dilution available as the effluent plume rises from the point of discharge to its trapping level, at mean low water and slack tide for the acute exposure analysis, and at mean tide for the chronic exposure analysis using appropriate models determined by the Department such as MERGE or CORMIX.” Based on the configuration of the outfall structure as provided by the permittee, and the CORMIX model as described above, the Department has determined the dilution factors associated with the discharge of 0.0795 MGD (warm season) and 0.2442 MGD (cold season) are as follows:

Warm Season

Acute = 254:1 Chronic = 1,800:1 Harmonic mean¹ = 5,400:1

Cold Season

Acute = 94:1 Chronic = 591:1 Harmonic mean = 1,773:1

- c. Carbonaceous Biochemical Oxygen Demand (CBOD₅): The previous permitting action established a year-round monthly average concentration limit of 25 mg/L and seasonal weekly average limits of 30 mg/L (warm season) and 40 mg/L (cold season) for CBOD₅. Additionally, the permitting action established a year-round daily maximum concentration reporting requirement and a minimum monitoring frequency requirement of once per week. The Department substituted CBOD₅ limits for biochemical oxygen demand (BOD₅) based on a request from the permittee and on provisions of Department rule 06-096 CMR Chapter 525, which states that the permitting authority may substitute the parameter CBOD₅ for the parameter BOD₅ on a case-by-case basis provided that, for facilities qualified for treatment equivalent to secondary treatment, the CBOD₅ limits are not less stringent than 30 mg/L as a 30-day average and 60 mg/L as a 7-day average. The District had identified that partial nitrification occurring within the laboratory BOD₅ test bottle causes an oxygen demand and results in inflated BOD₅ test results. Additionally, in a memorandum dated April 14, 1999, the Department recommended CBOD₅ as the most appropriate and relevant parameter for measuring secondary treatment performance and effluent quality at the District. The monthly average and weekly average limits are more stringent than the 30 mg/L and 60 mg/L treatment equivalent to secondary treatment standards and are based on the 10/27/00 Settlement Agreement between the District, the NRCM and the GRTA.

¹ The harmonic mean dilution factor is approximated by multiplying the chronic dilution factor by three (3). This multiplying factor is based on guidelines for estimation of human health dilution presented in the U.S. EPA publication, “*Technical Support Document for Water Quality-Based Toxics Control*” (Office of Water; EPA/505/2-90-001, page 88), and represents an estimation of harmonic mean flow on which human health dilutions are based in a riverine 7Q10 flow situation.

The previous permitting action established warm season monthly average and weekly average mass limits of 17 lbs./day and 20 lbs./day, respectively, for CBOD₅ based on the warm season monthly average flow limit of 0.0795 MGD. The previous permitting action established cold

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

season monthly average and weekly average mass limits of 51 lbs./day and 81 lbs./day, respectively, for CBOD₅ based on the cold season monthly average flow limit of 0.2442 MGD. Mass calculations were derived using the following equation:

$$\text{Mass Limit} = (\text{concentration limit})(8.34 \text{ lbs./gallon})(\text{flow limit, MGD})$$

This permitting action is carrying forward all concentration and mass limits as well as the daily maximum concentration and mass reporting requirements for CBOD₅ based on secondary treatment requirements and the 10/27/00 Settlement Agreement and the minimum monitoring frequency requirement of once per week (1/Week) based on Department guidance for POTWs authorized to discharge between 0.1 and 0.5 MGD.

This permitting action is also carrying forward a requirement for a 30-day minimum of 85% removal of CBOD₅ pursuant to Chapter 525(3)(III)(a)(4)(iii) of the Department's rules. 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.

