



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

Mr. Dan Miller
Decksz, LLC, dba Ocean Point Marina
P.O. Box 513
East Boothbay, ME. 04544
e-mail: info@oceanpointmarina.com

June 13, 2014

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit ME0037133
Maine Waste Discharge License (WDL) Application #W002364-5C-E-R
Permit

Dear Mr. Miller:

Enclosed is a proposed draft MEPDES permit and Maine WDL (permit hereinafter) which the Department proposes to issue as a final document after opportunity for your review and comment. By transmittal of this letter you are provided with an opportunity to comment on the proposed draft permit and its conditions (special conditions specific to this permit are enclosed; standard conditions applicable to all permits are available upon request). If it contains errors or does not accurately reflect present or proposed conditions, please respond to this Department so that changes can be considered.

By copy of this letter, the Department is requesting comments on the proposed draft permit from various state and federal agencies, as required by our new regulations, and from any other parties who have notified the Department of their interest in this matter.

All comments must be received in the Department of Environmental Protection office on or before the close of business Monday, July 14, 2014. Failure to submit comments in a timely fashion will result in the final document being issued as drafted. Comments in writing should be submitted to my attention at the following address:

Maine Department of Environmental Protection
Bureau of Land & Water Quality
Division of Water Quality Management
17 State House Station
Augusta, ME 04333

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 04679
(207) 764-0477 FAX: (207) 760-3143

If you have any questions regarding the matter, please feel free to call me at 446-1875.

Sincerely,



Rodney Robert
Division of Water Quality Management
Bureau of Land and Water Quality

Enc.

cc: William Johnson, DEP/CMRO
Barry Mower, DEP/CMRO
Pam Parker, DEP/CRMO
Lori Mitchell, DEP/CMRO
Oliver Cox, DMR
Environmental Review, DMR
Environmental Review, DIFW
Kathleen Leyden, DACF
David Webster, USEPA
David Pincumbe, USEPA
Alex Rosenburg, USEPA
Olga Vergara, USEPA
Ivy Frignoca, CLF



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

DEPARTMENT ORDER

IN THE MATTER OF

DECKSZ, LLC dba OCEAN POINT MARINA)	MAINE POLLUTANT DISCHARGE
BOOTHBAY, LINCOLN COUNTY, MAINE)	ELIMINATION SYSTEM PERMIT
OVERBOARD DISCHARGE)	AND
ME0037133)	WASTE DISCHARGE LICENSE
W002364-5C-E-R)	RENEWAL
		APPROVAL

In compliance with the applicable provisions of the Federal Water Pollution Control Act, Title 33 USC, Section 1251, et seq. and Maine Law 38 M.R.S.A. Section 414-A, *et seq.*, and applicable rules, the Department of Environmental Protection (Department) has considered the application of DECKSZ, LLC dba OCEAN POINT MARINA, (permittee), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

On March 5, 2014, the Department accepted as complete for processing an application from the permittee for the renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0037133/Maine Waste Discharge License (WDL) #W002364-5C-D-R (permit) which was issued by the Department on May 19, 2009, for a five-year term. The 5/19/09 permit authorized the year round daily maximum discharge of 2,250 gallons per day (GPD) of secondary treated sanitary wastewater (Outfall #001) to the Damariscotta River, Class SB, in Boothbay, Maine.

PERMIT SUMMARY

This permitting action is carrying forward the terms and conditions of the May 19, 2009, permit.

CONCLUSIONS

BASED on the findings in the attached **PROPOSED DRAFT FACT SHEET** dated June 13, 2014, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with State law.
3. The provisions of the State's antidegradation policy, 38 M.R.S.A. §464(4)(F), will be met, in that:
 - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
 - (c) Where the standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and
 - (e) Where a discharge will result in lowering the existing water quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharges will be subject to effluent limitations that require application of best practicable treatment as defined in Maine law, 38 M.R.S.A., §414-A(1)(D).
5. The overboard discharge system was in continuing existence for the 12 months preceding June 1, 1987.
6. A non-discharging sub-surface waste water disposal system could not be installed in compliance with the Maine Subsurface Waste Water Disposal Rules at the time the renewal application was accepted for processing by the Department.
7. A publicly-owned sewer line is not located on or abutting land owned or controlled by the permittee or is not available for the permittee's use.
8. The discharge is not located within the boundaries of a sanitary district or sewer district.

ACTION

THEREFORE, the Department APPROVES the application of DECKSZ, LLC dba OCEAN POINT MARINA to discharge a year round daily maximum of 2,250 gallons per day of secondary treated sanitary waste water (Outfall #001) to the Damariscotta River, Class SB, in Boothbay, Maine, as described above, 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) (amended August 25, 2013)]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS ____ DAY OF _____, 2014.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
PATRICIA W. AHO, Commissioner

Date of initial receipt of application: March 5, 2014

Date of application acceptance: March 5, 2014

Date filed with Board of Environmental Protection _____.

