



STATE OF MAINE
Department of Environmental Protection

Paul R. Lepage
GOVERNOR

Patricia W. Aho
COMMISSIONER

Mr. Travis Day
Superintendent
Veazie Sewer District
34 Hobson Road
Veazie, ME. 04401

November 2, 2012

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100706
Maine Waste Discharge License (WDL) Application #W002754-6C-H-R
Final Permit

Dear Mr. Day:

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

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

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

Sincerely,

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

Enc.

cc: Tanya Hovell, DEP/EMRO
Sandy Mojica, USEPA

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-3901 FAX: (207) 287-3435
RAY BLDG., HOSPITAL ST.

BANGOR
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312 CANCO ROAD
PORTLAND, MAINE 04103
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1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION
AUGUSTA, ME 04333

DEPARTMENT ORDER

IN THE MATTER OF

VEAZIE SEWER DISTRICT)	MAINE POLLUTANT DISCHARGE
VEAZIE, PENOBSCOT COUNTY, MAINE)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS)	AND
ME0100706)	WASTE DISCHARGE LICENSE
W002754-6C-H-R)	RENEWAL
APPROVAL		

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, § 1251, et seq. and *Conditions of licenses*, 38 M.R.S.A. § 414-A, et seq., and applicable regulations, the Department of Environmental Protection (Department hereinafter) has considered the application of the VEAZIE SEWER DISTRICT (District/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 #ME0100706 Maine Waste Discharge License (WDL) #W002754-5L-F-R (permit hereinafter), which was issued on November 30, 2007, for a five-year term. The 11/20/07 permit was subsequently revised on January 2, 2008, June 12, 2008, January 3, 2011 and February 6, 2012. The permit and subsequent revisions authorized the discharge of up to a monthly average flow of 0.35 million gallons per day (MGD) of secondary treated sanitary wastewater from a municipal wastewater treatment facility to the Penobscot River, Class B, in Veazie, Maine.

PERMIT SUMMARY

This permitting action is carrying forward the terms and conditions of the previous permitting action.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated September 26, 2012, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

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

ACTION

THEREFORE, the Department APPROVES the above noted application of the VEAZIE SEWER DISTRICT, to discharge up to a monthly average flow of 0.35 MGD of secondary treated sanitary wastewaters to the Penobscot River, Class B, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

1. "Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits," revised July 1, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This permit becomes effective upon the date of signature below and expires at midnight five (5) years from the effective date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the authorization to discharge and the terms and conditions of this permit and all modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S.A. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (effective April 1, 2003)]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

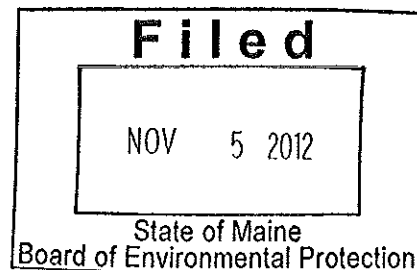
DONE AND DATED AT AUGUSTA, MAINE, THIS 2ND DAY OF NOVEMBER, 2012.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhns
For Patricia W. Aho, Commissioner

Date of initial receipt of application: September 18, 2012.

Date of application acceptance: September 18, 2012.



Date filed with Board of Environmental Protection: _____

This Order prepared by Gregg Wood, BUREAU OF LAND & WATER QUALITY

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- The permittee is authorized to discharge secondary treated sanitary wastewaters from **Outfall #001A** to the Penobscot River. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow [50050]	0.35 MGD [03]	---	Report MGD [03]	---	---	---	Continuous [99/99]	Recorder [RC]
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) [80082]	73 lbs/day [26]	117 lbs/day [26]	131 lbs/day [26]	25 mg/L [19]	40 mg/L [19]	45 mg/L [19]	1/Week [01/07]	24-Hr. Composite [24]
CBOD ₅ % Removal ⁽¹⁾ [80358]	---	---	---	65% [23]	---	---	1/Month [01/30]	Calculate [CA]
Total Suspended Solids (TSS) [00545]	88 lbs/day [26]	131 lbs/day [26]	146 lbs/day [26]	30 mg/L [19]	45 mg/L [19]	50 mg/L [19]	1/Week [01/07]	24-Hr. Composite [24]
TSS % Removal ⁽¹⁾ [81011]	---	---	---	85% [23]	---	---	1/Month [01/30]	Calculate [CA]
Settleable Solids [00545]	---	---	---	---	---	0.3 ml/L [25]	3/Week [03/07]	Grab [GR]
<i>E. Coli</i> Bacteria ⁽²⁾ May 15 to September 30 [31633]	---	---	---	64/100 ml ⁽³⁾ [13]	---	427/100 ml [13]	1/Week [01/07]	Grab [GR]
Total Residual Chlorine ⁽⁴⁾ [50060]	---	---	---	---	---	1.0 mg/L [19]	5/Week [05/07]	Grab [GR]
pH ⁽⁵⁾ [00400]	---	---	---	---	---	6.0-9.0 s.u. [12]	3/Week [03/07]	Grab [GR]
Mercury ⁽⁶⁾ [71900]	---	---	---	6.3 ng/L [3M]	---	9.4 ng/L [3M]	1/Year [01/YR]	Grab [GR]

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 (DMRs). Footnotes are found on pages 6 and 7.

SPECIAL CONDITIONS

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

Footnotes

Sampling Locations:

Influent sampling for CBOD₅ and TSS shall be collected after the grit removal / screening processes at the headworks of the facility.

Effluent sampling for all parameters shall be collected after the chlorine contact chamber, the last treatment process prior to discharge to the receiving water. Any change in sampling location(s) must be reviewed and approved by the Department in writing. Sampling and analysis must be conducted in accordance with; a) methods approved in Title 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in Title 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 for waste water testing. 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. See **Attachment A** of this permit for a list of the Department's RLs. If a non-detect analytical test result is below the respective RL, the concentration result shall be reported as <Y where Y is the RL achieved by the laboratory for each respective parameter. Reporting a value of <Y that is greater than an established RL or reporting an estimated value ("J" flagged) is not acceptable and will be rejected by the Department. Reporting analytical data and its use in calculations must follow established Department guidelines specified in this permit or in available Department guidance documents.

1. **Percent Removal** – The treatment facility shall maintain a minimum of 65% removal for CBOD₅ and an 85% removal for TSS for all flows receiving secondary treatment during all months that the facility discharges. Compliance with the limitations shall be 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 percent removal limit shall be waived when the 12-month rolling average influent concentration is less than 200 mg/L. For instances when this occurs, the facility shall report "NODI-9" on the monthly Discharge Monitoring Report.