A review of the monthly DMR data for the period January 2006 - August 2009 indicates the permittee has been in compliance with the CBOD limitations 100% of the time with values reported as follows:

Warm season (June 1 – September 30)

CBOD Mass (DMRs=11)

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	17	1.9 – 14.2	4.7
Weekly Average	20	4.1 – 19.8	6.4
Daily Maximum	Report	3.4 – 19.8	6.4

CBOD Concentration (DMRs= 11)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	25	3.4 – 11.1	6.4
Weekly Average	40	4.6 - 15	8.4
Daily Maximum	Report	4.6 – 15	8.4

CBOD %Removal (DMRs=11)

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	≥85	95-97	96

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

Cold season (October 1 – May 31)

CBOD Mass (DMRs=29)

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	51	1.9 – 14.2	7.5
Weekly Average	81	2.7 – 19.8	9.9
Daily Maximum	Report	2.7 – 19.8	9.9

CBOD Concentration (DMRs=29)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	25	1.1 – 9.3	4.8
Weekly Average	40	1.7 – 11.1	6.1
Daily Maximum	Report	1.7 – 11.1	6.1

CBOD %Removal (DMRs=29)

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	≥85	95 – 97	96

- d. Total Suspended Solids (TSS): The previous permitting action established warm season monthly average and weekly average concentration limits of 25 mg/L and 30 mg/L, respectively, and cold season monthly average and weekly average concentration limits of 30 mg/L and 45 mg/L, respectively, for TSS. The previous permitting action also established a year-round daily maximum concentration reporting requirement and a minimum monitoring frequency requirement of once per week for TSS. The cold season monthly average and weekly average limits are based on the secondary treatment requirements as defined in Department rule, 06-096 CMR Chapter 525(3)(III). The warm season concentration limits, which are more stringent than the secondary treatment requirements, are based on the 10/27/00 Settlement Agreement.

The previous permitting action established warm season monthly average and weekly average mass limits of 17 lbs./day and 20 lbs./day, respectively, for TSS based on the warm season monthly average flow limit of 0.0795 MGD. The previous permitting action established cold season monthly average and weekly average mass limits of 61 lbs./day and 92 lbs./day, respectively, for TSS based on the cold season monthly average flow limit of 0.2442 MGD.

This permitting action is carrying forward all concentration and mass limits, the daily maximum concentration and mass reporting requirements for TSS based on secondary treatment requirements and 10/27/00 Settlement Agreement and the minimum monitoring frequency requirement of once per week (1/Week) based on Department guidance for POTWs authorized to discharge between 0.1 and 0.5 MGD.

This permitting action is carrying forward a requirement for a 30-day minimum of 85% removal of TSS pursuant to Chapter 525(3)(III)(b)(3) of the Department’s rules. 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.

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

A review of the monthly DMR data for the period January 2006 - August 2009 indicates the permittee has been in compliance with the TSS limitations 100% of the time with values reported as follows:

Warm season (June 1 – September 30)

TSS Mass (DMRs=11)

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	17	3.3 – 13.3	6.2
Weekly Average	20	3.7 – 15.3	7.4
Daily Maximum	Report	3.7 – 15.3	7.4

TSS Concentration (DMRs=11)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	25	5.6 – 11.3	8.9
Weekly Average	45	6 – 14.2	11
Daily Maximum	Report	6 – 14.2	11

TSS %Removal (DMRs=11)

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	≥85	95 - 97	96

Cold season (October 1 – May 31)

TSS Mass (DMRs=29)

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	61	6.3 – 27.7	13.9
Weekly Average	92	8.2 – 33.3	18.2
Daily Maximum	Report	8.2 – 33.3	18.2

TSS Concentration (DMRs=29)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	7.0 – 15.2	9.3
Weekly Average	45	5.4 – 18.4	11.4
Daily Maximum	Report	5.4 – 18.4	11.4

TSS %Removal (DMRs=29)

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	≥85	95 - 97	96

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

- e. Dissolved Oxygen (DO): Based on conditions of the 10/27/00 Settlement Agreement, the previous permitting action established a requirement to monitor the DO content in Zone #3 of Lagoon #1 between June 1 and September 30 of each year to ensure proper cyclical operation and appropriate aerobic detention time and anoxic periods. This permitting action is carrying forward the Lagoon DO monitoring requirement during the warm season and the minimum monitoring frequency requirement of five times per week (5/Week). It is noted that although the “Report” requirement is placed in the “Daily Maximum” column in the effluent limits table (Special Condition A.1) of this permit, the permittee shall report the minimum DO recorded during a calendar month.