This Order prepared by Rod Robert, BUREAU OF LAND & WATER QUALITY

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Beginning the effective date of this permit, the permittee is authorized to discharge a year round, daily maximum of 2,250 gpd, secondary treated sanitary waste water from **Outfall #001** to the Damariscotta River Class SB, Boothbay. Such discharges shall be limited and monitored by the permittee as specified below(1): With the exception of fecal coliform bacteria, all limitations are in effect on a year round basis but **sampling and submission of monthly Discharge Monitoring Reports (DMRs) is only required between MAY 1st – SEPTEMBER 30th of each year.**

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow [50050]	---	---	2,250 gpd [07]	---	---	---	1/Month [99/99]	Measure [MT]
BOD ₅ [00310]	1.0 lbs/day [26]	1.0 lbs/day [26]	1.0 lbs/day [26]	30 mg/L [19]	45 mg/L [19]	50 mg/L [19]	1/Month [01/30]	Grab [GR]
BOD ₅ Percent Removal ⁽²⁾ [81010]	---	---	---	85% [23]	---	---	---	Calculate [CA]
TSS [00530]	1.0 lbs/day [26]	1.0 lbs/day [26]	1.0 lbs/day [26]	30 mg/L [19]	45 mg/L [19]	50 mg/L [19]	1/Month [01/30]	Grab [GR]
TSS Percent Removal ⁽²⁾ [81011]	---	---	---	85% [23]	---	---	---	Calculate [CA]
Settleable Solids [00545]	---	---	---	---	---	0.3 ml/L [25]	1/Month [01/30]	Grab [GR]
Fecal Coliform Bacteria ⁽³⁾ (May 15- Sept. 30)[31616]	---	---	---	15/100 ml ⁽⁴⁾ [13]	---	50/100 ml [13]	2/Month ⁽⁶⁾ [01/30]	Grab [GR]
Total Residual Chlorine ⁽⁴⁾ [50060]	---	---	---	---	---	1.0 mg/L [19]	2/Month ⁽⁶⁾ [01/30]	Grab [GR]
pH [00400]	---	---	---	---	---	6.0 – 9.0 SU [12]	---	---

Footnotes See Page 5 and 6 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

Footnotes

1. **Sampling** – Sampling shall be conducted after the last treatment process such that samples are representative of what is actually being discharged to the receiving waters. Sampling shall be conducted in accordance with federally approved methods for sampling, handling and preservation. Samples shall be analyzed by a laboratory certified by the State of Maine’s Department of Human Services and in accordance with methods approved in Title 40, *Code of Federal Regulations* (CFR) Part 136. Samples that are sent to a waste water treatment plant 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 (last amended February 13, 2000).

All analytical test results shall be reported to the Department including results which are detected below the respective reporting limits (RLs) specified by the Department or as specified by other approved test methods. If a non-detect analytical test result is below the respective RL, the concentration result shall be reported as <Y where Y is the RL achieved by the laboratory for each respective parameter. Reporting a value of <Y that is greater than an established RL or reporting an estimated value (“J” flagged) is not acceptable and will be rejected by the Department. Reporting analytical data and its use in calculations must follow established Department guidelines specified in this permit or in available Department guidance documents.

2. **Percent Removal** – The treatment facility shall maintain a minimum of 85 percent removal of both BOD₅ and TSS for all flows receiving secondary treatment. If the permittee is required to calculate percent removals but does not have access to an influent sampling location, the permittee shall use an assumed influent value of 286 mg/L and measured effluent concentration values.
3. **Bacteria Limits** – Fecal coliform bacteria limits and monitoring requirements are in effect between May 15th and September 30th of each year. The Department reserves the right to require year-round disinfection on a year-round basis to protect the health, safety, and welfare of the public.
4. **Bacteria Reporting** – The monthly average fecal coliform bacteria limitation is a geometric mean limitation and test results shall be reported as such.
5. **Total Residual Chlorine** – Limitations and monitoring requirements are applicable whenever elemental chlorine or chlorine based compounds are being used to disinfect the discharge. The permittee shall utilize approved test methods that are capable of bracketing the TRC limitation in this permit.

SPECIAL CONDITIONS

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

Footnotes

6. **Bacteria and TRC** – Sampling for fecal coliform bacteria and total residual chlorine shall be conducted on the same day.

B. ANNUAL DISCHARGE FEES

Pursuant to Maine law, 38 M.R.S.A. §353-B, the permittee is required to pay an applicable annual fee for discharges authorized by this permit. Failure to pay an annual fee within 30 days of the billing date of a permit is sufficient grounds for accruing interest charges, penalties or revocation of the permit.

