

AUTHORIZATION TO DISCHARGE UNDER CLEAN WATER ACT SECTION 301 (h)
MODIFIED NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

In compliance with the provisions of the Federal Clean Water Act, as amended, (33 U.S.C. §1251 et seq.; the "CWA"), and Title 38 Maine Revised Statutes § 414-A et seq.,

City of Eastport –ME0102148

is authorized to discharge from a facility located at

**Quoddy Village Wastewater Treatment Facility
Vanasse Road
Eastport, Maine**

to receiving water named

Passamaquoddy Bay (Western Passage), Class SB

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This NPDES permit shall become on the date of signature if no comments are received during public notice. If comments are received during public notice, this permit will become effective no less than 30 days after signature of the Director of the EPA Office of Ecosystem Protection.

This Waste Discharge License (WDL) shall become effective immediately upon signature by the Commissioner of the Maine Department of Environmental Protection.

Both the NPDES permit and WDL and the authorization to discharge to the waters of the United States shall expire concurrently at midnight, five (5) years from the date of signature by the Director of the EPA Office of Ecosystem Protection.

This permit supersedes the NPDES permit/WDL issued on August 13, 2002. This permit consists of the *Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits* (last revised July 1, 2002), *EPA NPDES Part II Standard Conditions (January 2007)* copies attached, and the attached Special Conditions, including effluent limitations and monitoring requirements.

Signed this day of

Signed this day of

Stephen S. Perkins, Director
Office of Ecosystems Protection
Environmental Protection Agency
Boston, Massachusetts

David P. Littell, Commissioner
Maine Department of Environmental
Protection
Augusta, Maine

IN THE MATTER OF

CITY OF EASTPORT)	PROTECTION AND
EASTPORT, WASHINGTON COUNTY, ME.)	IMPROVEMENT OF WATERS
PUBLICLY OWNED TREATMENT WORKS)	
ME0102148 QUODDY PLANT)	WASTE DISCHARGE LICENSE
W008131-5L-E-R APPROVAL)	RENEWAL

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, Section 1251, et seq., and 38 M.R.S.A., Section 414-A et seq., and applicable regulations, the U.S. Environmental Protection Agency (EPA hereinafter) and the Maine Department of Environmental Protection (Department hereinafter) have considered the application of the CITY OF EASTPORT (City hereinafter), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The City has applied for renewal of a combined Section 301(h) Modified National Pollutant Discharge Elimination System (NPDES) permit #ME0102148 and Maine Waste Discharge License (WDL) #W008131-5L-C-R, that was issued on August 13, 2002 and expired on August 13, 2007. The permit/license (permit hereinafter) approved the discharge of up to a monthly average flow of 0.05 million gallons per day (MGD) of primary treated sanitary wastewater to Passamaquoddy Bay (Western Passage), Class SB, in Eastport, Maine.

PERMIT SUMMARY

This permitting action is similar to the previous permitting action in that it carries forward;

1. The monthly average flow limitation of 0.05 MGD.
2. The monthly average technology based requirements to achieve a minimum of 30% removal of biochemical oxygen demand (BOD) and a minimum of 50% removal for total suspended solids (TSS).
3. The monthly average technology based mass limitations for BOD and TSS.
4. The monthly average technology based concentration limits for BOD and TSS.
5. The daily maximum concentration reporting requirement for settleable solids.
6. The year-round monthly average (geometric mean) and daily maximum water quality based concentration limits of 15 colonies/100 ml and 50 colonies/100 ml for fecal coliform bacteria.
7. The daily maximum technology based concentration limit of 1.0 mg/L for total residual chlorine.
8. The technology based pH range limitation of 6.0 -9.0 standard units but reducing the monitoring frequency from 1/Day to 1/Week.

.PERMIT SUMMARY (cont'd)

This permitting action is different than the previous permitting action in that it is;

9. Eliminating the monthly average concentration reporting requirement for settleable solids and reducing the monitoring frequency to 1/Week.

CONCLUSIONS

BASED on the findings in the attached **PROPOSED DRAFT** Fact Sheet dated August 19, 2008, and subject to the Conditions listed below, the USEPA and the Department make 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 receiving water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
 - (c) The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and
 - (e) Where a discharge will result in lowering the existing 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 and EPA APPROVE the above noted application of the CITY OF EASTPORT, to discharge up to a monthly average of 0.05 MGD of primary treated wastewaters from its Quoddy wastewater treatment facility to Passamaquoddy Bay, Class SB, in Eastport, Maine, 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 Special Conditions on the following pages.
3. This permit expires five (5) years from the date of signature below.

DONE AND DATED AT AUGUSTA, MAINE, THIS _____ DAY OF _____, 2008.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
David P. Littell, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: _____ August 21, 2007.