SPECIAL CONDITIONS

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

Footnotes (cont'd)

2. ***E. coli* bacteria limits and monitoring requirements** – *E. coli* bacteria limits and monitoring requirements are seasonal and apply between May 15th and September 30th of each year. The Department reserves the right to require bacteria limits to be in effect on a year-round basis to protect the health and welfare of the public.
3. **Geometric mean** – The monthly average *E. coli* limitation is a geometric mean and shall be calculated and reported as such.
4. **Total residual chlorine limits and monitoring requirements** – Limitations and monitoring requirements are applicable whenever elemental chlorine or chlorine based compounds are being used to disinfect the discharge. For instances when a facility has not disinfected with chlorine based compounds for an entire reporting period, the facility shall report "NODI-9" for this parameter on the monthly DMR. The permittee shall utilize approved test methods that are capable of bracketing the limitations in this permit.
5. **pH** - The pH value of the effluent shall not be lower than 6.0 SU nor higher than 9.0 SU at any time unless due to natural causes.
6. **Mercury** – All mercury sampling (1/Year) required to determine compliance with interim limitations established pursuant to *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001) shall be conducted in accordance with EPA's "clean sampling techniques" found in EPA Method 1669, Sampling Ambient Water For Trace Metals At EPA Water Quality Criteria Levels. All mercury analyses shall be conducted in accordance with EPA Method 1631E, Determination of Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Fluorescence Spectrometry. See **Attachment B, Effluent Mercury Test Report**, of this permit for the Department's form for reporting mercury test results.

The limitation in the monthly average column in table Special Condition A of this permit is defined as the arithmetic mean of all the mercury tests ever conducted for the facility utilizing sampling Methods 1669 and analysis Method 1631E.

SPECIAL CONDITIONS

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 for 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 for 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 for 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 III** certificate (or higher) or must be a Maine Registered Professional Engineer pursuant to *Sewerage Treatment Operators*, Title 32 M.R.S.A., § 4171-4182 and *Regulations for Wastewater Operator Certification*, 06-096 CMR 531 (effective May 8, 2006). All proposed contracts for facility operation by any person must be approved by the Department before the permittee may engage the services of the contract operator.

D. LIMITATIONS FOR INDUSTRIAL USERS

Pollutants introduced into the waste water collection and treatment system by a non-domestic source (user) shall not pass through or interfere with the operation of the treatment system. The licensee shall conduct an Industrial Waste Survey (IWS) at any time a new industrial user proposes to discharge within its jurisdiction, an existing user proposes to make a significant change in its discharge, or, at an alternative minimum, once every permit cycle. The IWS shall identify, in terms of character and volume of pollutants, any Significant Industrial Users discharging into the POTW subject to Pretreatment Standards under section 307(b) of the federal Clean Water Act, 40 CFR Part 403 (general pretreatment regulations) or *Pretreatment Program*, 06-096 CMR 528 (last amended March 17, 2008).

SPECIAL CONDITIONS

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 waste water.
2. Any substantial change in the volume or character of pollutants being introduced by individual users into the wastewater collection and treatment system.
3. For the purposes of this section, adequate notice shall include information on:
 - (a) the quality and quantity of wastewater introduced to the wastewater collection and treatment system; and
 - (b) any anticipated impact of the change in the quantity or quality of the wastewater to be discharged from the treatment system.

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 September 18, 2012; 2) the terms and conditions of this permit; and, 3) only from Outfall #001A. Discharges of wastewater from any other point source are not authorized under this permit, and shall be reported in accordance with Standard Condition B(5)(*Bypass*) of this permit.

G. WET WEATHER MANAGEMENT PLAN

The treatment facility staff shall maintain a current written Wet Weather 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 to be adhered to during the events.

The permittee shall review their plan annually and record any necessary changes to keep the plan up-to-date.

SPECIAL CONDITIONS

H. OPERATION AND MAINTENANCE (O&M) PLAN

This facility shall have a current written comprehensive Operation & Maintenance (O&M) Plan. The plan shall provide a systematic approach by which the permittee shall at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit.

By December 31 of each year, or within 90 days of any process changes or minor equipment upgrades, the permittee shall evaluate and modify the O&M Plan including site plan(s) and schematic(s) for the 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 EPA 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.

I. 06-096 CMR 530(2)(D)(4) STATEMENT FOR REDUCED/WAIVED TOXICS TESTING

On or before December 31st of each year of the effective term of this permit [*PCS Code 95799*], the permittee shall provide the Department with statements describing the following:

- a. Changes in the number or types of non-domestic wastes contributed directly or indirectly to the wastewater treatment works that may increase the toxicity of the discharge;
- b. Changes in the operation of the treatment works that may increase the toxicity of the discharge;
and
- c. Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge.

In addition, in the comments section of the certification form, the permittee shall provide the Department with statements describing;

- d. Changes in storm water collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge.
- e. Increases in the type or volume of hauled wastes accepted by the facility.

SPECIAL CONDITIONS

I. 06-096 CMR 530(2)(D)(4) STATEMENT FOR REDUCED/WAIVED TOXICS TESTING

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. See **Attachment B** of the attached Fact Sheet for an acceptable certification form to satisfy this Special Condition.

J. MONITORING AND REPORTING

Monitoring results obtained during the previous month shall be summarized for each month and reported on separate Discharge Monitoring Report (DMR) forms provided by the Department and postmarked on or before the thirteenth (13th) day of the month or hand-delivered to a Department Regional Office such that the DMR's are received by the Department on or before the fifteenth (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 to the Department assigned compliance inspector (unless otherwise specified) at the following address:

Department of Environmental Protection
Bureau of Land and Water Quality
Eastern Maine Regional Office
106 Hogan Road
Bangor, Maine 04401

Alternatively, if 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.

SPECIAL CONDITIONS

K. 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 any time, and with notice to the permittee, modify this permit to: (1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded; (2) require additional effluent or ambient water quality monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information including, but not limited to, new information from ambient water quality studies of the receiving waters.

L. SEVERABILITY

In the event that any provision, or part thereof, of this permit is declared to be unlawful by a reviewing court, the remainder of the permit shall remain in full force and effect, and shall be construed and enforced in all aspects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court.

ATTACHMENT A

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

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

Facility Name _____

MEPDES # _____

Facility Representative Signature _____

Pipe #

To the best of my knowledge this information is true, accurate and complete.

Licensed Flow (MGD)

Acute dilution factor

Chronic dilution factor

Human health dilution factor

Criteria type: M(arine) or Fresh)

Flow for Day (MGD) ⁽¹⁾	
-----------------------------------	--

Flow Avg. for Month (MGD) ⁽²⁾Date Sample Collected

--

Date Sample Analyzed

--

Laboratory _____ Telephone _____

Address

Last Revision - April 25, 2012

Lab Contact _____ Lab ID # _____

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

FRESH WATER VERSION

Please see the footnotes on the last page.