C. NARRATIVE EFFLUENT LIMITATIONS

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

D. TREATMENT PLANT OPERATOR

The person who has the management responsibility over the treatment facility must hold a Maine **Grade I** (or higher) Waste Water Operator Certificate or must be a Maine Registered Professional Engineer pursuant to *Sewerage Treatment Operators*, Title 32 M.R.S.A., Sections 4171-4182 and *Regulations for Wastewater Operator Certification*, 06-096 CMR 531 (effective May 8, 2006). All proposed contracts for facility operation by any person must be approved by the Department before the permittee may engage the services of the contract operator.

SPECIAL CONDITIONS

D. 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 March 5, 2014; 2) the terms and conditions of this permit; and 3) only from Outfall #001. Discharges of waste water from any other point source are not authorized under this permit, and shall be reported in accordance with Standard Condition B(5)(*Bypass*) of this permit.

E. NOTIFICATION REQUIREMENT

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

1. Any substantial change or proposed change in the volume or character of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants into the system at the time of permit issuance. For the purposes of this section, notice regarding substantial change shall include information on:
 - (a) the quality and quantity of wastewater introduced to the wastewater collection and treatment system; and
 - (b) any anticipated impact caused by the change in the quantity or quality of the wastewater to be discharged from the treatment system.

F. SITE EVALUATION FOR TRANSFERRED AND RENEWED PERMITS

Prior to permit transfer or transfer of the property occupying the permitted overboard discharge system, a site evaluation must be performed by a licensed site evaluator with experience in designing systems for the replacement of overboard discharge systems.

The Department may not grant approval for **permit transfer** if the site evaluation concludes that a non-discharging wastewater disposal system designed in compliance with the Maine Subsurface Waste Water Disposal Rules administered by the Maine Department of Health and Human Services, Division of Environmental Health, can be installed as a replacement system for the overboard discharge.

The Department may not grant approval for a **permit renewal** if the site evaluation concludes that a non-discharging wastewater disposal system can be installed as a replacement system for the overboard discharge and the Department has offered the permittee funding for the renewal of the discharge.

SPECIAL CONDITIONS

G. OPERATION & MAINTENANCE (O&M) PLAN

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

By December 31 of each year, or within 90 days of any process changes or minor equipment upgrades, the permittee shall evaluate and modify the O&M Plan including site plan(s) and schematic(s) for the wastewater treatment facility to ensure that it is up-to-date. The O&M Plan shall be kept on-site at all times and made available to Department and EPA personnel upon request.

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

H. MONITORING AND REPORTING

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

Overboard Discharge Inspector
Department of Environmental Protection
Bureau of Land and Water Quality
17 State House Station
Augusta, Maine 04333-0017

SPECIAL CONDITIONS

H. MONITORING AND REPORTING (cont'd)

Alternatively, if you are submitting an electronic DMR (eDMR), the completed eDMR must be electronically submitted to the Department by a facility authorized DMR Signatory not later than close of business on the 15th day of the month following the completed reporting period. Hard Copy documentation submitted in support of the eDMR must be postmarked on or before the thirteenth (13th) day of the month or hand-delivered to the Department's Regional Office such that it is received by the Department on or before the fifteenth (15th) day of the month following the completed reporting period. Electronic documentation in support of the eDMR must be submitted not later than close of business on the 15th day of the month following the completed reporting period.

I. REOPENING OF PERMIT FOR MODIFICATIONS

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

J. SEVERABILITY

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

- - -

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

PROPOSED FACT SHEET

June 13, 2014

MEPDES PERMIT: **ME0037133**
WASTE DISCHARGE LICENSE: **W002364-5C-E-R**

NAME AND ADDRESS OF APPLICANT:

**DECKSZ LLC. dba OCEAN POINT MARINA
Attn: Mr. Dan Miller
P.O Box 513
East Boothbay, ME. 04544**

COUNTY: **Lincoln County**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:
**216 Ocean Point Rd.
Boothbay, Maine 04544**

RECEIVING WATER / CLASSIFICATION: **Damariscotta River/Class SB**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Dan Miller
(207) 633-0773
info@oceanpointmarina.com**

CONTRACT OPERATOR: **Coastal Wastewater Service
P.O. Box 92
Thomaston, ME 04861
(207) 354-6359, (207) 975-3370**

1. APPLICATION SUMMARY

- a. Application: On March 5, 2014, the Department accepted as complete for processing an application from Decksz LLC. dba Ocean point Marina. for the renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0037133/Maine Waste Discharge License (WDL) #W002364-5C-E-R (permit) which was issued by the Department on May 19, 2009, for a five-year term. The 5/19/09 permit authorized the year round, daily maximum discharge of 2,250 gallons per day (GPD) of secondary treated sanitary wastewater (Outfall #001) to the Damariscotta River, Class SB, in Boothbay, Maine. See **Attachment A** for a location map of the facility.

