



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

AVERY T. DAY
ACTING COMMISSIONER

January 12, 2016

Mr. Steve Young
Town of Frenchville
285 U.S. Route 1
Frenchville, ME 04745
mail@oneworldartisans.com

*Sent via electronic mail
Delivery confirmation requested*

**RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit # ME0101982
Maine Waste Discharge License (WDL) Application # W007676-6B-G-R
Finalized MEPDES Permit**

Dear Steve:

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

Comments in writing should be submitted to my attention at the following address:

Maine Department of Environmental Protection
Bureau of Water Quality
Division of Water Quality Management
17 State House Station
Augusta, ME 04333-0017
Aaron.A.Dumont@maine.gov

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
(207) 822-6300 FAX: (207) 822-6303

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

Sincerely,



Aaron Dumont
Division of Water Quality Management
Bureau of Water Quality

Enclosure

cc: Sean Bernard, DEP/NMRO
Lori Mitchell, DEP/CMRO
Olga Vergara, USEPA
Sandy Mojica, USEPA
Marelyn Vega, USEPA
Carvalho Richard, USEPA



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.



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF FRENCHVILLE)	MAINE POLLUTANT DISCHARGE
FRENCHVILLE, AROOSTOOK COUNTY, MAINE)		ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS)	AND
ME0101982)	WASTE DISCHARGE LICENSE
W007676-6B-G-R)	RENEWAL
APPROVAL		

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 *et seq.*, and applicable rules of the Department of Environmental Protection (Department), the Department has considered the application of the TOWN OF FRENCHVILLE (TOWN), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

On July 27, 2015, the Department accepted as complete for processing an application from the Town for the renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit ME0101982/ Maine Waste Discharge License (WDL) W007676-6B-D-R, which was issued by the Department on August 5, 2010, and expired on August 5, 2015. The permit approved the discharge of a monthly average flow of 0.06 million gallons per day (MGD) of secondary treated wastewater from a municipal wastewater treatment facility to the St. John River, Class B, in Frenchville, Maine.

It is noted that the Department made two permit revisions since issuing the 8/5/10 permit. On February 6, 2012, the permit was modified to reduce mercury monitoring requirements to once per year. On October 4, 2013, the Department issued a minor revision to increase the monthly average flow to 0.084 MGD to accommodate flows from the Town of St. Agatha. The St. Agatha wastewater treatment facility was decommissioned and flows from the town of St. Agatha were conveyed to the Town of Frenchville for secondary treatment.

PERMIT SUMMARY

This permitting action is carrying forward all the terms and conditions of the August 5, 2010, permitting action and subsequent minor revisions except that it is:

1. Eliminating the waiver to achieve 85 percent removal of both biochemical oxygen demand (BOD₅) and total suspended solids (TSS) when the influent strength is less than 200 mg/L;
2. Establishing a requirement to conduct an Industrial Waste Survey (IWS) 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, and submit the results to the Department;

PERMIT SUMMARY (cont'd)

3. Revising the monthly average discharge flow limit from 0.084 to 0.099 MGD based on new information;
4. Revising the mass limitations for BOD₅ and TSS based on the revised discharge flow limit; and
5. Revising the dilution factors based on the revised discharge flow limit.

CONCLUSIONS

Based on the findings summarized in the attached and incorporated Fact Sheet dated January 11, 2016, and subject to the special and standard conditions that follow, 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 waterbody are met or, where the standards of classification of the receiving waterbody are not met, the discharge will not cause or contribute to the failure of the waterbody to meet the standards of classification;
 - d. Where the actual quality of any classified receiving waterbody 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 waterbody, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharges will be subject to effluent limitations that require application of best practicable treatment as defined in *Conditions of licenses*, 38 M.R.S.A. § 414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the application of the TOWN OF FRENCHVILLE to discharge a daily maximum of 0.099 MGD of secondary treated municipal wastewater to the St. John River, Class B, in Frenchville, Maine, SUBJECT TO ALL APPLICABLE STANDARDS AND REGULATIONS AND THE FOLLOWING CONDITIONS:

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 after that date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the terms and conditions of this 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 October 19, 2015)].

DONE AND DATED AT AUGUSTA, MAINE, THIS 11 DAY OF January 2016.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhns
for AVERY T. DAY, Acting Commissioner

Filed
JAN 11 2016
State of Maine Board of Environmental Protection

Date filed with Board of Environmental Protection _____

Date of initial receipt of application July 26, 2015

Date of application acceptance July 27, 2015

This Order prepared by Aaron Dumont, BUREAU OF WATER QUALITY

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- The permittee is authorized to discharge secondary treated sanitary wastewater from **Outfall #001** to the St. John River in Frenchville. Such discharges are limited and must be monitored by the permittee as specified below⁽¹⁾:

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow <i>[50050]</i>	0.099 MGD <i>[03]</i>	---	Report MGD <i>[03]</i>	---	---	---	Continuous <i>[99/99]</i>	Recorder <i>[RC]</i>
Biochemical Oxygen Demand (BOD ₅) <i>[00310]</i>	25 lbs./day <i>[26]</i>	37 lbs./day <i>[26]</i>	41 lbs./day <i>[26]</i>	30 mg/L <i>[19]</i>	45 mg/L <i>[19]</i>	50 mg/L <i>[19]</i>	1/Week <i>[01/07]</i>	Composite <i>[24]</i>
BOD ₅ % Removal ⁽²⁾ <i>[81010]</i>	---	---	---	85% <i>[23]</i>	---	---	1/Month <i>[01/30]</i>	Calculate <i>[CA]</i>
Total Suspended Solids (TSS) <i>[00530]</i>	25 lbs./day <i>[26]</i>	37 lbs./day <i>[26]</i>	41 lbs./day <i>[26]</i>	30 mg/L <i>[19]</i>	45 mg/L <i>[19]</i>	50 mg/L <i>[19]</i>	1/Week <i>[01/07]</i>	Composite <i>[24]</i>
TSS % Removal ⁽²⁾ <i>[81011]</i>	---	---	---	85% <i>[23]</i>	---	---	1/Month <i>[01/30]</i>	Calculate <i>[CA]</i>
<i>E. coli</i> Bacteria ^(3,4) <i>[31633]</i> May 15 – September 30	---	---	---	64col/100 ml ⁽⁵⁾ <i>[13]</i>	---	427 col/100 ml <i>[13]</i>	1/Week <i>[01/07]</i>	Grab <i>[GR]</i>
Total Residual Chlorine ⁽⁵⁾ <i>[50060]</i>	---	---	---	---	---	1.0 mg/L <i>[19]</i>	5/Week <i>[01/07]</i>	Grab <i>[GR]</i>
pH (Std. Unit) <i>[00400]</i>	---	---	---	---	---	6.0 – 9.0 SU <i>[12]</i>	5/Week <i>[05/07]</i>	Grab <i>[GR]</i>
Mercury (Total) ⁽⁶⁾ <i>[71900]</i>	---	---	---	5.0 ng/L <i>[3M]</i>	---	7.4 ng/L <i>[3M]</i>	1/Year <i>[01/YR]</i>	Grab <i>[GR]</i>