Receiving
Water or
Ambient

Effluent
Concentration (ug/L or
as noted)

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

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

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

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

[illegible]

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

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

V	BROMOFORM	5											
V	CARBON TETRACHLORIDE	5											
V	CHLOROBENZENE	6											
V	CHLORODIBROMOMETHANE	3											
V	CHLOROETHANE	5											
V	CHLOROFORM	5											
V	DICHLOROBROMOMETHANE	3											
V	ETHYLBENZENE	10											
V	METHYL BROMIDE (Bromomethane)	5											
V	METHYL CHLORIDE (Chloromethane)	5											
V	METHYLENE CHLORIDE	5											
V	TETRACHLOROETHYLENE (Perchloroethylene or Tetrachloroethene)	5											
V	TOLUENE	5											
V	TRICHLOROETHYLENE (Trichloroethene)	3											
V	VINYL CHLORIDE	5											

Notes:

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

Comments:

ATTACHMENT B

Effluent Mercury Test Report

Name of Facility: _____

Federal Permit # ME _____

Pipe # _____

Purpose of this test:

☐

Initial limit determination

☐

Compliance monitoring for: year _____ calendar quarter _____

☐

Supplemental or extra test

SAMPLE COLLECTION INFORMATION

Sampling Date:

mm	dd	yy

Sampling time: _____

AM/PM

Sampling Location: _____

Weather Conditions: _____

Please describe any unusual conditions with the influent or at the facility during or preceding the time of sample collection:

Optional test - not required but recommended where possible to allow for the most meaningful evaluation of mercury results:

Suspended Solids _____ mg/L

Sample type: _____

Grab (recommended) or

_____ Composite

ANALYTICAL RESULT FOR EFFLUENT MERCURY

Name of Laboratory: _____

Date of analysis: _____

Result: _____ ng/L (PPT)

Please Enter Effluent Limits for your facility

Effluent Limits:

Average = _____ ng/L

Maximum = _____ ng/L

Please attach any remarks or comments from the laboratory that may have a bearing on the results or their interpretation. If duplicate samples were taken at the same time please report the average.

CERTIFICATION

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

By: _____

Date: _____

Title: _____

PLEASE MAIL THIS FORM TO YOUR ASSIGNED INSPECTOR

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

FACT SHEET

Date: September 26, 2012

MEPDES PERMIT NUMBER: **ME0100706**
MAINE WDL NUMBER: **W002754-6C-H-R**

NAME AND ADDRESS OF APPLICANT:

**VEAZIE SEWER DISTRICT
34 Hobson Avenue
Veazie, Maine 04401**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**VEAZIE SEWER DISTRICT
34 Hobson Avenue
Veazie, Maine 04401**

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

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Travis Day, Superintendent**
(207) 942-1536
tday@veaziesewerdistrict.com

1. APPLICATION/PERMIT SUMMARY

- a. Application: The Veazie Sewer District (District/permittee hereinafter) has submitted a timely and complete application to the Department for the renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100706 / Maine Waste Discharge License (WDL) #W002754-5L-F-R (permit hereinafter), which was issued on November 30, 2007, for a five-year term. The 11/30/07 permit was subsequently revised on January 2, 2008, June 12, 2008, January 3, 2011 and February 6, 2012. The permit and subsequent revisions authorized the discharge of up to a monthly average flow of 0.35 million gallons per day (MGD) of secondary treated sanitary wastewater from a municipal wastewater treatment facility to the Penobscot River, Class B, in Veazie, Maine. See **Attachment A** of this Fact Sheet for a location map.

1. APPLICATION/PERMIT SUMMARY (cont'd)

- b. Source Description: The permittee receives sanitary wastewater flows from approximately 2,000 commercial and residential sources within the Veazie Sewer District's boundaries. The permittee does not receive industrial flows and is not authorized to receive transported wastes. The wastewater collection system is a separated system of approximately ten miles in length, with two pump stations and no combined sewer overflow outfalls.
- c. Wastewater Treatment: The permittee provides a secondary level of treatment of sanitary wastewaters via a complete- and partially mixed 3-pond aerated lagoon system operated in series. The facility consists of a headworks building with grit removal / screening processes, a sampling unit and instrumentation. The first two (2) lagoons in series are lined. Lagoon #1 (2.5 million gallons) has two (2) partitions or baffles to divide the lagoon into three (3) cells. The first cell is a complete-mix cell with both floating and fixed diffusers. Lagoon #1's remaining two cells and lagoon #2 (1.0 million gallons) are partial-mixed with diffused air. Each partition in lagoon #1 has a 3-square foot exit hole for the water to pass through. The exit holes are located near the water surface at opposite ends, thus making the water go through the cell in a serpentine manner to eliminate short-circuiting of wastewater treatment. Lagoon #3 (1.0 million gallons) has a floating cover with two (2) open areas for aspirating aerators. From lagoon #3, the wastewater flows to a chlorine contact tank where it is disinfected with sodium hypochlorite, then discharged to the Penobscot River through Outfall #001A, an 8-inch diameter ductile iron pipe that outlets approximately 300 feet into the river at a depth of approximately 6-feet during mean low water conditions. The end of the discharge pipe is fitted with a two port diffuser.

The permittee indicates that the lagoon system provides 30 days of detention time.

2. PERMIT SUMMARY

- a. Terms and conditions: This permitting action is carrying forward all the terms and conditions of the previous permitting actions.
- b. History: The most recent relevant regulatory actions include the following:

March 31, 1986 – The USEPA issued NPDES permit #ME0100706 with secondary treatment limitations. Being that the construction of the treatment facility was not scheduled for completion until July 1, 1988, the permit authorized the discharge of untreated wastewaters until the treatment facility was constructed and operational.

May 23, 1991 – The USEPA issued a letter to the Veazie SD accepting its application for renewal of NPDES #ME0100706 as complete for processing. Department records contain no evidence of further action on the application by the USEPA.

2. PERMIT SUMMARY (cont'd)

March 29, 1993 – The Department issued WDL #W002754-59-C-R to the permittee for the discharge of up to 0.19 MGD of secondary treated sanitary wastewater to the Penobscot River for a five year term, superseding WDL #W002754-58-B-R issued on October 10, 1989 and all prior actions dating back to the original WDL of April 13, 1983.

February 15, 1995 – The Department issued a letter to the permittee indicating that the discharge from the wastewater treatment facility was exempt from toxics testing specified by *Surface Water Toxics Control Program*, 06-096 CMR 530.5 (effective October 9, 2005).

May 23, 2000 - Pursuant to *Certain deposits and discharges prohibited*, 38 M.R.S.A. §420 and §413 and *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001), the Department modified WDL #W002754-59-C-R, establishing interim effluent limits and monitoring requirements for mercury.

Calendar year 2000 – The permittee completed a \$1.65 million upgrade of its facility and processes.