1. APPLICATION SUMMARY (cont'd)

- b. Source description: Wastewater is generated by a full service marina (75 slips and moorings) with eight year round employees, a boat rental shop with two employees, three apartment units and a post office with two employees.
- c. Waste water treatment: The waste water receives secondary level treatment via a mechanical wastewater treatment system designed to treat a combined maximum daily flow of 3,000 gallons and consists of a mechanical "Cromaglass C-30" wastewater treatment unit and chlorine contact chamber. The treated effluent is discharged to the Damariscotta River via a single 6-inch outfall pipe without a diffuser, six (6) feet below the mean low water line. The permittee has a contract with Coastal Wastewater Service for the maintenance, servicing, testing and inspection of the wastewater treatment system.
- d. Replacement Options: In May of 2003, the Maine State Legislature adopted several amendments to the licensing of overboard discharges and the Department revised its rule, Chapter 596, *Overboard Discharges: Licensing and Abandonment*, accordingly. One of the amendments in the revised rule requires OBD owners who are applying to the Department to renew their OBD licenses to hire a licensed site evaluator (LSE) to determine whether or not it is technologically feasible to replace the existing waste water treatment system prior to license renewal and install a replacement system within 180 days if grant money is offered by the Department.
The permittee has provided the Department with a statement from LSE Matthew Logan, who determined that due to the 300' set back requirement there is not adequate area available on site to replacement the existing system with a subsurface disposal system. Therefore, this permit is being renewed for another five year term.

2. PERMIT SUMMARY

This permitting action is carrying forward the terms and conditions of the May 19, 2009, permit.

3. CONDITIONS OF PERMIT

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

4. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A. §469(3-A) classifies the Damariscotta River at the point of discharge as a Class SB waterbody. Maine law, 38 M.R.S.A. §465-B(2) contains the standards for Class SB water bodies.

5. RECEIVING WATER QUALITY CONDITIONS

The 2012 Integrated Water Quality Monitoring and Assessment Report published by the Department pursuant to Section 305(b) of the Federal Water Pollution Control Act lists the area of discharge as: Waterbody ID # 729-1, Damariscotta River, Boothbay. Category 2: Estuarine and Marine Waters Attaining Some Designated Uses – Insufficient Information for Other Uses. Impairment in this context is in regard to the designated use of harvesting of shellfish which is prohibited due to overboard discharges and boats.

Category 5-D: Estuarine and Marine Waters Impaired by Legacy Pollutants. All estuarine and marine waters capable of supporting American lobster are listed in Category 5-D, partially supporting fishing ("shellfish" consumption) due to elevated levels of PCBs and other persistent, bioaccumulating substances in lobster tomalley.

Department rule Chapter 519, *Interim Effluent Limitations and Controls for the Discharge of Mercury*, establishes controls on the discharge of mercury to the surface waters of the State through interim effluent limits and implementation of pollution prevention plans. However, Section 1(A)(1) of the Chapter 519 rule states, in part: *“This rule applies to all persons licensed or permitted pursuant to 38 MRSA §413 to discharge pollutants to the surface waters of the State except as described below. For the purposes of this rule, the term ‘licensee’ also means, ‘permittee.’*

Categorical exclusions. This rule does not apply to the following categories of licensees: combined sewer overflows, snow dumps, pesticide applications, and over board discharges licensed pursuant to 38 MRSA §413.[emphasis added] Except, however, specific members of these categories may be required by the department to comply with this rule on a case by case basis...”

5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

The Maine Department of Marine Resources (MDMR) shellfish harvesting Area 23-C, Lower Damariscotta River (Boothbay and South Bristol) is closed to the harvesting of shellfish. See **Attachment B** of this Fact Sheet for Area 23-C. The MDMR closes or restricts areas based on ambient water quality data that indicate the area did not meet or marginally met the standards in the National Shellfish Sanitation Program. In addition, MDMR closes areas by default in the vicinity of outfall pipes associated with treated sanitary waste water discharges in the event of a failure of the disinfection system. Area 23-C remains closed as of the date of this permitting action.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

- a. Best Practicable Treatment (BPT) - Overboard discharges may be permitted only where no technologically proven alternative exists. Overboard discharge treatment systems must be capable of meeting secondary treatment standards as described in CMR Chapter 525, Section 3 and Chapter 596 section 9, unless the Department finds that alternate limits are appropriate. After accepting a renewal application as complete for processing, the Department shall approve an overboard waste discharge license only if all of the following criteria are met:
 - (1) A publicly owned sewer line is not located on or abutting land owned or controlled by the applicant or is not available for the applicant's use.
 - (2) A subsurface wastewater disposal system cannot be installed in compliance with the Subsurface Rules, 10-144 CMR 241, on land owned or controlled by the applicant. Or, a subsurface wastewater disposal system can be installed on land owned or controlled by the applicant and the applicant is eligible for grant funding pursuant to 38 M.R.S.A § 411-A but no funding is available.
 - (3) The discharge is not located within the boundaries of a sanitary or sewer district and the district has not agreed to service and maintain a holding tank at an annual fee that does not exceed those fees charged to other similar users of the district's services who are physically connected to the sewers of the district.
 - (4) For a school, the volume or quantity of waste water that is discharged does not exceed;
 - (a) the limit imposed by the previous license.
 - (b) the actual or estimated flow at the time of current application if a license volume increase is necessary.