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

Footnotes: See Pages 5-6 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

FOOTNOTES

1. **Sampling** – Influent sampling must be conducted at the headworks building influent channel. Effluent sampling must be sampled at the end of the chlorine contact chamber but prior to the discharge pipe. Any change in sampling location must be approved by the Department in writing. The permittee must conduct sampling and analysis in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis must be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services for wastewater. Samples that are sent to a POTW licensed pursuant to *Waste discharge licenses*, 38 M.R.S.A. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (effective April 1, 2010). 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 this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report.
2. **Percent Removal** – The permittee must achieve a minimum of 85 percent removal of both total suspended solids and biochemical oxygen demand for all flows receiving secondary treatment. The percent removal is calculated based on monthly average influent concentrations and the monthly average effluent concentrations.
3. **Bacteria Limits** – *E. coli* bacteria limits and monitoring requirements are seasonal and apply between May 15th and September 30th of each year. In accordance with 38 M.R.S.A. § 414-A(5), the Department may, at any time and with notice to the permittee, modify this permit to establish bacteria limitations on a year-round basis to protect the health and welfare of the public.
4. **Bacteria Reporting** – The monthly average *E. coli* bacteria limitation is a geometric mean limitation and sample results must be reported as such.
5. **TRC Monitoring** – Limitations and monitoring requirements are applicable whenever elemental chlorine or chlorine based compounds are being used to disinfect the discharge. The permittee must utilize approved test methods that are capable of bracketing the limitations in this permit. For instances when a facility has not disinfected with chlorine-based compounds for an entire reporting period, the facility must report "N9" for this parameter on the monthly DMR.
6. **Mercury** – The permittee must conduct all mercury sampling required by this permit to determine compliance with interim limitations established pursuant to 06-096 CMR 519 in accordance with the USEPA's "clean sampling techniques" found in USEPA Method 1669, *Sampling Ambient Water For Trace Metals At EPA Water Quality Criteria Levels*. All mercury analysis must be conducted in accordance with USEPA Method 1631, *Determination of Mercury*

SPECIAL CONDITIONS

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

in Water by Oxidation, Purge and Trap, and Cold Vapor Fluorescence Spectrometry. See **Attachment A** of this permit for the Department reporting form for mercury test results. Compliance with the monthly average limitation established in Special Condition A.1 of this permit will be based on the cumulative arithmetic mean of all mercury tests results that were conducted utilizing sampling Methods 1669 and analysis Method 1631E on file with the Department for this facility.

B. NARRATIVE EFFLUENT LIMITATIONS

1. The permittee must not discharge effluent that contains a visible oil sheen, foam or floating solids at any time which would impair the uses designated for the classification of the receiving waters.
2. The permittee must not discharge effluent that contains materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the uses designated for the classification of the receiving waters.
3. The permittee must not discharge wastewater that causes visible discoloration or turbidity in the receiving waters that causes those waters to be unsuitable for the designated uses and characteristics ascribed to their class.
4. The permittee must not discharge effluent that lowers the quality of any classified body of water below such classification, or lowers 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 management responsibility over the treatment facility must hold a minimum of a **Grade II** certificate (or Registered Maine Professional Engineer) pursuant to *Sewerage Treatment Operators*, 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 wastewater collection and treatment system by a non-domestic source (user) must not pass through or interfere with the operation of the treatment system. The permittee must conduct an Industrial Waste Survey (IWS) 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 and submit the results to the Department. The IWS must 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. AUTHORIZED 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 July 27, 2015; 2) the terms and conditions of this permit; and 3) only from Outfall #001. Discharges of wastewater from any other point source(s) are not authorized under this permit, and must be reported in accordance with Standard Condition D(1)(f), *Twenty-four hour reporting*, of this permit.

F. NOTIFICATION REQUIREMENT

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

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

G. WET WEATHER MANAGEMENT PLAN

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

The plan must conform to Department guidelines for such plans and must include operating procedures for a range of intensities, address solids handling procedures (including septic waste and other high strength wastes if applicable) and provide written operating and maintenance procedures during the events.

SPECIAL CONDITIONS

G. WET WEATHER MANAGEMENT PLAN (cont'd)

The permittee must review their plan at least annually and record any necessary changes to keep the plan up to date. The Department may require review and update of the plan as it is determined to be necessary.

H. OPERATIONS AND MAINTENANCE (O&M) PLAN

The permittee must maintain a current written comprehensive Operation & Maintenance (O&M) Plan for the facility. The plan must provide a systematic approach by which the permittee must 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 must 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 must be kept on-site at all times and made available to Department and USEPA personnel upon request.

Within 90 days of completion of new and or substantial upgrades of the wastewater treatment facility, the permittee must 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

By December 31 of each calendar year, the permittee must provide the Department with a certification describing any of the following that have occurred since the effective date of this permit [ICIS Code 75305]. See Attachment B of the permit for an acceptable certification form to satisfy this Special Condition.

- 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;
- 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 must provide the Department with statements describing;

- d. Changes in stormwater collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge; and
- e. Increases in the type or volume of transported (hailed) wastes accepted by the facility. The Department may require that annual testing be re-instated if it determines that there have been changes in the character of the discharge or if annual certifications described above are not submitted.

SPECIAL CONDITIONS

J. MONITORING AND REPORTING

Monitoring results obtained during the previous month must 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 the Department's Regional Office such that the DMRs 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 must be submitted to the Department assigned inspector (unless otherwise specified by the Department) at the following address:

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

Alternatively, if the permittee submits 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.

K. SEVERABILITY

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

L. REOPENING OF PERMIT FOR MODIFICATION

In accordance with 38 M.R.S.A. § 414-A(5) and 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 monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

ATTACHMENT A

Maine Department of Environmental Protection

Effluent Mercury Test Report

Name of Facility: _____ Federal Permit # ME _____

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

SAMPLE COLLECTION INFORMATION

Sampling Date:	<input type="text"/>	<input type="text"/>	<input type="text"/>	Sampling time:	<input type="text"/>	AM/PM
	mm	dd	yy			
Sampling Location:	_____					
Weather Conditions:	_____					
Please describe any unusual conditions with the influent or at the facility during or preceding the time of sample collection:						

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

Suspended Solids	<input type="text"/>	mg/L	Sample type:	<input type="text"/>	Grab (recommended) or Composite	

ANALYTICAL RESULT FOR EFFLUENT MERCURY

Name of Laboratory:	_____	
Date of analysis:	<input type="text"/>	Result: <input type="text"/> ng/L (PPT)
Please Enter Effluent Limits for your facility		
Effluent Limits:	Average = <input type="text"/> ng/L	Maximum = <input type="text"/> 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

ATTACHMENT B

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHAPTER 530.2(D)(4) CERTIFICATION

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.

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

FACT SHEET

DATE: January 11, 2016

PERMIT NUMBER: ME0101982

WASTE DISCHARGE LICENSE: W007676-6B-G-R

NAME AND ADDRESS OF APPLICANT:

**TOWN OF FRENCHVILLE
285 U.S. ROUTE 1
FRENCHVILLE, MAINE 04745**

COUNTY: AROOSTOOK

NAME AND ADDRESS WHERE DISCHARGE(S) OCCUR(S):

**TOWN OF FRENCHVILLE
386 U.S. ROUTE 1
FRENCHVILLE, MAINE 04745**

RECEIVING WATER CLASSIFICATION: ST. JOHN RIVER/CLASS B

COGNIZANT OFFICIAL CONTACT INFORMATION:

**MR. STEVE YOUNG
207-543-5050
mail@oneworldartisans.com**

1. APPLICATION SUMMARY

On July 27, 2015, the Department of Environmental Protection (Department) accepted as complete for processing an application from the Town of Frenchville (Town) for the renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit ME0101982/ Maine Waste Discharge License (WDL) W007676-6B-D-R, which was issued by the Department on August 5, 2010, and expired on August 5, 2015. The permit approved the discharge of a monthly average flow of 0.084 million gallons per day (MGD) of secondary treated wastewater from a municipal wastewater treatment facility to the St. John River, Class B, in Frenchville, Maine.