- f. Settleable Solids – The previous permitting action established a year-round daily maximum concentration limit of 0.3 ml/L for settleable solids, which is being carried forward in this permitting action as it is considered by the Department to be best practicable treatment (BPT) for secondary treated sanitary waste water. This permitting action is carrying forward the minimum monitoring frequency requirement of three times per week (3/Week).

A review of the monthly DMR data for the period January 2006 - August 2009 indicates the permittee has been in compliance with the flow limitations 100% of the time with values reported as follows:

Settleable solids

Value	Limit (ml/L)	Range (mg/L)	Average (mg/L)
Daily Maximum	0.3	0.0 - 0.1	0.0

- g. Fecal Coliform Bacteria – The previous permitting action established year-round monthly average and daily maximum concentration limits for fecal coliform bacteria of 15 colonies/100 ml (geometric mean) and 50 colonies/100 ml (instantaneous level), respectively, based on the National Shellfish Sanitation Program and a minimum monitoring frequency requirement of once per week. This permitting action is carrying forward both concentration limits. Fecal coliform bacteria limitations are in effect on a year-round basis based on a recommendation from the Maine Department of Marine Resources (DMR).

A review of the monthly DMR data for the period January 2006 - August 2009 indicates the permittee has been in compliance with the flow limitations 100% of the time with values reported as follows:

Fecal coliform bacteria (DMRs=43)

Value	Limit (col/100 ml)	Range (col/100 ml)	Mean (col/100 ml)
Monthly Average	15	1 -3.8	1.2
Daily Maximum	50	0 – 26	2.1

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

- h. pH – The previous permitting action established a pH range of 6.0 – 9.0 standard units (SU) based on Department rule 06-096 CMR Chapter 525(3)(III)(c), which is being carried forward in this permitting action as BPT standard. The minimum monitoring frequency requirement of five times per week (5/Week) is being carried forward from the previous permitting action is not required on official holidays observed by the District. For instances when this occurs, the District shall provide a comment on the monthly discharge monitoring report to indicate the number of actual sampling events for that week.
- i. Whole Effluent Toxicity (WET) & 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 Chapter 530, *Surface Water Toxics Control Program*, set forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

WET, priority pollutant and analytical chemistry testing, as required by Chapter 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 water quality criteria as established in Chapter 584.

Chapter 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 <math><20:1</math>.
- 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

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

Department rule Chapter 530 (2)(D) specifies the criteria to be used in determining the minimum monitoring frequency requirements for WET, priority pollutant and analytical chemistry testing. Based on the Chapter 530 criteria, the SSD facility falls into the Level IV frequency category as the facility has a chronic dilution factor $\geq 500:1$ and a permitted flow of ≤ 1.0 MGD. Chapter 530(2)(D)(1) specifies that default surveillance and screening level testing requirements are as follows:

Screening level testing

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

Surveillance level testing

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

*These routine testing requirements for Level IV are waived, except that the Department shall require an individual discharger to conduct testing under the following conditions.

- (a) The discharger's permit application or information available to the Department indicate that toxic compounds may be present in toxic amounts; or
- (b) Previous testing conducted by the discharger or similar dischargers indicates that toxic compounds may be present in toxic amounts.

Additionally, new or substantially changed dischargers assigned to Level IV must conduct testing during the first two years of the discharge. Further testing is waived provided the testing done does not indicate any reasonable potential for exceedence as calculated pursuant to section 3(E).

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

Though the facility has never conducted WET or chemical specific testing pursuant to Department rule Chapter 530, the Department has made the determination the WSD facility is not a new discharge nor has it substantially changed since issuance of the previous permit/license. Therefore the WSD qualifies for the waiver from the Chapter 530 testing requirements. Chapter 530 §(2)(D) states:

(4) *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.*

Special Condition K, *Chapter 530 §(2)(D)(4) Certification*, of this permitting action requires the permittee to file an annual certification with the Department.

It is noted however, that if future WET testing results indicates the discharge exceeds critical water quality thresholds this permit will be reopened pursuant to Special Condition N, *Reopening of Permit For Modification*, of this permit to establish applicable limitations and monitoring requirements and require the permittee to submit a toxicity reduction evaluation (TRE) pursuant to Department rule, Chapter 530(3)(c).