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

- (5) The receiving water is not:
 - (a) A Class GPA, AA, A, or SA water;
 - (b) A tributary to Class GPA water; or
 - (c) A waterbody with a drainage area of less than 10 square miles.
- (6) The discharge meets the requirements of *Maine’s Pollution Control Laws* 38 M.R.S.A. §414-A, and *Maine’s Water Classification Laws* 38 M.R.S.A. §§ 464 to 469.
- (7) The discharge receives best practicable treatment consistent with requirements in Section 9 of Department rule Chapter 596.

The discharge from the facility has met all the above criteria. It is noted that the permittee has provided the Department with a statement from a Licensed Site Evaluator (LSE) who determined that there are no practical alternatives to the discharge. Therefore, this permit is being issued for another five year term.

- b. Flow: The previous licensing action established both a daily maximum discharge flow limitation of 2,250 gallons per day (gpd) based on the design flow for the mechanical treatment system and established a continuous monitoring frequency via a meter. Department rule, 06-096 CMR Chapter 523 Section 6(b)(1), specifies, “effluent limitations, standards, or prohibitions shall be calculated based on design flow.” The daily maximum limitation and continuous monitoring requirement are being carried forward in this permitting action

A review of the daily maximum discharge flow data as reported on the Discharge Monitoring Reports (DMRs) submitted to the Department for the seasonal period May – August for calendar years 2010 – 2013 indicates values have been reported as follows:

Flow (DMRs = 16)

Value	Limit (gpd)	Range (gpd)	Mean (gpd)
Daily Maximum	2,250	49-1156	486

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

- c. Dilution Factors – Department rule 06-096 CMR, Chapter 530, *Surface Water Toxics Control Program*, §4(A)(2) states,

(2) For estuaries where tidal flow is dominant and marine discharges, dilution factors are calculated as follows. These methods may be supplemented with additional information such as current studies or dye studies:.

(a) For discharges to the ocean, dilution must be calculated as near-field or initial dilution, or that dilution available as the effluent plume rises from the point of discharge to its trapping level, at mean low water level and slack tide for the acute exposure analysis, and at mean tide for the chronic exposure analysis using appropriate models determined by the Department such as MERGE, CORMIX or another predictive model.

(b) For discharges to estuaries, dilution must be calculated using a method such as MERGE, CORMIX or another predictive model determined by the Department to be appropriate for the site conditions.

(c) In the case of discharges to estuaries where tidal flow is dominant and marine waters, the human health criteria must be analyzed using a dilution equal to three times the chronic dilution factor.

With a permitted flow of 2,250 gpd and based on the location and configuration of the outfall structure, the Department has made a best professional judgment that dilution factors are follows:

Acute = 400:1

Chronic = 1300:1

Harmonic Mean⁽¹⁾ = 3900

Footnote:

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

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

- d. Biochemical Oxygen Demand (BOD₅) and Total Suspended Solids (TSS): The previous permitting action established technology based monthly average, weekly average and daily maximum BOD₅ and TSS concentration limits of 30 mg/L, 45 mg/L and 50 mg/L, respectively along with a minimum monitoring frequency requirement of 1/Month. All are being carried forward in this permitting action. The monthly average and weekly average concentration limits are based on secondary treatment requirements as defined in Department rule, 06-096 CMR Chapter 525(3) (III) and the daily maximum concentration limit of 50 mg/L is based on a best professional judgment by the Department of best practicable treatment (BPT). This permitting action is carrying forward all three technology-based concentration limits.