It is noted that the Department made two permit revisions since issuing the 8/5/10 permit. On February 6, 2012, the permit was modified to reduce mercury monitoring requirements to once per year. On October 4, 2013, the Department issued a minor revision to increase the monthly average flow to 0.08 MGD to accommodate flows from the Town of St. Agatha. The St. Agatha wastewater treatment facility was decommissioned and flows from the town of St. Agatha were conveyed to the Town of Frenchville for secondary treatment.

2. PERMIT SUMMARY

a. Terms and Conditions:

This permitting action is carrying forward all the terms and conditions and any subsequent modifications of the August 5, 2010 permitting action except that it is:

1. Eliminating the waiver to achieve 85 percent removal of both biochemical oxygen demand (BOD₅) and total suspended solids (TSS) when the influent strength is less than 200 mg/L;
2. Establishing a requirement to conduct an Industrial Waste Survey (IWS) 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, and submit the results to the Department;
3. Revising the monthly average discharge flow limit from 0.084 to 0.099 MGD based on new information;
4. Revising the mass limitations for BOD₅ and TSS based on the revised discharge flow limit; and
5. Revising the dilution factors based on the revised discharge flow limit.

b. History: This section provides a summary of recent/significant licensing and permitting actions and other significant regulatory actions completed for the Town's wastewater treatment facility:

April 12, 1991 – The U.S. Environmental Protection Agency (USEPA) issued National Pollutant Discharge Elimination System (NPDES) permit #ME0101982 with a term of 5 years.

January 2, 1997 – The Department issued a new WDL for the Town's wastewater treatment facility with a license number of W007676-59-A-N with a term of four years.

May 23, 2000 – Pursuant to 38 M.R.S.A. § 420 and *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519, the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL permit W007676-59-A-N by establishing interim monthly average and daily maximum effluent concentration limits of 5.0 parts per trillion (ppt) and 7.4 ppt, respectively, and a minimum monitoring frequency requirement of 2 tests per year for mercury.

December 21, 2000 – The Department issued a renewal of the WDL W007676-59-A-N authorizing the continued discharge of treated wastewater from the Town of Frenchville's Wastewater Treatment Facility.

2. PERMIT SUMMARY (cont'd)

January 12, 2001 – The State of Maine received authorization from the USEPA to administer the NPDES permit program in Maine. From this date forward the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) permit program and ME0101982 remains the primary reference number for the Frenchville facility.

June 17, 2005 – The Department issued WDL/MEPDES Permit W007676- 5L-C-R / ME0101982 for a five-year term.

August 5, 2010 – The Department issued WDL/MEPDES Permit W007676- 6B-D-R / ME0101982 for a five year term.

February 6, 2012 – The Department issued a modification of WDL/MEPDES Permit W007676- 6B-D-R / ME0101982 for a reduction of mercury testing frequency from 2/Year to 1/Year based on *Certain deposits and discharges prohibited*, 38 M.R.S.A. § 420(1)(B)(F).

August 15, 2013 – The Department issued a modification of WDL/MEPDES Permit W007676- 6B-D-R / ME0101982 to increase the permitted flow from 0.06 MGD to 0.084 MGD.

July 26, 2015 – The Town submitted a timely and complete General Application to the Department for renewal of the August 5, 2010 permit (including subsequent minor permit revisions and permit modifications). The application was accepted for processing on July 27, 2015, and was assigned WDL W007676-6B-G-R / ME0101982.

- c. Source Description: The Town's wastewater treatment facility currently receives commercial and residential sanitary wastewater from 175 sewer customers in the Town of Frenchville. There are no significant industrial users or combined sewer overflow points associated with the collection system. The facility is not authorized to receive or treat septage. Septage generated within town limits is disposed of via a land spreading site authorized under a different Department license.

On September 2013, the Town's wastewater treatment facility began receiving additional 0.024 MGD of wastewater flows from residential and commercial entities from the neighboring town of St. Agatha after that town's wastewater treatment facilities were decommissioned. A site location map is included as **Attachment A** of this Fact Sheet.

- d. Wastewater Treatment: Sanitary wastewater generated in the town is conveyed through a pressurized sewer collection system to the treatment plant headworks building. The wastewater is directed to a comminutor for grinding larger sized solids. From the headworks building, wastewater is pumped to a deep aerated primary lagoon with a capacity of 2.1 million gallons (MG). Wastewater is then directed by gravity to an aerated secondary lagoon with a capacity of 2.4 MG. The final effluent is chlorinated and discharges through a single port, 6-inch diameter PVC pipe at a depth of five (5) feet below mean low water in the St. John River. A schematic diagram of the wastewater treatment system is included as **Attachment B** of this Fact Sheet.

2. PERMIT SUMMARY (cont'd)

With the additional flows from St. Agatha, the Town found it necessary to upgrade certain conveyances and treatment components of the treatment facility. According to the August 15, 2013, application, upgrades included a new influent pumping system with new submersible centrifugal chopper pumps, a new inline aerators in Lagoon #1, a new mechanical mixer for disinfection in the existing chlorine contact chamber and a new adjustable weir gate at the effluent end of the chlorine contact chamber for process flow control.

3. CONDITIONS OF PERMIT

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 March 21, 2012) require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (last amended July 29, 2012), and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

4. RECEIVING WATER QUALITY STANDARDS

Classification of major river basins, 38 M.R.S.A. § 467(15)(A)(3) classifies the St. John River at the point of discharge as a Class B water. *Standards for classification of fresh surface waters*, 38 M.R.S.A. § 465(3) establishes classification standards for Class B waters

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2012 Integrated Water Quality Monitoring and Assessment Report, prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the St. John River from the confluence of the Fish River to the international bridge in Madawaska (Assessment Unit ID as ME0101000116_116R) as "Category 2: Rivers and Streams Attaining Some Designated Uses - Insufficient Information for Other Uses."

The Report lists all of Maine's fresh waters as, "Category 4-A: Waters Impaired by Atmospheric Deposition of Mercury." Impairment in this context refers to a statewide fish consumption advisory due to elevated levels of mercury in some fish tissues. The Report states, "All freshwaters are listed in Category 4-A (TMDL Completed) due to USEPA approval of a Regional Mercury TMDL."

5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

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 Health and 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." Pursuant to 38 M.R.S.A. § 420(1-B)(B), "a facility is not in violation of the ambient criteria for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413 subsection 11." The Department has established interim monthly average and daily maximum mercury concentration limits and reporting requirements for this facility pursuant to 06-096 CMR 519.

The Department has no information at this time that the discharge from the Town of Frenchville, as permitted, will cause or contribute to the failure of the receiving water to meet the designated uses of its ascribed classification.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- a. Flow: On August 15, 2015, the Department increased the monthly average flow limitation from 0.064 to 0.084 MGD to accommodate flows from the Town of St. Agatha after the wastewater treatment facility was decommissioned, and flows from St. Agatha was conveyed to the Frenchville Wastewater Treatment facility. The previous permitting actions established an increased monthly average discharge flow limit of 0.084 MGD based on what was understood to be the dry weather design capacity for the treatment facility. In July of 2015, the permittee sent correspondence to the Department indicating the flow established in the August 15, 2013 permit modification was in error. The permittee indicated the designed capacity of the treatment facility is 0.099 MGD. This consensus was reached by the Department's Northern Maine Regional Office, the Towns of Frenchville and St. Agatha and the consulting engineer firm assigned to the project of consolidating the two treatment plants. This permitting action is establishing a new increased monthly average flow limitation 0.099 MGD.