December 8, 2000 – The Department issued combination WDL #W002754-5L-D-R to the permittee for the discharge of up to 0.2 MGD of secondary treated sanitary wastewater to the Penobscot River, for a five year term.

October 24, 2002 – The Department issued combination WDL #W002754-5L-E-M / MEPDES Permit #ME0100706 to the permittee for the discharge of up to a monthly average of 0.35 MGD of secondary treated sanitary wastewater to the Penobscot River.

April 10, 2006 – The Department issued a Modification of WDL #W002754-5L-E-M / MEPDES Permit #ME0100706 waiving the permittee from requirements to conduct surveillance or screening level toxicity testing pursuant to *Surface Water Toxics Control Program*, 06-096 CMR 530, and *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584.

November 30, 2007 – The Department issued combination WDL #W002754-5L-F-R / MEPDES Permit #ME0100706 for a five-year term.

January 2, 2008 – The Department issued a Minor Revision of WDL #W002754-5L-F-R / MEPDES Permit #ME0100706 revising the requirement that the person who has the management responsibility over the treatment facility must hold a minimum of a Maine Grade III wastewater operator certification.

June 12, 2008 – The Department issued a Minor Revision of WDL #W002754-5L-F-R / MEPDES Permit #ME0100706 to clarify Footnote #1 of page 6, "Percent Removal."

2. PERMIT SUMMARY (cont'd)

January 3, 2011 – The Department issued Permit Modification WDL# W002754-6C-G-M eliminating BOD5 monitoring requirements and limitations and re-establishing Carbonaceous BOD5 monitoring requirements and limitations.

February 6, 2012 – The Department revised WDL #W002754-5L-F-R / MEPDES Permit #ME0100706 to reduce the mercury minimum monitoring frequency requirement from 2/Year to 1/Year based on *Certain deposits and discharges prohibited*, 38 M.R.S.A. §420, sub-§ 1-B(F).

September 18, 2012 – The permittee submitted a timely application for renewal. The Department accepted the application as complete on September 18, 2012 and assigned WDL W002754-6C-H-R.

3. CONDITIONS OF PERMITS

Conditions of Licenses, 38 M.R.S.A. §414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to effluent toxicity, require application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, *Certain Deposits and Discharges Prohibited*, 38 M.R.S.A. §420 and *Surface Water Toxics Control Program*, 06-096 CMR 530 (effective October 9, 2005), require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective October 9, 2005), and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

4. RECEIVING WATER QUALITY STANDARDS

Classification of Major River Basins, 38 M.R.S.A. Section 467(7)(A)(5), indicates the Penobscot River main stem, from the Maine Central Railroad bridge in Bangor to a line extended in an east-west direction from the confluence of Reeds Brook in Hampden, is classified as a Class B waterway. The Legislature finds that the free-flowing habitat of this river segment provides irreplaceable social and economic benefits and that this use must be maintained. classifies the Penobscot River at the point of discharge as a Class B waterway. *Standards for Classification of Fresh Surface Waters*, 38 M.R.S.A., Section 465(3) describes standards for classification of Class B waters as follows:

Class B waters must be of such quality that they are suitable for the designated uses of drinking water supply after treatment; fishing; agriculture; recreation in and on the water; industrial process and cooling water supply; hydroelectric power generation, except as prohibited under Title 12, section 403; navigation; and as habitat for fish and other aquatic life. The habitat must be characterized as unimpaired.

4. RECEIVING WATER QUALITY STANDARDS (cont'd)

The dissolved oxygen content of Class B waters may not be less than 7 parts per million or 75% of saturation, whichever is higher, except that for the period from October 1st to May 14th, in order to ensure spawning and egg incubation of indigenous fish species, the 7-day mean dissolved oxygen concentration may not be less than 9.5 parts per million and the 1-day minimum dissolved oxygen concentration may not be less than 8.0 parts per million in identified fish spawning areas. Between May 15th and September 30th, the number of Escherichia coli bacteria of human and domestic animal origin in these waters may not exceed a geometric mean of 64 per 100 milliliters or an instantaneous level of 236 per 100 milliliters. In determining human and domestic animal origin, the department shall assess licensed and unlicensed sources using available diagnostic procedures.

Discharges to Class B waters may not cause adverse impact to aquatic life in that the receiving waters must be of sufficient quality to support all aquatic species indigenous to the receiving water without detrimental changes in the resident biological community.

5. RECEIVING WATER QUALITY CONDITIONS

In the summers of 1997, 2001 and 2007, the Department conducted ambient water quality sampling on a 103-mile segment of the Penobscot River from Millinocket to Bucksport. Reports entitled, *Penobscot River Modeling Report, Final, June 2000*, *Penobscot River Data Report May 2002*, and *Penobscot River Modeling Report Draft, March 2003*, prepared by the Department, indicate there are sections of non-attainment of dissolved oxygen standards as a result of algal blooms in portions of the Class B sections of the rivers. These sections of river have experienced measured DO non-attainment at various locations during periods of low flow and high water temperature. Measured DO non-attainment is predominantly in the early morning hours in sections of river with significant diurnal dissolved oxygen (DO) swings. These significant diurnal DO swings are caused by nutrient enrichment and resulting plant growth. The Department has issued a report entitled, *Penobscot River Phosphorus Waste Load Allocation, May 2011* stating seasonal mass-based total phosphorus limitations are necessary for the four industrial dischargers on the river as well as monitoring for total phosphorus for five municipal waste water treatment facilities. The permittee is not included in the list of five municipal waste water treatment facilities. The specific eutrophication-related responses that are targeted by the waste load allocation are not expected to persist into the tidally influenced portion of the Penobscot River. However, water quality improvements associated with the waste load allocation are expected to extend into the tidally influenced section of the river. The effectiveness of the nutrient load reductions will be assessed through routine ambient monitoring for total phosphorous, dissolved oxygen and biochemical oxygen demand.

5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

Further, a document entitled, *2010 Integrated Water Quality Monitoring and Assessment Report* (also known as the “305B Report”) prepared by the Department pursuant to Section 305(b) of the Federal Water Pollution Control Act, lists a variable mileage segment of the Penobscot River at Orono (Assessment Unit ID# ME0102000509_233R_02) in a table entitled, *Category 4-A, Rivers and Streams With Impaired Use Other Than Mercury, TMDL Completed*. In September of 2009, EPA approved a Statewide Maine Bacteria Total Maximum Daily Load that resulted in the removal of 34 bacteria-impaired segments from Categories 5-B-1 and 5-B-2 to Category 4-A. The TMDL addresses bacteria impairments caused by *Escherichia coli* in freshwaters.