Date of application acceptance: _____ September 4, 2007.

Date filed with Maine Board of Environmental Protection _____

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

EastportQuoddy2007 10/1/07

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge treated primary treated sanitary wastewaters from **Outfall 001** to Passamaquoddy Bay and must monitor and limit discharges as follows:

Effluent Characteristic	Discharge Limitations				Monitoring Requirement	
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow [50050]	50,000 gpd [07]	---	---	---	Continuous [99/99]	Recorder [RC]
BOD [00310]	85 lbs/day [26]	Report lbs/day [26]	203 mg/L [19]	Report, mg/L [19]	1/Week [01/07]	Composite [24]
BOD % Removal ⁽¹⁾ [50076]	---	---	30 % [23]	---	1/Month [01/30]	Calculate[CA]
TSS [00530]	60 lbs/day [26]	Report lbs/day [26]	145 mg/L [19]	Report, mg/L [19]	1/Week [01/07]	Composite [24]
TSS % Removal ⁽¹⁾ [81011]	---	---	50 % [23]	---	1/Month [01/30]	Calculate[CA]
Settleable Solids [00545]	---	---	---	Report (ml/L) [25]	1/Week [01/07]	Grab [GR]
<u>Fecal Coliform Bacteria</u> (Year-round) [31615]	---	---	15/100 ml ⁽²⁾ [30]	50/100ml [30]	1/Week [01/07]	Grab [GR]
Total Residual Chlorine [50060] ⁽³⁾	---	---	---	1.0 mg/L [19]	1/Day [01/01]	Grab [GR]
pH (Std. Units) [00400]	The pH shall not be less than 6.0 or greater than 9.0 at any time.				1/Week [01/07]	Grab [GR]

The italicized numeric values bracketed in the table above are code numbers that Department personnel use to code the monthly Discharge Monitoring Reports (DMRs).

SPECIAL CONDITIONS

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

Footnotes

Sampling – Sampling to demonstrate compliance with this permit shall be conducted after the last treatment process and shall be representative of normal operating conditions. All sampling must be conducted 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, (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 Health and Human Services.

All detectable analytical test results shall be reported to the Department including results which are detected below the respective reporting limits (RLs) specified by the Department or as specified by other approved test methods. If a non-detect analytical test result is below the respective RL, the concentration result shall be reported as <Y where Y is the detection limit achieved by the laboratory for each respective parameter. Reporting a value of <Y that is greater than an established RL is not acceptable and will be rejected by the Department and EPA. For mass, if the analytical result is reported as <Y or if a detectable result is less than a RL, report a <X lbs/day, where X is the parameter specific limitation established in the permit.

1. **Percent removal** - The permittee shall achieve at least 30% removal for BOD and 50% removal for TSS. For the purposes of calculating a monthly average percent removal, the permittee shall use an assumed influent concentration of 290 mg/L for both BOD and TSS.
2. **Fecal coliform bacteria** – Limitations and monitoring requirements are in effect on a year-round basis to protect the health, safety and welfare of the public. The monthly average limitation is a geometric mean limitation and results shall be reported as such.
3. **Total residual chlorine (TRC)** – Limitations and monitoring requirements for TRC are in effect whenever elemental chlorine or chlorine based compounds are utilized for disinfection or cleaning.

SPECIAL CONDITIONS

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent shall not contain a visible oil sheen, foam or floating solids at any time or which would impair the usages designated by the classification of the receiving waters.
2. The effluent shall not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated by the classification of the receiving waters.
3. The discharge shall not cause visible discoloration or turbidity in the receiving waters which would impair the usages designated by the classification of the receiving waters.
4. Notwithstanding specific conditions of this permit the effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

C. DISINFECTION

Disinfection shall be used to reduce the concentration of bacteria to or below the level specified in Special Condition A, *Effluent Limitations and Monitoring Requirements*, of this permit. If chlorination and dechlorination are used as the means of disinfection, an approved chlorine disinfection system must be utilized. The total residual chlorine in the effluent shall at no time cause any demonstrable harm to aquatic or marine life in the receiving waters. The final effluent concentration of total residual chlorine, prior to dechlorination if present, must at all times be maintained at a concentration greater than test method detection limits in order to provide effective reduction of bacteria to levels or below those specified in Special Condition A, *"Effluent Limitation and Monitoring Requirements."*

D. TREATMENT PLANT OPERATOR

The treatment facility must be operated by a person holding a minimum of a **Grade I** certificate (or Registered Maine Professional Engineer) pursuant to Title 32 M.R.S.A. §4171 *et seq.* 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.

E. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on September 4, 2007; 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), *Bypasses*, of this permit.