The Department reviewed 59 Discharge Monitoring Reports (DMRs) that were submitted for the period of September 1, 2010 – May 30, 2015. A review of data indicates the following:

Flow (DMR=59)

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	0.099	0.02 – 0.14	0.045
Daily Maximum	Report	0.03 – 0.70	0.126

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

- b. Dilution Factors: The Department established applicable dilution factors for the discharge in accordance with freshwater protocols established in *Surface Water Toxics Control Program*, 06-096 CMR 530 (last amended March 21, 2012). This permitting action is calculating dilution factors associated with the discharge flow limit of 0.099 MGD as follows.

$$\text{Mod. Acute: } \frac{1}{4} \text{ Q10} = 170 \text{ cfs} \Rightarrow \frac{(170 \text{ cfs})(0.6464) + 0.099 \text{ MGD}}{0.099 \text{ MGD}} = 1,111:1$$

$$\text{Acute: } 1\text{Q10} = 683 \text{ cfs} \Rightarrow \frac{(683 \text{ cfs})(0.6464) + 0.099 \text{ MGD}}{0.099 \text{ MGD}} = 4,461:1$$

$$\text{Chronic: } 7\text{Q10} = 696 \text{ cfs} \Rightarrow \frac{(696 \text{ cfs})(0.6464) + 0.099 \text{ MGD}}{0.099 \text{ MGD}} = 4,545:1$$

$$\text{Harmonic Mean} = 3,579 \text{ cfs}^{(1)} \Rightarrow \frac{(3579 \text{ cfs})(0.6464) + 0.099 \text{ MGD}}{0.099 \text{ MGD}} = 23,370:1$$

Footnote:

⁽¹⁾06-096 CMR 530(4)(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. Therefore the default stream flow of 1Q10 is applicable in acute statistical evaluations pursuant to *Surface Water Toxics Control Program*, 06-096 CMR 530.

- c. Biochemical Oxygen Demand (BOD₅) and Total Suspended Solids (TSS): The previous permitting action established, and this permitting action is carrying forward, monthly average and weekly average technology-based effluent limits of 30 mg/L and 45 mg/L, respectively, for BOD₅ and TSS pursuant to the secondary treatment regulation at 40 CFR 133.102 and 06-096 CMR 525(3)(III). The previous permit also established daily maximum technology-based effluent limit of 50 mg/L for both BOD₅ and TSS based on a Department best professional judgment of best practicable treatment for secondary treated wastewater. The daily maximum concentration limits are also being carried forward in this permitting action.

The previous permitting action established technology-based mass limits for BOD₅ and TSS based on a monthly average discharge flow limit of 0.084 MGD. In this permitting action, the Department is revising the mass limits based on the revised flow limit of 0.099 MGD as follows. Anti-backsliding is discussed in Section 7 of this fact sheet.

$$\text{Monthly Average Mass Limit: } (30 \text{ mg/L})(8.34 \text{ lbs./gallon})(0.099 \text{ MGD}) = 25 \text{ lbs./day}$$

$$\text{Weekly Average Mass Limit: } (45 \text{ mg/L})(8.34 \text{ lbs./gallon})(0.099 \text{ MGD}) = 37 \text{ lbs./day}$$

$$\text{Daily Maximum Mass Limit: } (50 \text{ mg/L})(8.34 \text{ lbs./gallon})(0.099 \text{ MGD}) = 41 \text{ lbs./day}$$

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

This permitting action is carrying forward a requirement for a minimum of 85% removal of BOD₅ & TSS pursuant to 06-096 CMR 525(3)(III)(a&b)(3). The permittee has not demonstrated that it qualifies for special considerations pursuant to 06-096 CMR 525(3)(IV) to maintain a waiver from the 85% removal requirement when influent concentration is less than 200 mg/L, which was established in the previous permit. Therefore, this permitting action is eliminating the waiver from the 85% removal requirement provided in the previous permitting action when influent concentration is less than 200 mg/L.

The Department reviewed 59 DMRs that were submitted for the period September 1, 2010 – September 30, 2015, for BOD. A review of data indicates the following:

BOD₅ Mass (DMRs=59)

Value	Limit (lbs./day)	Range (lbs./day)	Mean (lbs./day)
Monthly Average	25	1.8 – 29.0	9.0
Weekly Average	37	2.0 – 50.0	13.0
Daily Maximum	41	2.0 – 50.0	13.0

BOD₅ Concentration (DMRs=59)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	30	8.6 – 39.0	23.0
Weekly Average	45	11.0 – 49.0	31.0
Daily Maximum	50	11.0 – 49.0	30.0

The Department reviewed 59 DMRs that were submitted for the period September 1, 2010 – September 30, 2015, for TSS. A review of data indicates the following:

TSS Mass (DMR=59)

Value	Limit (lbs./day)	Range (lbs./day)	Mean (lbs./day)
Monthly Average	25	1.8 – 15.0	6.0
Weekly Average	37	3.0 – 25.0	9.0
Daily Maximum	41	3.0 – 34.0	11.0

TSS Concentration (DMR=59)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	30	6.8 – 36.0	21.0
Weekly Average	45	8.0 – 58.0	26.0
Daily Maximum	50	8.0 – 58.0	28.0

Minimum monitoring frequency requirements in MEPDES permits are prescribed by 06-096 CMR 523(5)(i). The USEPA has published guidance entitled, *Interim Guidance for Performance Based Reductions of NPDES Permit Monitoring Frequencies* (USEPA Guidance April 1996). In addition, the Department has supplemented the EPA guidance with its own guidance entitled, *Performance Based Reduction of Monitoring Frequencies - Modification of EPA Guidance Released April 1996* (Maine DEP May 22, 2014). Both documents are being utilized to evaluate the compliance history for each parameter regulated by the previous permit to determine if a reduction in the monitoring frequencies is justified.

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

Although EPA's 1996 Guidance recommends evaluation of the most current two-years of effluent data for a parameter, the Department is considering 59 months of data (September 2010 – September, 2015). A review of the monitoring data for BOD & TSS indicates the ratios (expressed in percent) of the long term effluent average to the monthly average limits can be calculated as 43% and 29%, respectively. The previous permitting action established a minimum monitoring frequency requirement of 1/week. According to Table I of the EPA Guidance, a 1/Week monitoring requirement can be reduced to once every two months. However, the Department has determined that a reduction in the minimum monitoring frequency to once every two months for BOD₅ and TSS is not sufficient to assess compliance with the effluent limitations and is therefore carrying forward the monitoring frequency of once per week for BOD₅ and TSS.

- d. *Escherichia coli* Bacteria: The previous permitting action established, and this permitting action is carrying forward, a seasonal (May 15-September 30 of each year) monthly average and daily maximum *E. coli* bacteria concentration limits of 64 colonies/100 ml and 427 colonies/100 ml, respectively. This permitting action is carrying forward the daily maximum (instantaneous level) bacteria limit from 427 colonies/100 ml. During calendar year 2005, Maine's Legislature approved a new daily maximum water quality standard of 236 colonies/100 ml for Class B and Class C waters. The Department has determined that end-of-pipe limitations for the instantaneous concentration standard of 427 colonies/100 mL will be achieved through available dilution of the effluent with the receiving waters and need not be revised in MEPDES permits for facilities with adequate dilution (at least 1.1:1 for facilities in Class B waters).

The Department reviewed 20 DMRs that were submitted for the period September 1, 2010 – September 30, 2014. A review of data indicates the following:

***E. coli* Bacteria**

Value	Limit (col/100 ml)	Range (col/100 ml)	Mean (col/100 ml)
Monthly Average	64	0 – 59	15
Daily Maximum	427	0 – 96	28

Although EPA's 1996 Guidance recommends evaluation of the most current two-years of effluent data for a parameter, the Department is considering 4 years of data (September 2010 – September 2014). A review of the monitoring data for *E. coli* bacteria indicates the ratio (expressed in percent) of the long term effluent average to the monthly average limit can be calculated as 24%. The previous permitting action established a minimum monitoring frequency requirement of 1/Week. According to Table I of the EPA Guidance, a 1/Week monitoring requirement can be reduced to once every two months. However, the Department has determined that a reduction in the minimum monitoring frequency to once every two months for *E. coli* bacteria is not sufficient to assess compliance with the effluent limitations and is therefore carrying forward the monitoring frequency of once per week.

