



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

Avery T. Day
ACTING COMMISSIONER

December 16, 2015

Mr. Patrick Cloutier
Director
South Portland Water Pollution Control Facility
PO Box 9422
South Portland, ME 04116-9422
e-mail: pcloutier@sportland.org

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100633
Maine Waste Discharge License (WDL) Application #W001370-5M-L-M
Minor Revision

Dear Mr. Cloutier:

Enclosed please find a copy of your **final** MEPDES permit and Maine WDL **minor revision** which was approved by the Department of Environmental Protection. Please read this permit/license minor revision 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 Water Quality

Enc.

cc: Stuart Rose, DEP/SMRO
Sandy Mojica, USEPA

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

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

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
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PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04679
(207) 764-0477 FAX: (207) 760-3143



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

DEPARTMENT ORDER

IN THE MATTER OF

CITY OF SOUTH PORTLAND)	MAINE POLLUTANT DISCHARGE
SOUTH PORTLAND, CUMBERLAND COUNTY)		ELIMINATION SYSTEM PERMIT
MAINE)	AND
PUBLICLY OWNED TREATMENT WORKS)	
ME0100633)	WASTE DISCHARGE LICENSE
W001370-5M-L-M APPROVAL)	MINOR REVISION

In compliance with the applicable provisions of *Pollution Control*, 38 M.R.S.A. §§ 411 – 424-B, *Water Classification Program*, 38 M.R.S.A. §§ 464 – 470 and *Federal Water Pollution Control Act*, Title 33 U.S.C. § 1251, the Department of Environmental Protection (Department) has received a request by the CITY OF SOUTH PORTLAND to modify MEPDES #ME0100633/WDL W001370-5M-I-R (permit hereinafter) issued to the CITY OF SOUTH PORTLAND (City/permittee hereinafter) on July 15, 2009, for a five-year term. With its supportive data, agency review comments, and other related materials on file, the Department FINDS THE FOLLOWING FACTS:

MINOR REVISION SUMMARY

The City of South Portland has entered into an agreement with the Department to comply with the 2014 Clean Water State Revolving Fund (CWSRF) Requirements as it pertains to the Affordability Principal Forgiveness for the Thorton Heights Phase 2 & 3 Sewer Separation project. The date of the loan closing was August 31, 2015.

1. This minor revision is establishing a Special Condition requiring the permittee to prepare an Asset Management Plan (AMP) in accordance with Department guidance entitled, *Maine Department of Environmental Protection, Clean Water State Revolving Fund (CWSRF) Guidance for Minimum Requirements for an Asset Management Program and Reserve Account In Order to Qualify for CWSRF Principal Forgiveness*, DEPLW1190C-2014.
2. This minor revision is establishing a Special Condition requiring the permittee to fund a Repair and Replacement Reserve Account in the amount recommended in the permittee's AMP or at a minimum of 2% of the permittee's total yearly waste water operation and maintenance budget.

CONCLUSIONS

Based on the findings on page 1 of this minor revision, 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, *Classification of Maine waters*, 38 M.R.S.A. § 464(4)(F), will be met, in that:
 - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding 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 water quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharges (including the 6 CSO's) will be subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S.A. § 414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the request by the CITY OF SOUTH PORTLAND, to incorporate Special Conditions regarding compliance with the 2014 CWSRF Requirements. The discharges shall be subject to the attached conditions and all applicable standards and regulations including:

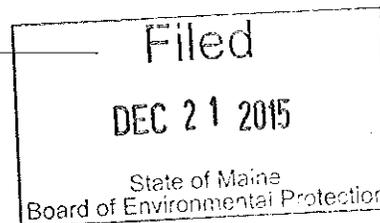
1. "Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits," revised July 1, 2002, copy attached to MEPDES permit #ME0100633/WDL #W001370-5M-L-M, issued by the Department on July 15, 2009.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. All terms and conditions of MEPDES permit#ME0100633/WDL #W001370-5M-I-R, issued by the Department on July 15, 2009, and any subsequent modifications thereof, not modified by this permitting action remain in effect and enforceable.
4. This minor revision becomes effective upon signature. On May 5, 2014, the permittee submitted a timely and complete application to the Department for the renewal of the July 15, 2009, permit. Because the renewal application was timely submitted and accepted as complete for processing prior to the expiration of this permit, the terms and conditions of the July 15, 2009, permit and all subsequent 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 18th DAY OF December 2015.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kulus
Avery T. Day, Acting Commissioner