- j. Mercury - Pursuant to Maine law, 38 M.R.S.A. §420 and §413 and Department rule, 06-096 CMR Chapter 519, *Interim Effluent Limitations and Controls for the Discharge of Mercury*, the Department issued a *Notice of Interim Limits for the Discharge of Mercur.* to the permittee thereby administratively modifying WDL # W007023-5L-B-R by establishing interim monthly average and daily maximum effluent concentration limits of 57.7 parts per trillion (ppt) and 86.6 ppt, respectively, and a minimum monitoring frequency requirement of 4 tests per year 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 Maine law, 38 M.R.S.A. §420, §413 and Department rule Chapter 519. The interim mercury limits remain in effect and enforceable and modifications to the limits and/or monitoring frequencies will be formalized outside of this permitting document.

Maine law 38 M.R.S.A., §420 1-B,(B)(1) states that a facility is not in violation of the AWQC for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413, subsection 11. A review of the Department's database for the previous 60-month period indicates mercury test results reported have ranged from <0.4 ppt to 9.2 ppt with an arithmetic mean (n=22) of 2.3 ppt.

7. 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 St. George River to meet standards for Class SB classification.

8. PUBLIC COMMENTS

Public notice of this application was made in the Village Soup newspaper on or about December 7, 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.

9. DEPARTMENT CONTACTS

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

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

10. RESPONSE TO COMMENTS

During the period of January 5, 2010, through the issuance date of this permit, the Department solicited comments on the proposed draft permit to be issued for the discharge from the Warren Sanitary District facility. The only comments received were by the State of Maine's Department of Marine Resources (DMR) in an electronic mail message dated February 4, 2010. As a result, the Department has prepared a response to comments as follows:

Comment #1: The DMR comment in part is as follows:

It would be helpful if there is a requirement or wording in their permit that obligates them to provide us with the information that we need to determine and evaluate the shellfish harvest classifications (prohibited and conditional zones) around their outfalls and sewer collection systems, including testing their effluent from time to time. The information we are requesting are NSSP required information that we need to have in our files for our annual FDA review. The effluent testing can help us to manage the areas around outfalls as efficiently as possible by (depending on the results) closing as small an area as possible which could result in more area

10. RESPONSE TO COMMENTS (cont'd)

available to dig for the harvesters. We don't know if we can ask to have these things in all licenses but it's worth a try. We would also like to be copied on DEP Incident Reports for our files which documents any problem they had in great detail and what they did to fix it as its one of the NSSP requirements to assess any problems as they relate to shellfish growing area classification.

Response #1 – The Department agrees that having the Warren Sanitary District notify the DMR in the event of a malfunction is in the best interest of protecting shellfish harvesting areas and public health. As a result, the Department has added a paragraph to Special Condition E, Notification Requirement, to require said notification as follows:

In addition, the permittee shall verbally notify the State of Maine Department of Marine Resources (DMR) as soon as it becomes aware of a malfunction in the disinfection system at the waste water treatment facility which results in or could result in an exceedence of the permitted limits for fecal coliform bacteria. The permittee shall also notify DMR in the event of a malfunction of the sanitary sewer collection system and appurtenances that results in untreated or partially treated water being discharged to a surface water body that may cause or contribute to the closure of a shellfish harvesting area.