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

- e. **Total Residual Chlorine (TRC):** The previous permitting action established a technology-based daily maximum concentration limit of 1.0 mg/L for TRC. Limitations on TRC are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. Department permitting actions impose the more stringent of either a water quality-based or best practicable treatment-based limit. With modified acute (¼ 1Q10) and chronic dilution factors associated with the discharge water quality-based concentration thresholds the discharge may be calculated as follows:

Acute (A) Criterion	Chronic (C) Criterion	Modified A & C Dilution Factors	Calculated	
			Acute Threshold	Chronic Threshold
0.019 mg/L	0.011 mg/L	1,111:1 (Mod A) 4,545:1 (C)	21 mg/L	50 mg/L

The Department has established a daily maximum best practicable treatment limitation of 1.0 mg/L for facilities that disinfect their effluent with elemental chlorine or chlorine-based compounds. The daily maximum technology-based standard of 1.0 mg/L is more stringent than the modified acute water quality-based threshold calculated above, and is therefore being carried forward in this permitting action. Although bacteria limitations are seasonal and apply between May 15th and September 30th of each year, TRC monitoring must be conducted during any periods that chlorine-based compounds are in use at the facility.

The Department reviewed 30 DMRs that were submitted for the period September 1, 2010 – September 30, 2015. A review of data indicates the following:

Total Residual Chlorine (DMRs=29)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	1.0	0.04 – 0.80	0.25

Although EPA’s 1996 Guidance recommends evaluation of the most current two-years of effluent data for a parameter, the Department is considering 29 months of data (May 2011 – September 2014). A review of the monitoring data for TRC indicates the ratio (expressed in percent) of the long term effluent average to the monthly average limit can be calculated as 20%. The previous permitting action established a minimum monitoring frequency requirement of 5/week.

According to EPA and Department Guidance, a 5/Week monitoring requirement can be reduced to 3/Week. However, the Department has determined that a reduction in the minimum monitoring frequency to three times a week is not sufficient to assess compliance with the effluent limitations and is therefore carrying forward the monitoring frequency of five times per week.

- f. **pH:** The previous permitting action established, and this permitting action is carrying forward, a technology-based pH limit of 6.0 – 9.0 standard units (SU), which is based on 06-096 CMR 25(3)(III)(c), and a minimum monitoring frequency requirement of 5/week. This permitting action is carrying forward the limitation and the minimum monitoring frequency requirement of 5/Week based on Department best professional judgment.

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

The Department reviewed 59 DMRs that were submitted for the period (September 1, 2010 – September 30, 2015). A review of data indicates the following:

pH (DMRs=52)

Value	Limit (SU)	Range (SU)	Maximum (SU)
Range	6.0 – 9.0	6.7 – 7.5	7.9

- g. **Mercury:** Pursuant to *Certain deposits and discharges prohibited*, Maine law, 38 M.R.S.A. § 420 and *Waste Discharge Licenses*, 38 M.R.S.A. § 413 and *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001), the Department issued a Notice of Interim Limits for the Discharge of Mercury to the permittee on May 23, 2000, thereby administratively modifying MEPDES ME0101982/WDL W007713-5L-E-R by establishing interim average and daily maximum effluent concentration limits of 5.0 parts per trillion (ppt) and 7.4 ppt, respectively, and a minimum monitoring frequency requirement of two (2) tests per year for mercury.

38 M.R.S.A. § 420(1-B)(B)(1) provides 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. A review of the Department's data base for the period (June 2009 – April 2013) indicates the permittee has been in compliance with the interim limits for mercury as results have been reported as follows:

Mercury (DMRs=6)

Value	Limit (ng/L)	Range (ng/L)	Mean (ng/L)
Average	5.0	2.44 – 4.38	3.71
Daily Maximum	7.4		

Pursuant to 38 M.R.S.A. § 420(1-B)(F), the Department issued a minor revision on February 6, 2012 to the August 5, 2010 permit thereby revising the minimum monitoring frequency requirement from twice per year to once per year given the permittee has maintained at least 5 years of mercury testing data. The permittee has been monitoring mercury at a frequency of 2/Year since April 1, 2000.

Pursuant to 38 M.R.S.A. § 420(1-B)(F), this permitting action is carrying forward the 1/Year monitoring frequency established in the February 6, 2012 permit modification.

- h. **Total Phosphorus:** *Waste Discharge License Conditions*, 06-096 CMR 523 (effective January 12, 2001) specifies that water quality based limits are necessary when it has been determined that a discharge has a reasonable potential to cause or contribute to an excursion above any State water quality standard including State narrative criteria¹. In addition, 06-096 CMR 523 specifies that water quality based limits may be based upon criterion derived from a proposed State goals, or an explicit State policy or regulation interpreting its narrative water quality criterion, supplemented with other relevant information which may include: EPA's Water Quality Standards Handbook, October 1983, risk assessment data, exposure data, information about the pollutant from the Food and Drug Administration, and current EPA criteria documents².

¹ *Waste Discharge License Conditions*, 06-096 CMR 523(5)(d)(1)(i) (effective date January 12, 2001)

² 06-096 CMR 523(5)(d)(1)(vi)(A)

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

USEPA's Quality Criteria for Water 1986 (Gold Book) puts forth an in-stream phosphorus concentration goal of less than 0.100 mg/L in streams or other flowing waters not discharging directly to lakes or impoundments, to prevent nuisance algal growth. The use of the 0.100 mg/L Gold Book value is consistent with the requirements of 06-096 CMR Chapter 523 noted above for use in a reasonable potential (RP) calculation.

Based on the above rationale, the Department has chosen to utilize the Gold Book value of 0.100 mg/L. It is the Department's intent to continue to make determinations of actual attainment or impairment based upon environmental response indicators from specific waterbodies. The use of the Gold Book value of 0.100 mg/L for use in the RP calculation will enable the Department to establish water quality based limits in a manner that is reasonable and that appropriately establishes the potential for impairment, while providing an opportunity to acquire environmental response indicator data, numeric nutrient indicator data, and facility data as needed to refine the establishment of site specific water quality based limits for phosphorus. This permit may be reopened during the term of the permit to modify any reasonable potential calculations, phosphorus limits, or monitoring requirements based on new site-specific data.

The Town of Frenchville conducted total phosphorus effluent sampling during the summer of 2014. Based upon the most recent test results from the August and September 2014 sampling events, the arithmetic mean concentration discharged for the period is 2.2 mg/L (2,200 ug/L). For the background concentration, the permittee conducted sampling in the St. John River above its discharge during the summer of 2014. The results from the August and September 2014 sampling events indicate the background total phosphorus concentration is 0.0085 mg/L.