The previous permitting action established monthly average, weekly average and daily maximum technology based mass limitations for BOD₅ and TSS. Department rule Chapter 523, Waste Discharge License Conditions, Section 6, Calculating NPDES permit conditions, sub-section f(1) states that, "all pollutants limited in permits shall have limitations, standards or prohibitions expressed in terms of mass...." The mass limitations were based on calculations using the daily maximum permitted flow limitation for the facility of 2,250 gpd (0.00225 million gallons per day (MGD) and rounded to the nearest lb/day. The applicable concentration limits as follows:

Monthly Average Mass Limit: $(30 \text{ mg/L})(8.34 \text{ lbs./gallon})(0.00225\text{MGD}) = .1.0 \text{ lbs/day}$

Weekly Average Mass Limit: $(45 \text{ mg/L})(8.34 \text{ lbs./day})(0.00225\text{MGD}) = .1.0 \text{ lbs/day}$

Daily Maximum Mass Limit: $(50 \text{ mg/L})(8.34 \text{ lbs./day})(0.00225\text{MGD}) = 1.0 \text{ lbs/day}$

A review of the monthly discharge flow data as reported on the DMR submitted to the Department for the period May – August for calendar years 2010 - 2013 indicates values were reported as follows:

BOD concentration (DMRs = 16)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	<2 – 14	4
Weekly Average	45	<2 – 14	4
Daily Maximum	50	<2 – 17	4

TSS concentration (DMRs = 16)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	3-59	17
Weekly Average	45	3-59	17
Daily Maximum	50	3-96	21

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

BOD Mass (DMRs = 16)

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	1.0	<1	<1
Weekly Average	1.0	<1	<1
Daily Maximum	1.0	<1	<1

TSS Mass (DMRs = 16)

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	1.0	<1	<1
Weekly Average	1.0	<1	<1
Daily Maximum	1.0	<1	<1

This permitting action is carrying forward the requirement for a minimum of 85% removal of BOD5 and TSS pursuant to 06-096 CMR Chapter 525(3)(III)(a)(3) and (b)(3) of the Department's rules.

- e. **Settleable Solids:** The previous permit established a daily maximum BPT concentration limit 0.3 ml/L along with a monitoring requirement of 1/month. A review of the discharge data as reported on the permittee's DMRs submitted to the Department for the period May – August for the calendar years 2010- 2013 indicate values have been reported as follows:

SS concentration (DMRs = 16)

Value	Limit (ml/L)	Range (ml/L)	Average (ml/L)
Daily Maximum	0.3	0.1 – 0.5	0.12

- f. **Fecal coliform bacteria:** The previous permitting action established a water quality-based monthly average (geometric mean) fecal coliform concentration limitation of 15 colonies/100 mL and a daily maximum (instantaneous level) limitation of 50 colonies/100 mL that are consistent with the limits associated with the National Shellfish Sanitation Program. This permitting action is carrying forward the year-round fecal coliform monthly average and daily maximum limitation s based on requested by the Maine Department of Marine Resources.

A review of the monthly average and daily maximum data as reported on the DMRs submitted to the Department for the period May – August for the calendar years 2010- 2013 indicates monthly average and daily maximum fecal coliform bacteria counts have been reported as follows:

Fecal coliform bacteria (DMRS = 16)

Value	Limit (col/100 ml)	Range (col/100 ml)	Mean (col/100 ml)
Monthly Average	15	0 – 83	14
Daily Maximum	50	0 – 250	42

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

- g. Total Residual Chlorine (TRC): The previous permitting action established a daily maximum TRC technology-based concentration limit of 1.0 mg/L and a monitoring frequency of twice per week (2/Week). Limitations on TRC are specified to ensure that ambient water quality standards are maintained at all times of the year and that BPT technology is being applied to the discharge. Department permitting actions impose the more stringent of either a water quality-based or BPT-based limit. With dilution factors as determined in Section 6C of this fact sheet, end-of-pipe (EOP) water quality-based concentration thresholds for TRC may be calculated as follows:

Acute (A) Criterion	Chronic (C) Criterion	A & C Dilution Factors	Calculated Acute Limit	Calculated Chronic Limit
0.013 mg/L	0.0075 mg/L	(A) 400:1 (C) 1300:1	5.2 mg/L	9.8 mg/L

The Department has established a daily maximum BPT limitation of 1.0 mg/L for facilities that disinfect their effluent with elemental chlorine or chlorine-based compounds. For facilities that need to dechlorinate the discharge in order to meet water quality-based thresholds, the Department has established daily maximum and monthly average BPT limits of 0.3 mg/L and 0.1 mg/L, respectively. Based on the calculated acute and chronic total residual chlorine limits, the permittee does not need to dechlorinate the effluent prior to discharge in order to consistently achieve compliance with the calculated water quality-based thresholds. Therefore, this permitting action is carrying forward the technology-based daily maximum TRC concentration limitation of 1.0 mg/L that is applicable whenever elemental chlorine or chlorine based compounds are used as chlorine is toxic year round and not seasonally.

A review of the daily maximum data as reported on the DMRs submitted to the Department for the period May – October for the years 2010 to 2013 indicates the maximum TRC discharged has been reported as follows:

Total residual chlorine (DMRs 16)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	1.0	0.6 – 0.6	0.6

- h. pH: Pursuant to Department rule found at 06-096 CMR Chapter 525(3)(III)(c), the pH range limitation established in the previous permitting action was 6.0 – 9.0 SU, which is considered BPT for secondary treated domestic like waste water. This permitting action is not establishing a regular monitoring frequency to determine compliance on an on-going basis but the limitations are in effect and enforceable at all times.