ATTACHMENT A

Legend

- Wastewater_Facilities
- Wastewater_Outfalls

Shellfish_Closure_Areas

CLASS

- Conditionally Restricted
- Conditionally Approved
- Restricted
- Prohibited

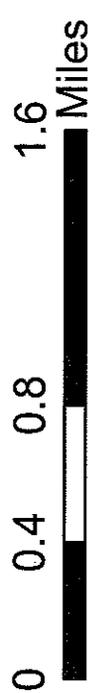
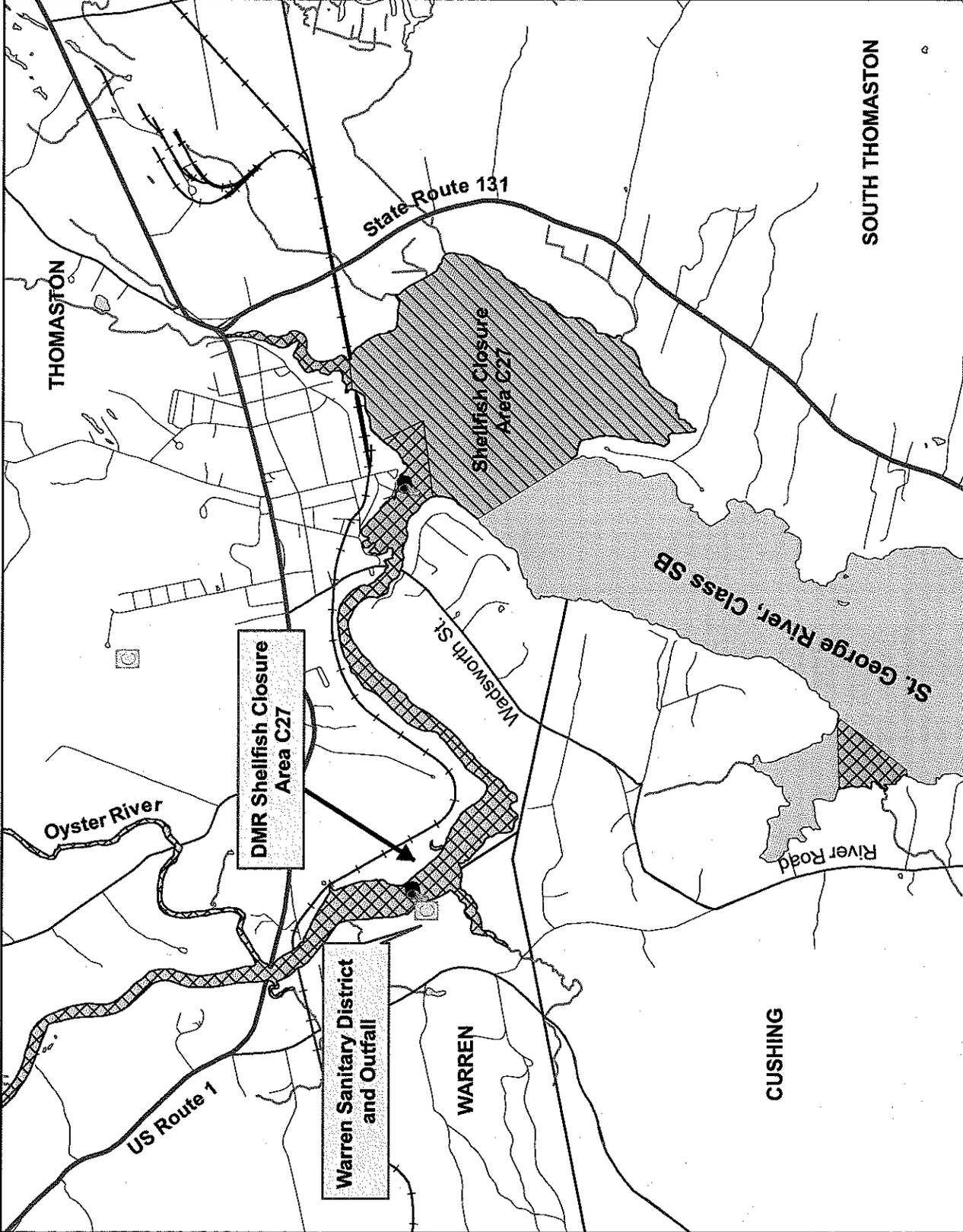
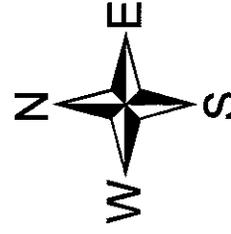
Coastal Waters