All freshwaters are listed in Category 4A (TMDL Completed) due to US EPA approval of a Regional Mercury TMDL. Maine has a fish consumption advisory for fish taken from all freshwaters due to mercury. Many waters, and many fish from any given water, do not exceed the action level for mercury. However, because it is impossible for someone consuming a fish to know whether the mercury level exceeds the action level, the Maine Department of Human Services decided to establish a statewide advisory for all freshwater fish that recommends limits on consumption. Maine has already instituted statewide programs for removal and reduction of mercury sources.

If ambient water quality monitoring or future modeling determines that at full permitted discharge limits the permittee's discharge is causing or contributing to the non-attainment of standards, this permit will be re-opened per Special Condition K, *Reopening of Permit For Modifications*, to impose more stringent limitations to meet water quality standards.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

- a. Flow: This permitting is carrying forward the monthly average flow limitation of 0.35 MGD and a daily maximum “report” only requirement from the previous permitting action.

A review of the DMR data for the period June 1, 2009 – June 1, 2012 indicates the following:

Flow					
Value	Limit (MGD)	Range (MGD)	Average (MGD)	Number of DMRs	Compliance
Monthly Average	0.35	0.12 – 0.43	0.22	35	94%
Daily Maximum	Report	0.46 – 0.84	0.43	35	N/A

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

- b. Dilution Factors: The Department has made the determination that the dilution factors associated with the discharge shall be calculated in accordance with freshwater protocols established in 06-096 CMR 530. With a permit flow limit of 0.35 MGD and the 7Q10 and 1Q10 low flow values for the Penobscot River, the dilution factors are calculated as follows:

$$\text{Acute } \frac{1}{4} \text{ of 1Q10} = 717.8 \text{ cfs} \Rightarrow \frac{(717.8 \text{ cfs})(0.6464) + 0.35 \text{ MGD}}{0.35 \text{ MGD}} = 1,327:1$$

$$\text{Acute: 1Q10} = 2,871.0 \text{ cfs} \Rightarrow \frac{(2,871.0 \text{ cfs})(0.6464) + 0.35 \text{ MGD}}{0.35 \text{ MGD}} = 5,303:1$$

$$\text{Chronic: 7Q10} = 3,183.0 \text{ cfs} \Rightarrow \frac{(3,183.0 \text{ cfs})(0.6464) + 0.35 \text{ MGD}}{0.35 \text{ MGD}} = 5,880:1$$

$$\text{Harmonic Mean} = 8,810 \text{ cfs} \Rightarrow \frac{(8,810 \text{ cfs})(0.6464) + 0.35 \text{ MGD}}{0.35 \text{ MGD}} = 16,272:1$$

06-096 CMR 530 § B(1) states that analyses using numeric acute criteria for aquatic life must be based on $\frac{1}{4}$ of the 1Q10 stream design flow to prevent substantial acute toxicity within any mixing zone. The regulation goes on to say that where it can be demonstrated that a discharge achieves rapid and complete mixing with the receiving water by way of an efficient diffuser or other effective method, analyses may use a greater proportion of the stream design, up to including all of it. The permittee's outfall is reported to have a two port diffuser structure, however the Department's records indicate that the likelihood of rapid and complete mixing of effluent with the receiving water has not been determined. Therefore, the Department is utilizing the default stream flow of $\frac{1}{4}$ of the 1Q10 pursuant to 06-096 CMR 530 in acute evaluations.

- c. Carbonaceous Biochemical Oxygen Demand (CBOD₅) and Total Suspended Solids (TSS): This permitting action is carrying forward the CBOD₅ monitoring requirements and effluent limitations re-established in the permit modification dated January 3, 2011. This permitting action is carrying forward the TSS monitoring requirements and effluent limitations from the previous permitting action.

The following technology based CBOD₅ concentration limits in the 1/03/11 permit modification are being carried forward in this permitting action:

	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>
CBOD ₅	25 mg/L	40 mg/L	45 mg/L

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

The following technology based TSS concentration limits from the previous permitting action are being carried forward in this permitting action:

	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>
TSS	30 mg/L	45 mg/L	50 mg/L

As for mass limitations, technology based mass limitations are calculated utilizing the aforementioned technology based concentration limits and a permitted flow of 0.35 MGD. The mass limits are calculated as follows;

CBOD₅, Monthly average: $(0.35 \text{ MGD})(8.34 \text{ lbs/gallon})(25 \text{ mg/L}) = 73 \text{ lbs/day}$
 CBOD₅, Weekly average: $(0.35 \text{ MGD})(8.34 \text{ lbs/gallon})(40 \text{ mg/L}) = 117 \text{ lbs/day}$
 CBOD₅, Daily maximum: $(0.35 \text{ MGD})(8.34 \text{ lbs/gallon})(45 \text{ mg/L}) = 131 \text{ lbs/day}$

TSS, Monthly average: $(0.35 \text{ MGD})(8.34 \text{ lbs/gallon})(30 \text{ mg/L}) = 88 \text{ lbs/day}$
 TSS, Weekly average: $(0.35 \text{ MGD})(8.34 \text{ lbs/gallon})(45 \text{ mg/L}) = 131 \text{ lbs/day}$
 TSS, Daily maximum: $(0.35 \text{ MGD})(8.34 \text{ lbs/gallon})(50 \text{ mg/L}) = 146 \text{ lbs/day}$

A review of the DMR data for the period June 1, 2009 – June 1, 2012 indicates the following:

CBOD₅ Mass

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)	Number of DMRs	Compliance
Monthly Average	73	8 – 59	19	15	100%
Weekly Average	117	9 – 166	32	15	93%
Daily Maximum	131	9 – 166	32	15	93%

CBOD₅ Concentration

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance
Monthly Average	25	6 – 18	10	15	100%
Weekly Average	40	7 – 24	13	15	100%
Daily Maximum	45	7 – 24	13	15	100%

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

TSS Mass

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)	Number of DMRs	Compliance
Monthly Average	88	13 – 77	34	35	100%
Weekly Average	131	18 – 222	57	35	94%
Daily Maximum	146	18 – 222	57	35	94%

TSS Concentration

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)	Number of DMRs	Compliance
Monthly Average	30	7 – 42	19	35	97%
Weekly Average	45	8 – 56	24	35	97%
Daily Maximum	50	8 – 56	24	35	97%

This permitting action also carries forward the minimum technology-based “equivalent to secondary treatment” limitation of 65% removal for CBOD5 based on Title 40 CFR Part 133 and the minimum technology-based limitation of 85% removal for TSS pursuant to 06-096 CMR 525 (3)(III)(a&b)(3).

Monitoring frequencies for CBOD5 and TSS of 1/Week are being carried forward from the previous permitting action and are based on Department guidance for facilities with monthly average flows between 0.1 MGD and 0.5 MGD.