F. MONITORING AND REPORTING

Monitoring results obtained during the previous month shall be summarized for each month and reported on separate Discharge Monitoring Report Forms (DMR's) provided by the Department and **shall be postmarked by the thirteenth (13th) day of the month or hand-delivered to a Department Regional Office such that the DMR's are received by the Department by the fifteenth (15th) day of the month following the completed reporting period.** A signed copy of the DMR's and all other reports required herein shall be submitted, unless otherwise specified, to the Department's facility inspector at following address:

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

Signed and dated originals of these, and all other reports required herein, shall be submitted to the Director at the following address:

Environmental Protection Agency
Water Technical Unit (SEW)
P.O. Box 8127
Boston, Massachusetts 02114

G. NOTIFICATION REQUIREMENT

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

1. 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.

2. For the purposes of this section, adequate notice shall include information on:
 - a The quality or quantity of wastewater introduced to the wastewater collection and treatment system; and
 - b Any anticipated impact of the change in the quality or quantity of the wastewater to be discharged from the treatment system.

H. OPERATIONS AND MAINTENANCE MANUAL

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's compliance inspector for review and comment.

On or before December 1, 2009, [PCS Code 00701], the permittee shall submit to the Maine Department of Environmental Protection for review and approval, a public education program designed to minimize the entrance of non-industrial toxic pollutants and pesticides into the collection system and wastewater treatment facility.

On or before December 31, 2009, [PCS Code 53399], the permittee shall provide written notice to the Maine Department of Environmental Protection, that the approved public education program has been implemented.

I. WET WEATHER FLOW MANAGEMENT PLAN

The treatment facility staff shall maintain a 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 during the events.

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

J. SEPTIC TANK MAINTENANCE

To ensure that the individual septic tanks are providing best practicable treatment and achieving desired percent removal levels for BOD₅ and TSS, the permittee will be required to maintain a revolving inspection and maintenance schedule for pumping out the solids in all the septic tanks.

The permittee will be responsible for maintaining a log that documents the date of inspections, comments as to the solids contents and scum layers observed during each inspection as well as the quantity of septage removed from each septic tank should pumping be deemed necessary. The logs must be kept current and available to the Department and EPA for inspection during business hours. Tanks should be inspected at least annually and solids removed at least every three years or when sludge/scum/solid accumulations reach one-third (1/3) of the volume of the working liquid capacity of the tank.

The permittee shall comply with all existing federal and state laws and regulations that apply to sewage sludge use and disposal practices and with the CWA Section 405(d) technical standards.

The permittee shall comply with the more stringent of either the state or federal (40 CFR Part 503) requirements.

The requirements and technical standards of 40 CFR Part 503 apply to facilities which perform one or more of the following use or disposal practices.

- a. Land application - the use of sewage sludge to condition or fertilize the soil
- b. Surface disposal - the placement of sewage sludge in a sludge only landfill
- c. Sewage sludge incineration in a sludge only incinerator

The 40 CFR Part 503 conditions do not apply to facilities which place sludge within a municipal solid waste landfill. These conditions also do not apply to facilities which do not dispose of sewage sludge during the life of the permit but rather treat the sludge (e.g., lagoons- reed beds), or are otherwise excluded under 40 CFR 503.6.

The permittee shall use and comply with the attached compliance guidance document to determine appropriate conditions. Appropriate conditions contain the following elements.

- General requirements
- Pollutant limitations
- Operational Standards (pathogen reduction requirements and vector attraction reduction requirements)
- Management practices
- Record keeping
- Monitoring
- Reporting

Depending upon the quality of material produced by a facility, all conditions may not apply to the facility.

The permittee shall monitor the pollutant concentrations, pathogen reduction and vector attraction reduction at the following frequency. This frequency is based upon the volume of sewage sludge generated at the facility in dry metric tons per year:

less than 290	1/ year
290 to less than 1500	1 /quarter
500 to less than 15000	6 /year
15000 +	1 /month

The permittee shall sample the sewage sludge using the procedures detailed in 40 CFR 503.8.

The permittee shall submit an annual report containing the information specified in the guidance by February 19. Reports shall be submitted to the address contained in the reporting section of the permit. Sludge monitoring is not required by the permittee when the permittee is not responsible for the ultimate sludge disposal. The permittee must be assured that any third party contractor is in compliance with appropriate regulatory requirements. In such case, the permittee is required only to submit an annual report by February 19 containing the following information:

- Name and address of contractor responsible for sludge disposal
- Quantity of sludge in dry metric tons removed from the facility by the sludge contractor

K. CHAPTER 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:

1. 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;
2. Changes in the operation of the treatment works that may increase the toxicity of the discharge; and
3. Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge.

Further, the Department may require that annual testing be re-instituted if it determines that there have been changes in the character of the discharge or if annual certifications described above are not submitted.

L. RE-OPENER CLAUSE

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

M. 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 respects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court.