Coastal Class

- sa
- sb
- sc

Railroads

- AA
- A
- B
- C

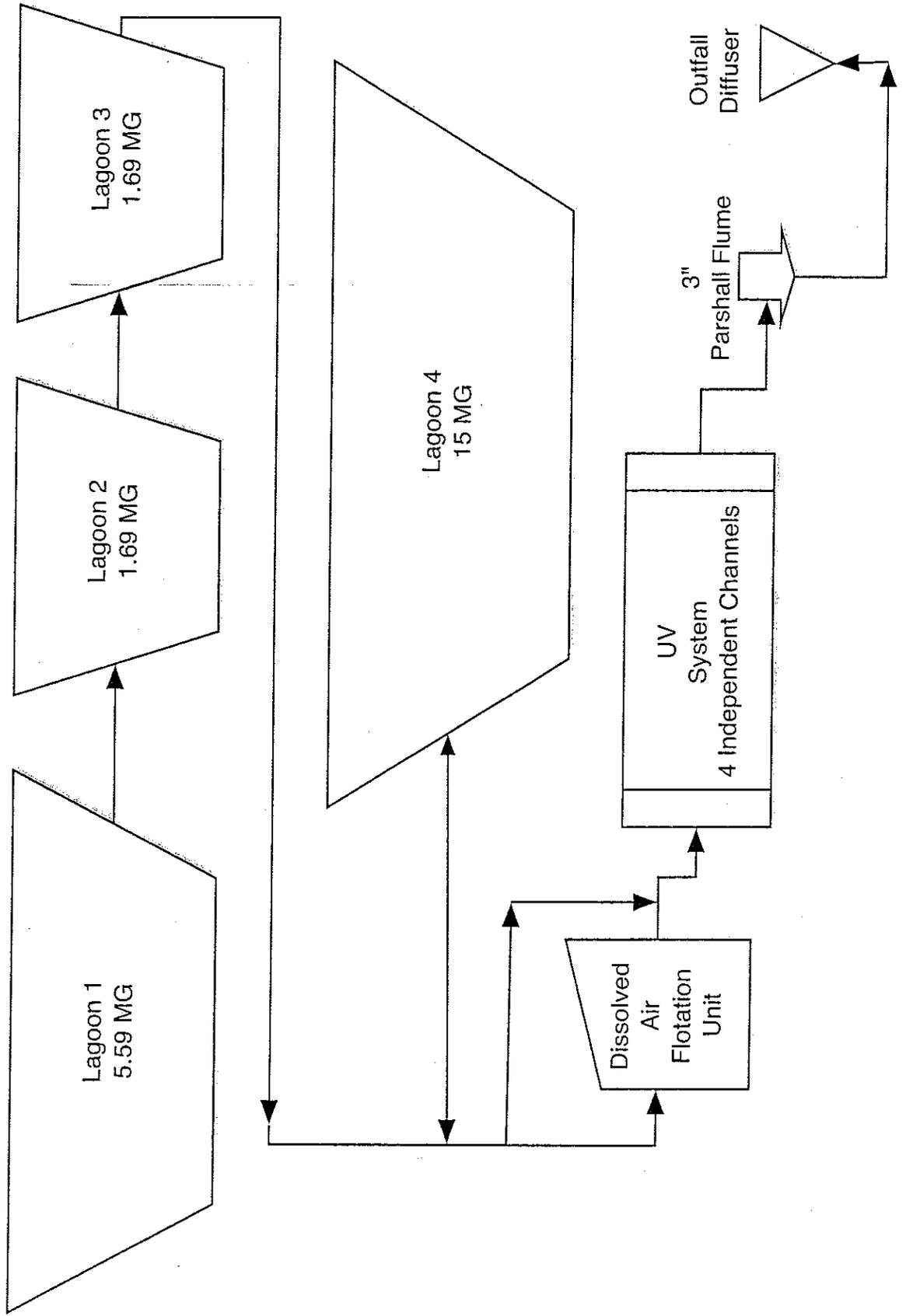


Map created by:
 Bill Hinkel
 Division of Water Resource Regulation
 Maine Department of Environmental Protection
 March 15, 2005

Warren, Maine

ATTACHMENT B

Warren Wastewater Treatment Plant
Flow Diagram



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

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

- maximize removal of pollutants unless authorization to the contrary is obtained from the Department.
- (b) The permittee shall at all times maintain in good working order and operate at maximum efficiency all waste water collection, treatment and/or control facilities.
 - (c) All necessary waste treatment facilities will be installed and operational prior to the discharge of any wastewaters.
 - (d) Final plans and specifications must be submitted to the Department for review prior to the construction or modification of any treatment facilities.
 - (e) The permittee shall install flow measuring facilities of a design approved by the Department.
 - (f) The permittee must provide an outfall of a design approved by the Department which is placed in the receiving waters in such a manner that the maximum mixing and dispersion of the wastewaters will be achieved as rapidly as possible.

2. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

3. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

4. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. Bypasses.

- (a) Definitions.
 - (i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
 - (ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c) and (d) of this section.
- (c) Notice.
 - (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

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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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STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

D. REPORTING REQUIREMENTS

1. Reporting requirements.

- (a) Planned changes. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - (i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
 - (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Section D(4).
 - (iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;
- (b) Anticipated noncompliance. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) Transfers. This permit is not transferable to any person except upon application to and approval of the Department pursuant to 38 MRSA, § 344 and Chapters 2 and 522.
- (d) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - (i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Department for reporting results of monitoring of sludge use or disposal practices.
 - (ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Department.
 - (iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.
- (e) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (f) Twenty-four hour reporting.
 - (i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance

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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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

Point source means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.

Pollutant means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or byproducts, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

Process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Publicly owned treatment works ("POTW") means any facility for the treatment of pollutants owned by the State or any political subdivision thereof, any municipality, district, quasi-municipal corporation or other public entity.

Septage means, for the purposes of this permit, any waste, refuse, effluent sludge or other material removed from a septic tank, cesspool, vault privy or similar source which concentrates wastes or to which chemicals have been added. Septage does not include wastes from a holding tank.

Time weighted composite means a composite sample consisting of a mixture of equal volume aliquots collected over a constant time interval.

Toxic pollutant includes any pollutant listed as toxic under section 307(a)(1) or, in the case of sludge use or disposal practices, any pollutant identified in regulations implementing section 405(d) of the CWA. Toxic pollutant also includes those substances or combination of substances, including disease causing agents, which after discharge or upon exposure, ingestion, inhalation or assimilation into any organism, including humans either directly through the environment or indirectly through ingestion through food chains, will, on the basis of information available to the board either alone or in combination with other substances already in the receiving waters or the discharge, cause death, disease, abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in such organism or their offspring.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Whole effluent toxicity means the aggregate toxic effect of an effluent measured directly by a toxicity test.



DEP INFORMATION SHEET

Appealing a Commissioner's Licensing Decision

Dated: May 2004

Contact: (207) 287-2811

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner: (1) in an administrative process before the Board of Environmental Protection (Board); or (2) in a judicial process before Maine's Superior Court. This INFORMATION SHEET, in conjunction with consulting statutory and regulatory provisions referred to herein, can help aggrieved persons with understanding their rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

DEP's *General Laws*, 38 M.R.S.A. § 341-D(4), and its *Rules Concerning the Processing of Applications and Other Administrative Matters* (Chapter 2), 06-096 CMR 2.24 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written notice of appeal within 30 calendar days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner and the applicant a copy of the documents. All the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

The materials constituting an appeal must contain the following information at the time submitted:

1. *Aggrieved Status.* Standing to maintain an appeal requires the appellant to show they are particularly injured by the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.

5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence as part of an appeal only when the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or show that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2, Section 24(B)(5).

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license file is public information made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* An applicant proceeding with a project pending the outcome of an appeal runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge initiation of the appeals procedure, including the name of the DEP project manager assigned to the specific appeal, within 15 days of receiving a timely filing. The notice of appeal, all materials accepted by the Board Chair as additional evidence, and any materials submitted in response to the appeal will be sent to Board members along with a briefing and recommendation from DEP staff. Parties filing appeals and interested persons are notified in advance of the final date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision. The Board will notify parties to an appeal and interested persons of its decision.

II. APPEALS TO MAINE SUPERIOR COURT

Maine law allows aggrieved persons to appeal final Commissioner licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2.26; 5 M.R.S.A. § 11001; & MRCivP 80C. Parties to the licensing decision must file a petition for review within 30 days after receipt of notice of the Commissioner's written decision. A petition for review by any other person aggrieved must be filed within 40-days from the date the written decision is rendered. The laws cited in this paragraph and other legal procedures govern the contents and processing of a Superior Court appeal.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, contact the DEP's Director of Procedures and Enforcement at (207) 287-2811.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.