- c. Settleable Solids: This permitting action is carrying forward a daily maximum settleable solids concentration limit of 0.3 mL/L and is considered by the Department as a best professional judgment of BPT for secondary treated waste waters. This permitting action is carrying forward the 3/Week monitoring frequency from the previous permitting action.

A review of the DMR data for the period June 1, 2009 – June 1, 2012 (#DMRs = 35) indicates the permittee was in compliance with the daily maximum settleable solids concentration limitation 100% of the time.

- d. Escherichia coli Bacteria (*E. coli*): The previous permitting action contained a seasonal (May 15 – September 30) *E. coli* monthly average (geometric mean) limit of 64 colonies/100 mL and a daily maximum (instantaneous) limit of 427 colonies/100 mL, and a monitoring frequency of 1/week. *Standards for the Classification of Fresh Surface Waters*, 38 M.R.S.A, § 465(2), establishes monthly average and daily maximum ambient water quality based *E. coli* thresholds of 64 colonies/100 mL and 236 colonies/100 mL, respectively, for Class B waters. However, the Department has developed an alternative approach to calculating daily maximum limits that considers the dilution of the receiving water for freshwater dischargers. Based on this approach, the Department has determined that any facility in Class B waters with a dilution of at least 1.1:1 would carry forward their existing end-of-pipe daily maximum *E. coli* limitation of 427 colonies/100mL. This

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

permitting action is carrying forward the monthly average and daily maximum BPT limits of 64 colonies/100 mL and 427 colonies/100 mL, respectively, from the previous permitting action. A 1/Week monitoring requirement is being carried forward in this permitting action and is based on Department guidance for facilities with effluent flows between 0.1 and 0.5 MGD.

A review of the DMR data for the period June 1, 2009 – June 1, 2012 indicates the following:

E. coli bacteria

Value	Limit (#col/100 mL)	Range (#col/100 mL)	Arith. Mean (#col/100 mL)	Number of DMRs	Compliance
Monthly Average	64	8 – 56	20	14	100%
Daily Maximum	427	23 – 605	87	14	93%

- e. Total Residual Chlorine (TRC): Limits on TRC are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. Permits issued by this Department impose the more stringent of the calculated water quality based or BPT based limits. End-of-pipe water quality-based concentration thresholds for TRC may be calculated as follows:

Criterion (mg/L)		Dilution Factors		Calculated Limit (mg/L)	
Acute (A)	Chronic C	Acute	Chronic	Acute	Chronic
0.019	0.011	1,327:1	5,880:1	25.2	64.7

Example calculation: Acute – $0.019 \text{ mg/L} (1,327) = 25.2 \text{ mg/L}$

The Department has established a daily maximum BPT limitation of 1.0 mg/L for facilities that disinfect their effluent with elemental chlorine or chlorine based compounds. Because the water quality threshold for TRC calculated above is greater than the Department's BPT limit, the previously established BPT limit of 1.0 mg/L is being carried forward in this permitting action.

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

A review of the DMR data for the period June 1, 2009 – June 1, 2012 indicates the monthly average and daily maximum TRC concentration values have been reported as follows:

Total Residual Chlorine

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)	Number of DMRs	Compliance
Monthly Average	1.0	0.1 – 0.4	0.2	11	100%

The monitoring frequency of 5/Week in the previous permitting action is being carried forward in this permitting action.

- f. pH: This permitting action is carrying forward a BPT pH range limitation of 6.0 – 9.0 standard units pursuant to 06-096 CMR 525(3)(III)(c) and a minimum monitoring frequency of 3/week. The pH value of the effluent shall not be lower than 6.0 SU nor higher than 9.0 SU at any time unless due to natural causes. A review of the DMR data for the period June 1, 2009 – June 1, 2012 (#DMRs =35) indicates the permittee was in compliance with the daily maximum pH range 97% of the time.
- h. 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 Rules, 06-096 CMR Chapter 530, *Surface Water Toxics Control Program*, and Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants* 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 06-096 CMR 530 is included in this permit in order to fully characterize the effluent. This permit also provides for reconsideration of effluent limits and monitoring schedules after evaluation of toxicity testing results. The monitoring schedule includes consideration of results currently on file, the nature of the wastewater, existing treatment and receiving water characteristics.

WET monitoring is required to assess and protect against impacts upon water quality and designated uses caused by the aggregate effect of the discharge on specific aquatic organisms. Acute and chronic WET tests are performed on invertebrate and vertebrate species. Priority pollutant and analytical chemistry testing is required to assess the levels of individual toxic pollutants in the discharge, comparing each pollutant to acute, chronic, and human health AWQC as established in 06-096 CMR 584.

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

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

Level I – chronic dilution factor of $<20:1$.

Level II – chronic dilution factor of $\geq 20:1$ but $<100:1$.

Level III – chronic dilution factor $\geq 100:1$ but $<500:1$ or $>500:1$ and $Q \geq 1.0$ MGD

Level IV – chronic dilution $>500:1$ and $Q \leq 1.0$ MGD

06-096 CMR 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 criteria, the permittee's facility falls into the Level IV frequency category as the facility has a chronic dilution factor $>500:1$ and an effluent flow limit of ≤ 1.0 MGD. 06-096 CMR 530(2)(D)(1) specifies that routine surveillance and screening level testing requirements are as follows:

Routine Surveillance level testing – Beginning upon issuance of this permit and lasting through 24 months prior to permit expiration and commencing again 12 months prior to permit expiration and lasting through permit expiration (Years 1,2,3 and 5 of the term of the permit).

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

Routine Screening level testing - Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (year 4 of the term of the permit) and every five years thereafter.

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

*These routine testing requirements for Level IV are waived, except that the Department shall require an individual discharger to conduct testing if: (a) the discharger's permit application or information available 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.

Accordingly, on April 10, 2006, the Department issued a Modification of WDL #W-002754-5L-E-M / MEPDES Permit #ME0100706 waiving the permittee from requirements to conduct surveillance or screening level toxicity testing pursuant to 06-096 CMR 530 and 06-096 CMR 584.

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

This permitting action is carrying forward Special Condition I, *06-096 CMR 530 Statement for Reduced/Waived Toxics Testing*, pursuant to 06-096 CMR 530(2)(D)(4). The permittee is required to report annually on any changes in its influent wastewater or its operations that may increase the toxicity of its discharge. If necessary to ensure protection of receiving water quality and attainment of designated uses and standards, the Department may reopen the permit pursuant to Permit Special Condition K, *Reopening of Permit for Modifications*, and require that annual WET, analytical chemistry or priority pollutant testing be instituted if it determines that there have been changes in the character of the discharge or if annual certifications described above are not submitted.