Date of initial receipt of application: December 14, 2015

Date of application acceptance: December 15, 2015

Date filed with Board of Environmental Protection _____

This Order prepared by Gregg Wood, BUREAU OF WATER QUALITY

SPECIAL CONDITION

N. ASSET MANAGEMENT PROGRAM (AMP)

On or before August 31, 2016, the permittee must prepare a written AMP in accordance with Department guidance entitled, *Maine Department of Environmental Protection, Clean Water State Revolving Fund (CWSRF) Guidance for Minimum Requirements for an Asset Management Program and Reserve Account In Order to Qualify for CWSRF Principal Forgiveness*, DEPLW1190C-2014. **The AMP shall be reviewed and updated as necessary at least annually.** The AMP must be kept on-site at the permittee's office and made available to Department staff for review during normal business hours.

On or before October 1, 2016 (ICIS Code 75305) the permittee shall submit a certification to the Department indicating a CWSRF AMP has been implemented in accordance with the Department guidance document DEPLW1190C-2014. See **Attachment A** of this minor revision for a copy of the certification form.

O. REPAIR AND REPLACEMENT RESERVE ACCOUNT

Beginning October 1, 2016, and every year thereafter through October 1, 2021, the permittee shall fund a Repair and Replacement Reserve Account in the amount recommended in the permittee's AMP or at a minimum of 2% of the permittee's total yearly waste water operation and maintenance budget.

On or before October 1, 2016, and every year thereafter through October 1, 2021 (ICIS Code 75305) the permittee shall submit a certification to the Department indicating a Repair and Replacement Reserve Account has been fully funded as required above. See **Attachment B** of this minor revision for a copy of the certification form. The permittee shall attach copies of yearly audit reports to the annual certification forms showing funds in the reserve account for each year for the five years and, if funds were expended, what the funds were used for.

ATTACHMENT A

**CLEAN WATER STATE REVOLVING FUND
ASSET MANAGEMENT PROGRAM
CERTIFICATION**

I _____ representing the _____
(print name of cognizant official) (print name of permittee)

hereby certify that as of _____ a Clean Water State Revolving
(date)

Fund (CWSRF) Asset Management Program has been prepared and implemented in accordance with Department Guidance entitled, Maine Department of Environmental Protection, Clean Water State Revolving Fund (CWSRF) Guidance for Minimum Requirements for an Asset Management Program and Reserve Account In Order to Qualify for CWSRF Principal Forgiveness, DEPLW1190C-2014.

Signature _____

Date _____

ATTACHMENT B

CLEAN WATER STATE REVOLVING FUND

**REPAIR AND REPLACEMENT RESERVE ACCOUNT
CERTIFICATION**

I _____ representing the _____
(print name of cognizant official) (print name of permittee)

hereby certify to the Maine Department of Environmental Protection that as of _____
(date)

a *Clean Water State Revolving Fund (CWSRF) Repair and Replacement Reserve Account* has been established and is fully funded in accordance with Department Guidance entitled, *Maine Department of Environmental Protection, Clean Water State Revolving Fund (CWSRF) Guidance for Minimum Requirements for an Asset Management Program and Reserve Account In Order to Qualify for CWSRF Principal Forgiveness*, DEPLW1190C-2014; and

That our total yearly wastewater operation and maintenance budget for the previous year was \$ _____; and

That the amount recommended in our asset management plan, or as a minimum, 2% of our total yearly wastewater operation and maintenance budget was \$ _____; and

That \$ _____ was deposited to the Repair and Replacement Reserve Account last year; and

That \$ _____ was expended from this account last year in accordance with the Department Guidance; and

That the current balance of the Repair and Replacement Reserve Account is \$ _____.

Signature _____

Date _____