Using the following calculation and criteria, the Town does not exhibit a reasonable potential to exceed the EPA's Gold Book ambient water quality goal of 0.100 mg/L (100 µg/L) for phosphorus or the Department's 06-096 CMR 583 draft goal of .030 mg/L.

$$C_r = \frac{Q_e C_e + Q_s C_s}{Q_r}$$

- Q_e = effluent flow i.e. facility design flow = 0.099 MGD
- C_e = effluent pollutant concentration = 2.2 mg/L
- Q_s = 7Q10 flow of receiving water = 450 MGD
- C_s = upstream concentration = 0.0085 mg/L
- Q_r = receiving water flow (Q_s + Q_e) = (450 MGD + 0.099 MGD)=450.1 MGD
- C_r = receiving water concentration

$$C_r = \frac{(0.099 \text{ MGD} \times 2.2 \text{ mg/L}) + (450 \text{ MGD} \times 0.0085 \text{ mg/L})}{450.1 \text{ MGD}} = 0.009 \text{ mg/L}$$

$$C_r = 0.009 \text{ mg/L} < 0.100 \text{ mg/L} \Rightarrow \text{No Reasonable Potential}$$

$$C_r = 0.009 \text{ mg/L} < 0.030 \text{ mg/L} \Rightarrow \text{No Reasonable Potential}$$

The discharge from the Town will not result in a measurable increase in the ambient total phosphorous concentration of the St. John River. **Therefore, no effluent limitations or monitoring requirements are being established in this permitting action.**

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

i. Whole Effluent Toxicity (WET), Priority Pollutant, and Analytical Chemistry Testing:

The previous permitting action did not contain any WET or chemical specific testing requirements as the Frenchville facility was waived from testing pursuant to 06-096 CMR 530. 38 M.R.S.A. § 414-A and § 420, prohibit the discharge of substances in amounts that would cause surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the USEPA. 06-096 CMR 530 sets forth effluent monitoring requirements to establish safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected and narrative and numeric water quality criteria are met. 06-096 CMR 584 sets forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

WET 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 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 Chapter 584.

06-096 CMR 530(2)(B) categorizes dischargers subject to the toxics rule into one of four levels the categories are as follows:

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

06-096 CMR 530 (1)(D) specifies the criteria to be used in determining the minimum monitoring frequency requirements for WET, priority pollutant and analytical chemistry testing. Based on the Chapter 530 criteria, the permittee's facility falls into the Level IV frequency category as the facility has a chronic dilution factor of 4,545:1 and a flow of 0.099 MGD. 06-096 CMR 530(1)(D)(1) specifies that routine screening and surveillance level testing requirements are as follows:

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 if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement, the permittee shall conduct screening level testing as follows:

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

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

Surveillance level testing – Beginning upon permit issuance and lasting through 24 months prior to permit expiration (Years 1, 2 & 3 of the term of the permit) and commencing again 12 months prior to permit expiration (Year 5 of the term of the permit), the permittee shall conduct surveillance level testing as follows:

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

The routine testing requirements for Level IV are waived pursuant to Chapter 530, except that the Department shall require an individual discharger to conduct testing under the following conditions.

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

The Department has no information on file that warrants establishing WET, priority pollutant or analytical chemistry testing.

In accordance with Department rule Chapter 530(2)(D)(4) and Special Condition H of this permit, *06-096 CMR 530(2)(D)(4) Statement For Reduced/Waived Toxics Testing* the permittee must annually submit a written statement to the Department evaluating its current status for each of the conditions listed. See **Attachment B** of the permit for an acceptable certification form to satisfy this Special Condition.

Therefore, this permitting action is carrying forward the toxics testing waiver pursuant to 06-096 CMR 530 and Department best professional judgment.

7. ANTI-BACKSLIDING

Section 402(o) of the Clean Water Act contains prohibitions for anti-backsliding. Generally, anti-backsliding prohibits the issuance of a renewed permit with less stringent limitations than were established in the previous permit. The Clean Water Act contains certain exceptions to anti-backsliding at Section 402(o)(2). In the case of the Frenchville POTW and the limitations for BOD₅ and TSS, the Department has determined that the limitations established in the previous permit would not have been established at the time the previous permit was issued based on the new information¹ that has been obtained since issuance of the 2010 permit and 2013 permit modification.

¹ Discharge flow information that was not available at the time the previous permit was issued.

7. ANTI-BACKSLIDING (cont'd)

Section 402(o)(2)(B)(i) of the Clean Water Act contains an exception to anti-backsliding for information is available which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of a less stringent effluent limitation at the time of permit issuance. Therefore, the Department concludes that the anti-backsliding provisions have been satisfied and adjustment of the BOD₅ and TSS limits to be less stringent than those established in the previous permit is permissible. [It is noted that anti-backsliding prohibitions and exceptions are mirrored in Chapter 523 of the Department's rules and at 40 CFR 122.44(l)(2)(i)(B)(1).]

8. ANTI-DEGRADATION - IMPACT ON RECEIVING WATER QUALITY

Maine's anti-degradation policy is included in 38 M.R.S.A. § 464(4)(F) and addressed in the *Conclusions* section of this permit. Pursuant to the policy, where a new or increased discharge is proposed, the Department shall determine whether the discharge will result in a significant lowering of existing water quality. Increased discharge means a discharge that would add one or more new pollutants to an existing effluent, increase existing levels of pollutants in an effluent, or cause an effluent to exceed one or more of its current licensed discharge flow or effluent limits, after the application of applicable best practicable treatment technology.

This permitting action revises previously established technology based mass limitations for BOD and TSS. The rationale for these actions is contained in Section 6 of this Fact Sheet. Based on the information provided in the referenced section, the Department has made the determination that the discharge approved by this permit will not result in a significant lowering of water quality. As permitted, the Department has determined the existing and designated water uses will be maintained and protected and the discharge will not cause or contribute to the failure of the St. John River to meet standards for Class B classification.

9. 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 waterbody to meet standards for Class B classification.

10. PUBLIC COMMENTS

Public notice of this application was made in the *St. John Valley Times* newspaper on or about July 29, 2015. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits must 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).

11. DEPARTMENT CONTACTS

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

Aaron Dumont
Division of Water Quality Management
Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 215-7161
e-mail: Aaron.A.Dumont@maine.gov

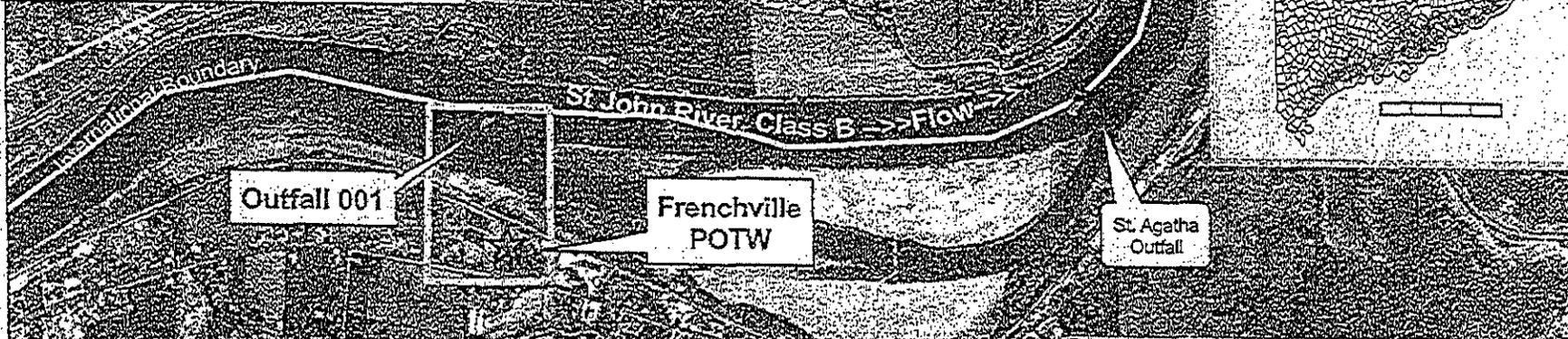
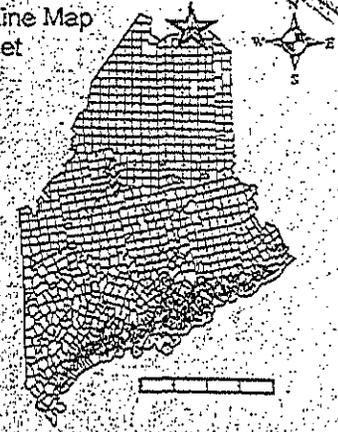
12. RESPONSE TO COMMENTS

During the period of December 10, 2015, through the effective date of this final agency action, the Department solicited comments on the draft MEPDES permit. The Department did not receive any substantive comment on the draft permit. It is noted that minor typographical and grammatical errors identified in comments were not summarized in this section, but were corrected, where necessary, in the final permit.