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

- i. Whole Effluent Toxicity (WET), Priority Pollutant, and Analytical Chemistry Testing: Maine law, 38 M.R.S.A., §414-A and §420, prohibit the discharge of effluents containing substances in amounts that would cause the surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the USEPA. Department rule, 06-096 CMR Chapter 530, *Surface Water Toxics Control Program* (toxics rule) sets forth effluent monitoring requirements and procedures 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. Department rule 06-096 CMR Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants*, sets forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

Chapter 530 Section (2)(A) specifies the dischargers subject to the rule as, “...*all licensed dischargers of industrial process wastewater or domestic wastes discharging to surface waters of the State must meet the testing requirements of this section. Dischargers of other types of wastewater are subject to this subsection when and if the Department determines that toxicity of effluents may have reasonable potential to cause or contribute to exceedences of narrative or numerical water quality criteria.*”

Chapter 530 Section 2.A specifies the criteria for exemption of certain discharges from toxics testing as follows:

- (1) *Discharges from individual discharge points licensed to discharge less than 50,000 gallons per day of solely domestic wastewater and with a chronic dilution factor of at least 50 to 1, provided no holding tank wastes containing chemicals are accepted by the facility;*
- (2) *Discharges from residential overboard discharge systems; or*
- (3) *Discharges from combined sewer overflow discharge points, provided the owner of the sewerage system is conducting or participating in a discharge abatement program.*

The permittee's facility is exempt from the Chapter 530 requirements as it permitted to discharge less than 50,000 gpd, the chronic dilution factor is greater than 50:1 (Department BPJ) and the waste water has domestic-like characteristics. However, should there be a substantial change in the characteristics of the discharge in the future; the Department may reopen this permit pursuant to Special Condition I, *Reopening of Permit for Modifications*, to incorporate the applicable whole effluent toxicity (WET), priority pollutant or analytical testing requirements cited above.

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As permitted, the Department has determined the existing water uses will be maintained and protected, and that the discharge as permitted will not cause or contribute to the failure of the water body to meet standards for Class SB waters.

8. PUBLIC COMMENTS

Public notice of this application was made in *The Boothbay Register* newspaper on or about March 5, 2014. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

9. DEPARTMENT CONTACTS

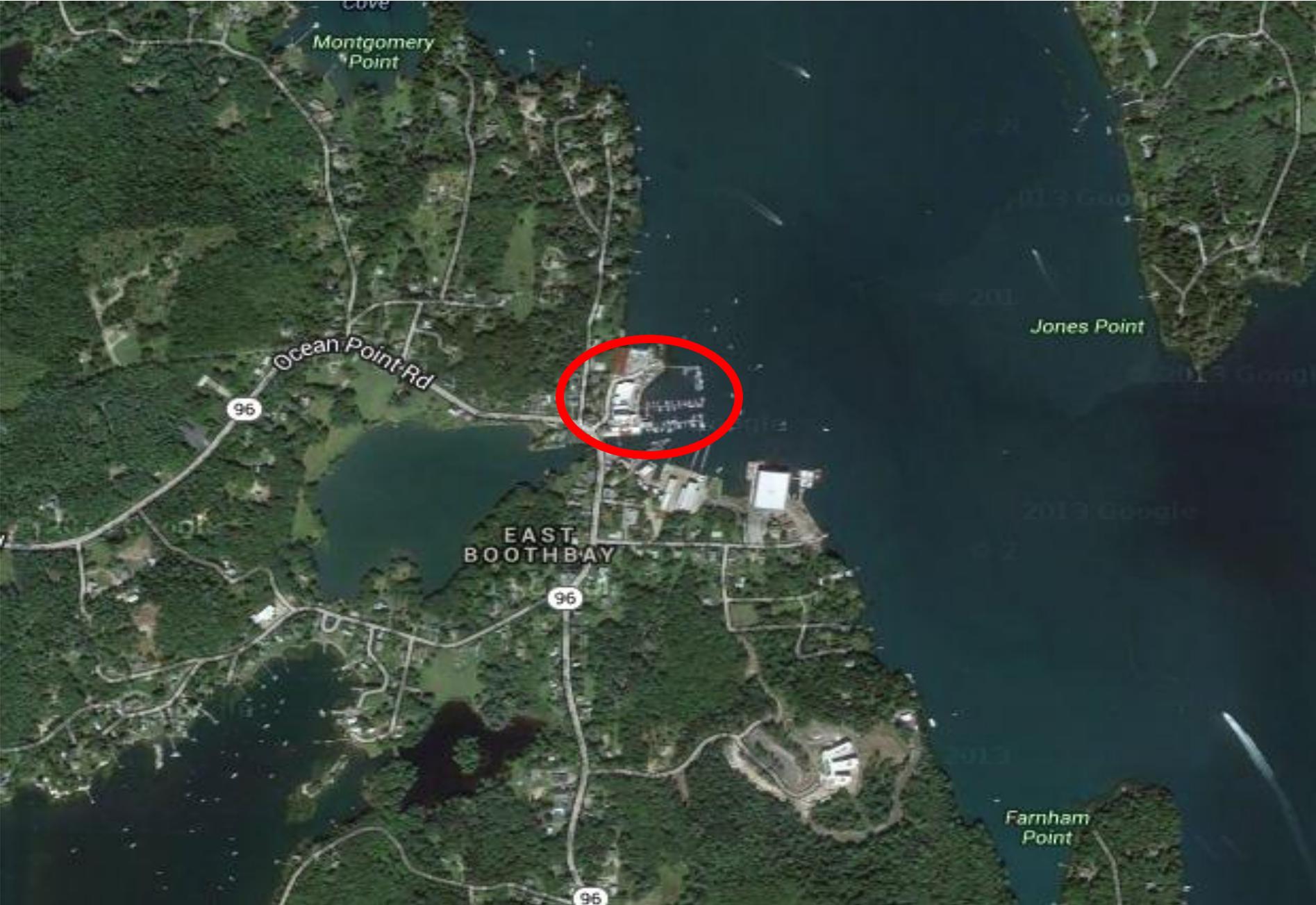
Additional information concerning this permitting action may be obtained from, and written comments sent to:

Rodney Robert
Division of Water Quality Management
Bureau of Land & Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 446-1875
e-mail: rodney.robert@maine.gov

10. RESPONSE TO COMMENTS

Reserved until the close of the formal 30-day public comment period.

ME0037133 Attachment A – Location Map



NOTICE OF EMERGENCY RULE-MAKING

AGENCY: Department of Marine Resources
STATUTORY AUTHORITY: 12 M.R.S.A. §§6172, 6192, 6193 & 6194
Struck text is being removed, and underlined text is being added

BASIS STATEMENT

The Commissioner of the Maine Department of Marine Resources amends the emergency DMR Chapter 95.06(EE) Area No. 23-C, Lower Damariscotta River (Boothbay, South Bristol), amended on August 12, 2008. This amendment is an administrative correction to add the language for the prohibited area around Inner Heron Island to the rule. As authorized by 12 M.R.S.A. §§6172, 6192, 6193 & 6194 the Commissioner of Marine Resources adopts emergency amendments to Chapter 95.06(EE).

RULE TITLE AND SUBJECT: DMR Chapter 95.06(EE) Area No. 23-C, Lower Damariscotta River (Boothbay, South Bristol), amended on August 12, 2008, is amended as follows:

TITLE & TEXT OF RULE: DMR Chapter 95.06(EE) Area No. 23-C, Lower Damariscotta River (Boothbay, South Bristol)

Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the following areas:

- A. Farmers Island (South Bristol): south of a line beginning at the northeast tip of Farmers Island, then running southeast, approximately 275 yards, to the nearest point of land; AND north of a line beginning at the south tip of Farmers Island, then running northeast, approximately 330 yards, to the nearest point of land.
- B. Lower Damariscotta River (Boothbay and South Bristol): south of a line beginning at the northernmost prominence of Meadow Cove (Boothbay); then running southeast to a red painted post on the western shore of Jones Point (South Bristol); then continuing south along the western shore of Jones Point to the south tip; then running south to the red nun '6' buoy; then running northeast to a red painted post located at the east side of Jones Cove, beyond the end of Garber Drive (South Bristol); AND north of a line beginning at the southeast tip of Ocean Point (Boothbay), then running southwest to the southeast tip of Green Island (Boothbay), then running northeast to the south tip of Reeds Island (Boothbay), then continuing northeast to the red and green nun 'FP' buoy, then running southeast to the south tip of Shipley Point (South Bristol).
- C. Inner Heron Island (South Bristol): within 500 feet of the shoreline.

EFFECTIVE DATE: August 13, 2008

EFFECTIVE TIME: 9:05 AM

AGENCY CONTACT PERSON: Amy M. Fitzpatrick, Department of Marine Resources,
194 McKown Point Road, W. Boothbay Harbor, Maine 04575
http://www.maine.gov/dmr/rm/public_health/closures/closedarea.htm
EMAIL: Amy.Fitzpatrick@maine.gov



Maine Department of Marine Resources

Pollution Area No. 23-C



Lower Damariscotta River (Boothbay, South Bristol)

8/13/08