- i Mercury: Pursuant to Maine law, 38 M.R.S.A. §420 and Department rule, 06-096 CMR Chapter 519, *Interim Effluent Limitations and Controls for the Discharge of Mercury*, the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL #W002754-59-C-R by establishing interim monthly average and daily maximum effluent concentration limits of 6.3 parts per trillion (ppt) and 9.4 ppt, respectively, and a minimum monitoring frequency requirement of 2 tests per year for mercury. The interim mercury limits were scheduled to expire on October 1, 2001; however, effective June 15, 2001, the Maine Legislature enacted *Waste discharge licenses*, 38 M.R.S.A. §413, sub-§11, specifying that interim mercury limits and monitoring requirements remain in effect. On September 28, 2011, the Maine Legislature enacted, *Certain deposits and discharges prohibited*, 38 M.R.S.A § 420 sub-§1-B(F), allowing the Department to reduce mercury monitoring frequencies to once per year for facilities that maintain at least five (5) years of mercury testing data. The permittee has met the data requirement, therefore, this permitting action is revising the mercury minimum monitoring frequency from 2/Year to 1/Year. A review of the

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. Department's database for the period June 1, 2009 to June 1, 2012 (#DMRs = 9) indicates mercury test results have ranged from 2.2 ppt to 5.3 ppt with an arithmetic mean of 3.5 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 water body to meet standards for Class B classification.

8. PUBLIC COMMENTS

Public notice of this application was made in the Bangor Daily News newspaper on or about September 8, 2012. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR 522 (effective January 12, 2001).

9. DEPARTMENT CONTACTS

Additional information concerning this permitting action may be obtained from and written comments should be 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 Tel: (207) 287-7693 Fax: (207) 287-3435
e-mail: gregg.wood@maine.gov

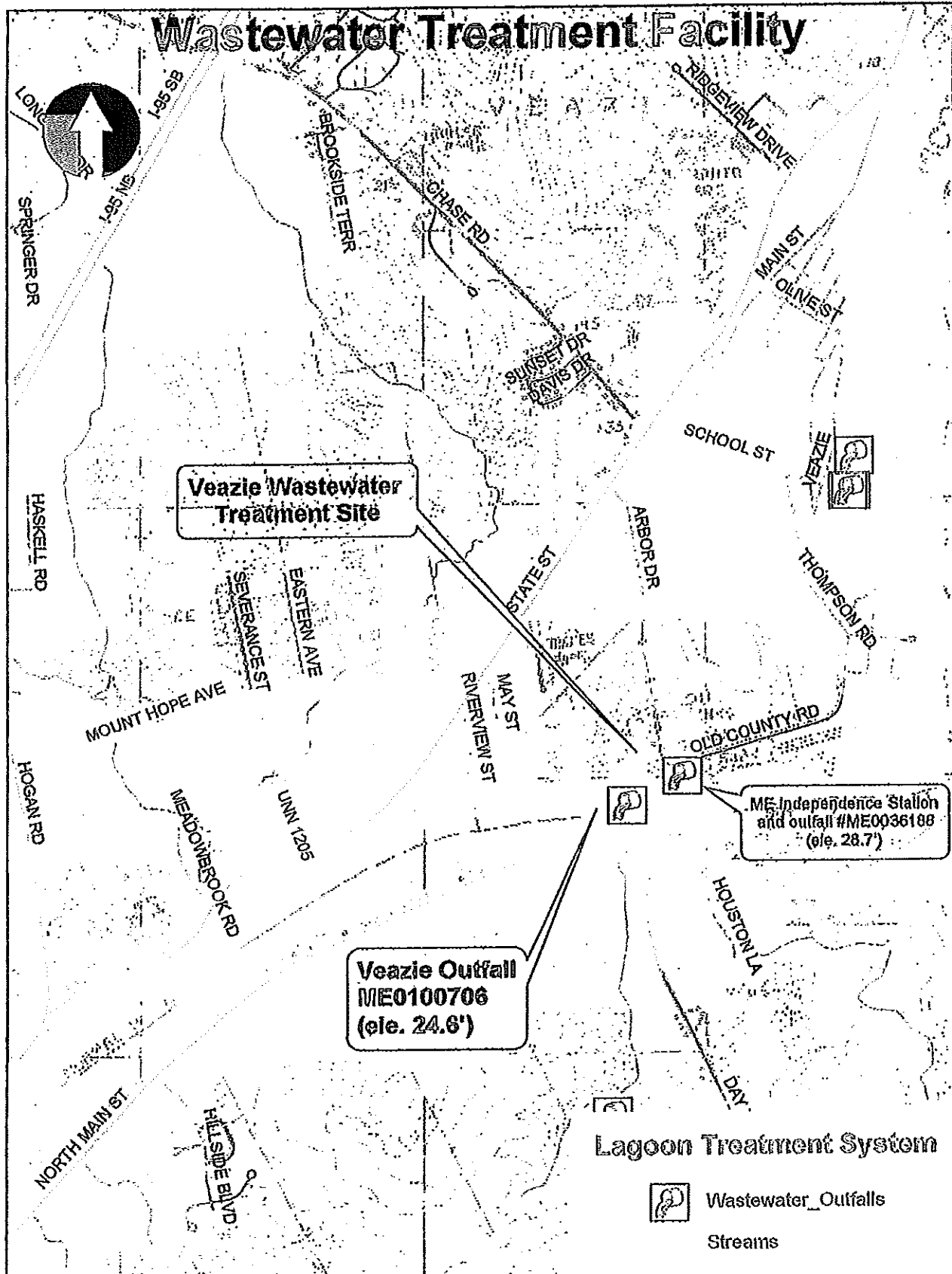
10. RESPONSE TO COMMENTS

During the period September 26, 2012 through the issuance date of the permit the Department solicited comments on the proposed draft permit for the permittee's facility. The Department did not receive comments from the permittee, state or federal agencies or interested parties that resulted in any substantive change(s) in the terms and conditions of the permit. Therefore, the Department has not prepared a Response to Comments.

ATTACHMENT A

Veazie Sewer District

Wastewater Treatment Facility



This Plan Prepared by
Maine DEP September 2002
DS:o: Version 1.0

ATTACHMENT B



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHAPTER 530.2(D)(4) CERTIFICATION

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
Commissioner

MEPDES# _____ Facility Name _____

Since the effective date of your permit, have there been;		NO	YES Describe in comments section
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?	<input type="checkbox"/>	<input type="checkbox"/>
2	Changes in the condition or operations of the facility that may increase the toxicity of the discharge?	<input type="checkbox"/>	<input type="checkbox"/>
3	Changes in storm water collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge?	<input type="checkbox"/>	<input type="checkbox"/>
4	Increases in the type or volume of hauled wastes accepted by the facility?	<input type="checkbox"/>	<input type="checkbox"/>

COMMENTS:

Name (printed): _____

Signature: _____ Date: _____

This document must be signed by the permittee or their legal representative.