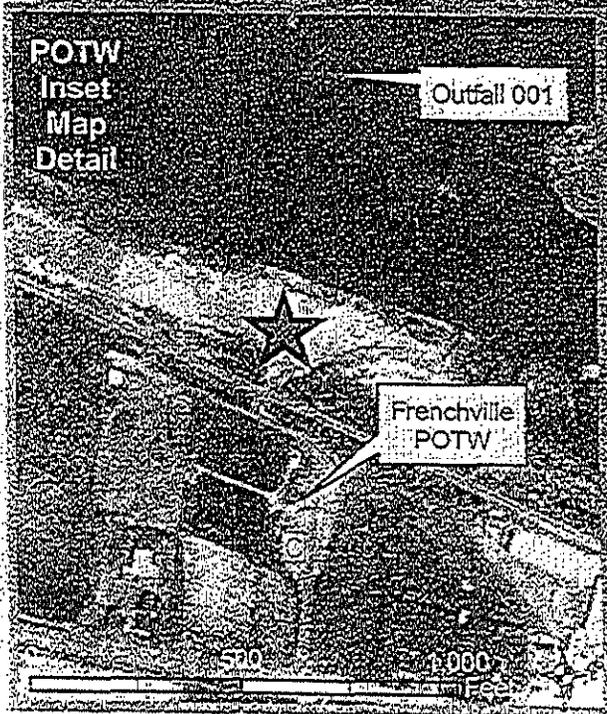
ATTACHMENT A

Town of Frenchville
 P.O. Box 97
 Frenchville, ME 04745
 ME0101982
 W007676-5L-C-R

Maine Map
 Inset



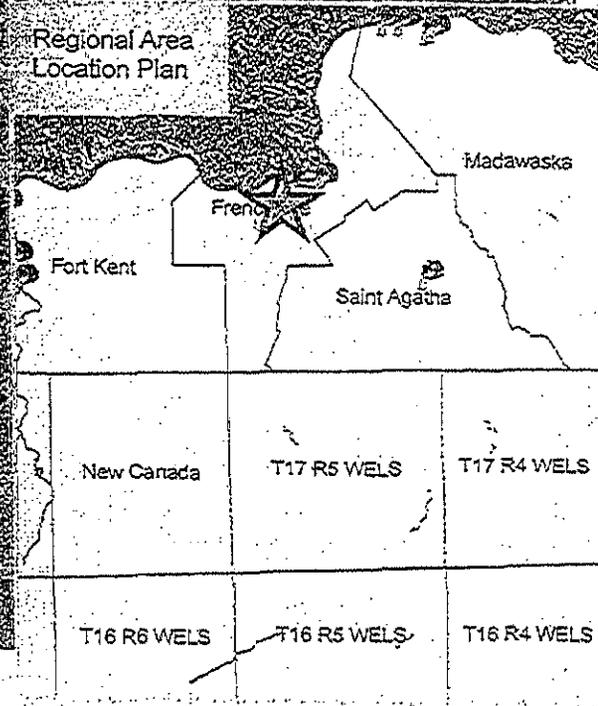
POTW
 Inset
 Map
 Detail

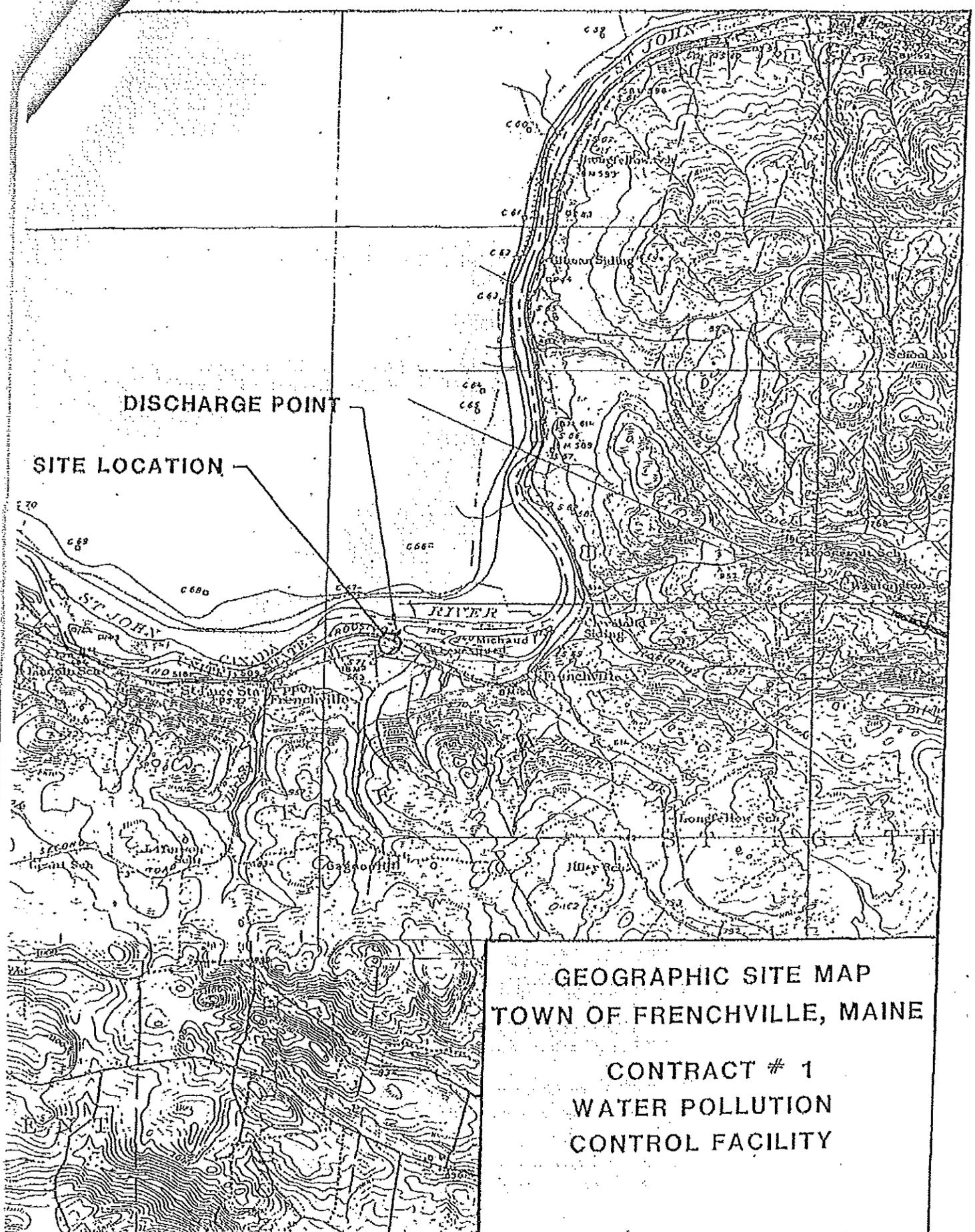


Flow <- 0.06 MGD
 BOD 15/22.5#/25# per day 02/30 Comp
 TSS 15/22.5/25# pd 02/30 Comp
 SS 0.3 mil 05/07 Grab
 Bac 64/427 p-100 ml 04/07 Gr
 TRC 1.0 mg/L 05/07 G
 pH 6.0-9.0 SU
 Contact: Bob Chasse, Grade II
 543-7381

29Mar05Frenchville/DEP/DWRR/DS

Regional Area
 Location Plan





DISCHARGE POINT

SITE LOCATION

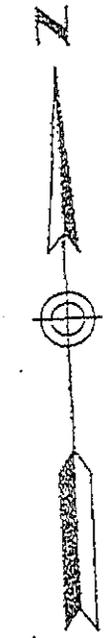
GEOGRAPHIC SITE MAP
TOWN OF FRENCHVILLE, MAINE

CONTRACT # 1
WATER POLLUTION
CONTROL FACILITY

SOURCE - U.S.G.S. 15' MAPS

SCALE 1:62500

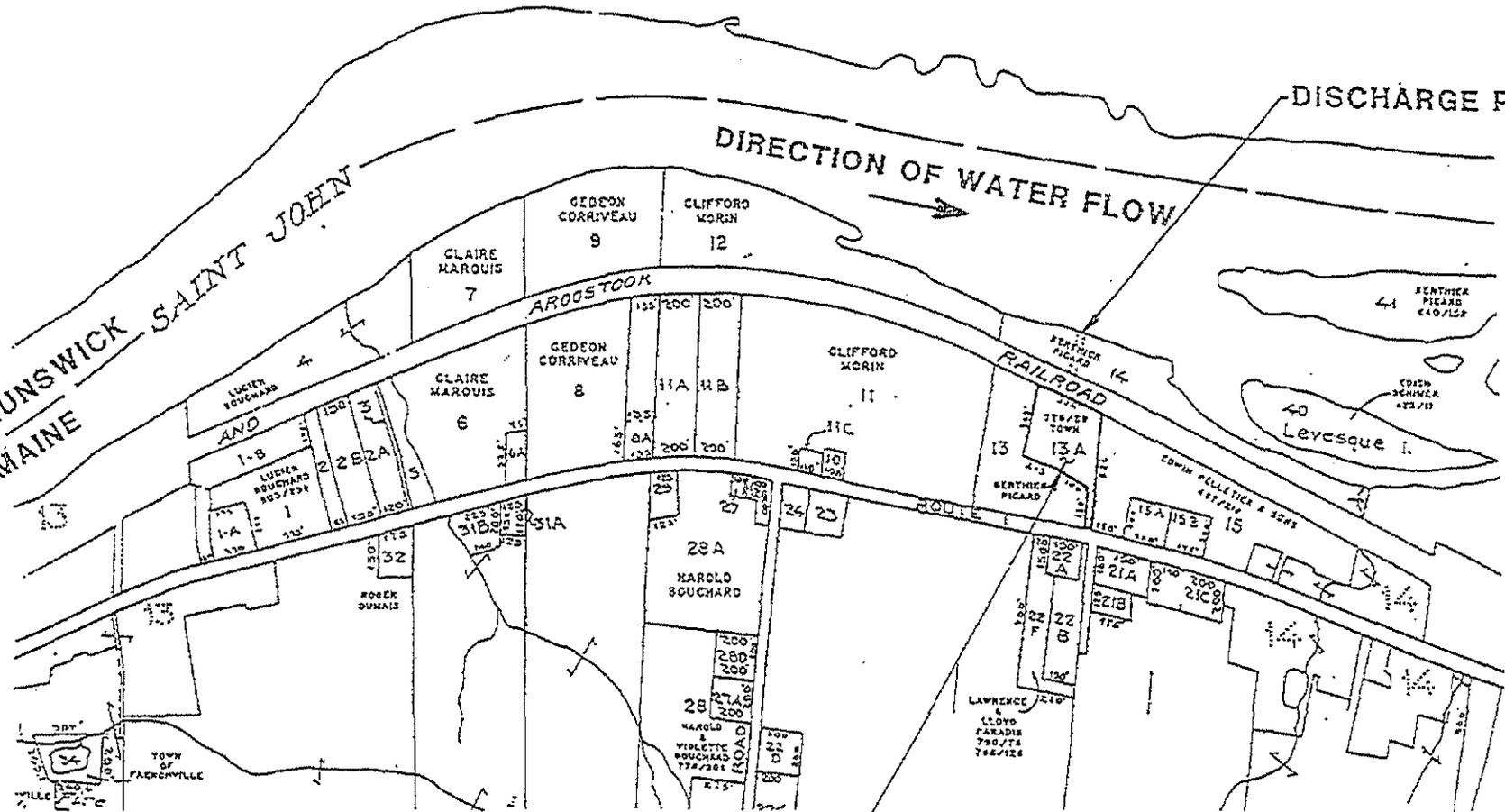
SCALE 1:62500



NEW BRUNSWICK SAINT JOHN
MAINE

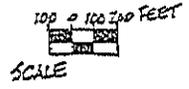
DIRECTION OF WATER FLOW
→

DISCHARGE POINT



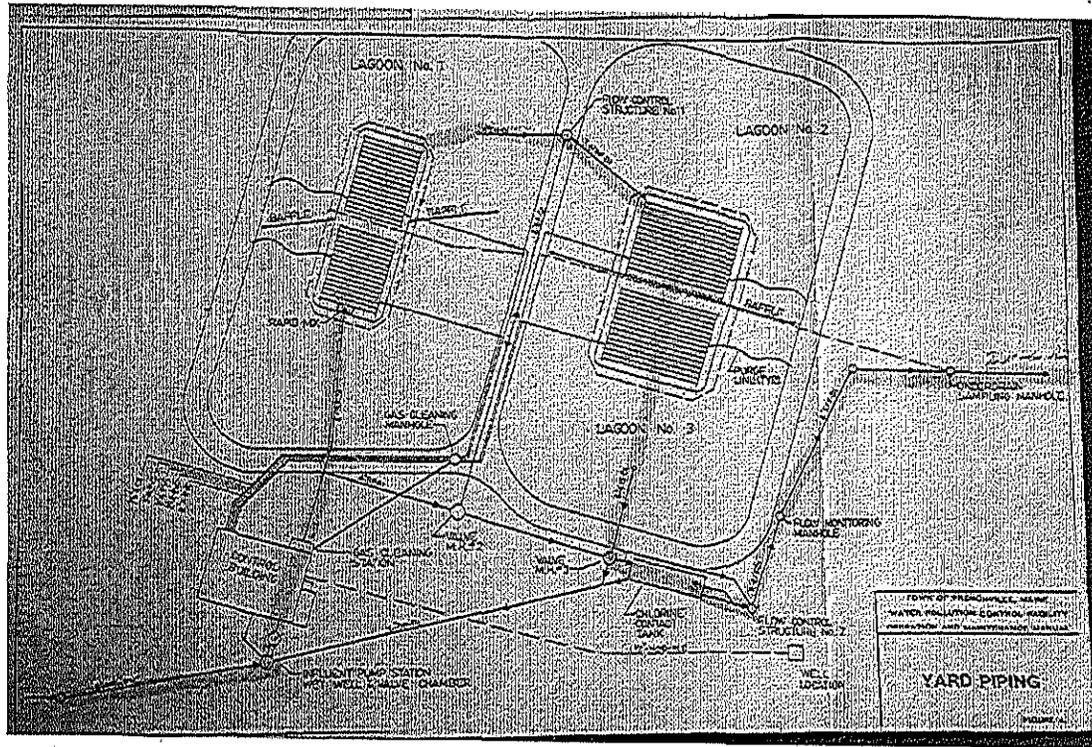
SITE LOCATION

MUNICIPAL TAX MAP
TOWN MAP # 6
LOT 13A



SCALE

ATTACHMENT B



TOY CONTROL STRUCTURE No. 1
 TOY CONTROL STRUCTURE No. 2
 WELL LOCATION
 CHLORINE GAS CHAMBER
 WATER POLLUTION CONTROL FACILITY
 YARD PIPING