This form may be used to meet the requirements of Chapter 530.2(D)(4). This Chapter requires all dischargers having waived or reduced toxic testing to file a statement with the Department describing changes to the waste being contributed to their system as outlined above. As an alternative, the discharger may submit a signed letter containing the same information.

Scheduled Toxicity Testing for the next calendar year

Test Conducted	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
WET Testing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Priority Pollutant Testing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Analytical Chemistry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other toxic parameters ¹	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please place an "X" in each of the boxes that apply to when you will be conducting any one of the three test types during the next calendar year.

¹ This only applies to parameters where testing is required at a rate less frequently than quarterly.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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A. GENERAL PROVISIONS

1. General compliance. All discharges shall be consistent with the terms and conditions of this permit; any changes in production capacity or process modifications which result in changes in the quantity or the characteristics of the discharge must be authorized by an additional license or by modifications of this permit; it shall be a violation of the terms and conditions of this permit to discharge any pollutant not identified and authorized herein or to discharge in excess of the rates or quantities authorized herein or to violate any other conditions of this permit.

2. Other materials. Other materials ordinarily produced or used in the operation of this facility, which have been specifically identified in the application, may be discharged at the maximum frequency and maximum level identified in the application, provided:

(a) They are not

- (i) Designated as toxic or hazardous under the provisions of Sections 307 and 311, respectively, of the Federal Water Pollution Control Act; Title 38, Section 420, Maine Revised Statutes; or other applicable State Law; or
- (ii) Known to be hazardous or toxic by the licensee.

(b) The discharge of such materials will not violate applicable water quality standards.

3. Duty to comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of State law and the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

- (a) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act, and 38 MRSA, §420 or Chapter 530.5 for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- (b) Any person who violates any provision of the laws administered by the Department, including without limitation, a violation of the terms of any order, rule license, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

4. Duty to provide information. The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

5. Permit actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

6. Reopener clause. The Department reserves the right to make appropriate revisions to this permit in order to establish any appropriate effluent limitations, schedule of compliance or other provisions which may be authorized under 38 MRSA, §414-A(5).

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7. **Oil and hazardous substances.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject under section 311 of the Federal Clean Water Act; section 106 of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; or 38 MRSA §§ 1301, et. seq.

8. **Property rights.** This permit does not convey any property rights of any sort, or any exclusive privilege.

9. **Confidentiality of records.** 38 MRSA §414(6) reads as follows. "Any records, reports or information obtained under this subchapter is available to the public, except that upon a showing satisfactory to the department by any person that any records, reports or information, or particular part or any record, report or information, other than the names and addresses of applicants, license applications, licenses, and effluent data, to which the department has access under this subchapter would, if made public, divulge methods or processes that are entitled to protection as trade secrets, these records, reports or information must be confidential and not available for public inspection or examination. Any records, reports or information may be disclosed to employees or authorized representatives of the State or the United States concerned with carrying out this subchapter or any applicable federal law, and to any party to a hearing held under this section on terms the commissioner may prescribe in order to protect these confidential records, reports and information, as long as this disclosure is material and relevant to any issue under consideration by the department."

10. **Duty to reapply.** If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

11. **Other laws.** The issuance of this permit does not authorize any injury to persons or property or invasion of other property rights, nor does it relieve the permittee of its obligation to comply with other applicable Federal, State or local laws and regulations.

12. **Inspection and entry.** The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the EPA Administrator), upon presentation of credentials and other documents as may be required by law, to:

- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

B. OPERATION AND MAINTENANCE OF FACILITIES

1. General facility requirements.

- (a) The permittee shall collect all waste flows designated by the Department as requiring treatment and discharge them into an approved waste treatment facility in such a manner as to

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

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maximize removal of pollutants unless authorization to the contrary is obtained from the Department.

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

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

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

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

5. Bypasses.

(a) Definitions.

- (i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
- (ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

- (b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c) and (d) of this section.

(c) Notice.

- (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

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- (ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph D(1)(f), below. (24-hour notice).
- (d) Prohibition of bypass.
 - (i) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:
 - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (C) The permittee submitted notices as required under paragraph (c) of this section.
 - (ii) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph (d)(i) of this section.

6. Upsets.

- (a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- (c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (i) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (ii) The permitted facility was at the time being properly operated; and
 - (iii) The permittee submitted notice of the upset as required in paragraph D(1)(f) , below. (24 hour notice).
 - (iv) The permittee complied with any remedial measures required under paragraph B(4).
- (d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

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C. MONITORING AND RECORDS

1. General Requirements. This permit shall be subject to such monitoring requirements as may be reasonably required by the Department including the installation, use and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). The permittee shall provide the Department with periodic reports on the proper Department reporting form of monitoring results obtained pursuant to the monitoring requirements contained herein.

2. Representative sampling. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. If effluent limitations are based wholly or partially on quantities of a product processed, the permittee shall ensure samples are representative of times when production is taking place. Where discharge monitoring is required when production is less than 50%, the resulting data shall be reported as a daily measurement but not included in computation of averages, unless specifically authorized by the Department.

3. Monitoring and records.

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (b) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.
- (c) Records of monitoring information shall include:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The individual(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
- (d) Monitoring results must be conducted according to test procedures approved under 40 CFR part 136, unless other test procedures have been specified in the permit.
- (e) State law provides that any person who tampers with or renders inaccurate any monitoring devices or method required by any provision of law, or any order, rule license, permit approval or decision is subject to the penalties set forth in 38 MRSA, §349.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

D. REPORTING REQUIREMENTS

1. Reporting requirements.

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

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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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

Discharge Monitoring Report ("DMR") means the EPA uniform national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees. DMRs must be used by approved States as well as by EPA. EPA will supply DMRs to any approved State upon request. The EPA national forms may be modified to substitute the State Agency name, address, logo, and other similar information, as appropriate, in place of EPA's.

Flow weighted composite sample means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

Grab sample means an individual sample collected in a period of less than 15 minutes.

Interference means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Maximum daily discharge limitation means the highest allowable daily discharge.

New source means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

- (a) After promulgation of standards of performance under section 306 of CWA which are applicable to such source, or
- (b) After proposal of standards of performance in accordance with section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.

Pass through means a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Permit means an authorization, license, or equivalent control document issued by EPA or an approved State to implement the requirements of 40 CFR parts 122, 123 and 124. Permit includes an NPDES general permit (Chapter 529). Permit does not include any permit which has not yet been the subject of final agency action, such as a draft permit or a proposed permit.

Person means an individual, firm, corporation, municipality, quasi-municipal corporation, state agency, federal agency or other legal entity.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

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

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

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

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



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012

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. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board 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 the Board's 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 a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of 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

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of 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 on the appeal 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, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that 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 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.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, 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.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder 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 receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the 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 or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P. 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

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.
