



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE  
GOVERNOR

PATRICIA W. AHO  
COMMISSIONER

August 14, 2015

Mr. Jeff Van Trump  
Town of Bar Harbor  
138 Ledgelawn Ave.  
Bar Harbor, ME 04609  
e-mail: [jvantrump@barharmoraine.gov](mailto:jvantrump@barharmoraine.gov)

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0102474  
Maine Waste Discharge License (WDL) Application #W002584-6B-H-R  
**Proposed Draft Permit – DeGregoire Plant**

Dear Mr. Van Trump:

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, September 14, 2015**. 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

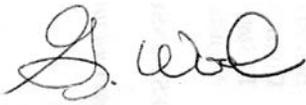
BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "G. Wood". The signature is fluid and cursive, with the first name "G." and the last name "Wood" clearly distinguishable.

Gregg Wood  
Division of Water Quality Management  
Bureau of Water Quality

Enc.

cc: Matt Young, DEP/EMRO  
David Webster, USEPA  
David Pincumbe, USEPA  
Alex Rosenberg, USEPA  
Olga Vergara, USEPA  
Maine Department of Marine Resources  
Maine Department of Inland Fisheries & Wildlife  
Ivy Frignoca, CLF



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

**DEPARTMENT ORDER**

**IN THE MATTER OF**

TOWN OF BAR HARBOR	)	MAINE POLLUTANT DISCHARGE
BAR HARBOR, HANCOCK COUNTY, MAINE	)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS	)	AND
ME0102474	)	WASTE DISCHARGE LICENSE
W002584-6B-H-R	)	<b>RENEWAL</b>
<b>DEGREGOIRE PARK FACILITY</b>		

Pursuant to the 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 regulations, the Department of Environmental Protection (Department hereinafter) has considered the application of the TOWN OF BAR HARBOR (Town/permittee hereinafter), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

**APPLICATION SUMMARY**

The Town has submitted a timely and complete application to the Department for the renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0102474/Maine Waste Discharge License (WDL) #W002584-6B-G-R (permit hereinafter) which was issued by the Department on September 2, 2010 for a five-year term. The 9/2/10 permit authorized the monthly average discharge of up to 0.012 million gallons per day (MGD) of secondary treated sanitary waste water from the Town's DeGregoire Park Plant to the Atlantic Ocean at Frenchman Bay, Class SB, in Bar Harbor, Maine.

**PERMIT SUMMARY**

This permitting action is carrying forward all the terms and conditions from the 9/2/10 permit except that this permit is

1. Reducing the monitoring frequencies for settleable solids and total residual chlorine from 5/Week to 3/Week based on a statistical evaluation for the previous three-year period.

## CONCLUSIONS

BASED on the findings in the attached **PROPOSED DRAFT** Fact Sheet dated August 14, 2015, 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 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 discharge 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).

**ACTION**

THEREFORE, the Department APPROVES the above noted application of the TOWN OF BAR HARBOR to discharge a monthly average flow of up to 0.012 million gallons per day of secondary treated sanitary waste water from the Town’s DeGregoire Park Plant to the Atlantic Ocean at Frenchman Bay, Class SB, in Bar Harbor 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 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 April 1, 2003)*].

DONE AND DATED AT AUGUSTA, MAINE, THIS \_\_\_ DAY OF \_\_\_\_\_, 2015.

COMMISSIONER OF ENVIRONMENTAL PROTECTION

BY: \_\_\_\_\_  
Patricia W. Aho, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application \_\_\_\_\_ May 29, 2015 \_\_\_\_\_.

Date of application acceptance \_\_\_\_\_ May 29, 2015 \_\_\_\_\_.

Date filed with Board of Environmental Protection \_\_\_\_\_

This Order prepared by GREGG WOOD, BUREAU OF WATER QUALITY

**SPECIAL CONDITIONS**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

- The permittee is authorized to discharge secondary treated sanitary waste water from **Outfall #001** to the Atlantic Ocean at Frenchman Bay. Such discharges shall be limited and monitored by the permittee as specified below<sup>(1)</sup>:

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
<b>Flow</b> <i>[50050]</i>	12,000 gpd <i>[07]</i>	---	Report, gpd <i>[07]</i>	---	---	---	Continuous <i>[99/99]</i>	Recorder <i>[RC]</i>
<b>BOD<sub>5</sub></b> <i>[00310]</i>	3.0 lbs./day <i>[26]</i>	4.5 lbs./day <i>[26]</i>	5.0 lbs./day <i>[26]</i>	30 mg/L <i>[19]</i>	45 mg/L <i>[19]</i>	50 mg/L <i>[19]</i>	2/Month <i>[02/30]</i>	24-Hour Composite <i>[24]</i>
<b>BOD<sub>5</sub> Percent Removal</b> <sup>(2)</sup> <i>[81010]</i>	---	---	---	85% <i>[23]</i>	---	---	1/Month <i>[01/30]</i>	Calculate <i>[CA]</i>
<b>TSS</b> <i>[00530]</i>	3.0 lbs./day <i>[26]</i>	4.5 lbs./day <i>[26]</i>	5.0 lbs./day <i>[26]</i>	30 mg/L <i>[19]</i>	45 mg/L <i>[19]</i>	50 mg/L <i>[19]</i>	2/Month <i>[02/30]</i>	24-Hour Composite <i>[24]</i>
<b>TSS Percent Removal</b> <sup>(2)</sup> <i>[81011]</i>	---	---	---	85% <i>[23]</i>	---	---	1/Month <i>[01/30]</i>	Calculate <i>[CA]</i>
<b>Settleable Solids</b> <i>[00545]</i>	---	---	---	---	---	0.3 ml/L <i>[25]</i>	3/Week <i>[03/07]</i>	Grab <i>[GR]</i>
<b>Fecal coliform bacteria</b> <sup>(3)</sup> <i>(May 15 – September 30)</i> <i>[31616]</i>	---	---	---	15/100 ml <sup>(4)</sup> <i>[13]</i>	---	50/100 ml <i>[13]</i>	2/Month <i>[02/30]</i>	Grab <i>[GR]</i>
<b>Total Residual Chlorine</b> <sup>(5)</sup> <i>[50060]</i>	---	---	---	0.1 mg/L <i>[19]</i>	---	0.3 mg/L <i>[19]</i>	3/Week <i>[03/07]</i>	Grab <i>[GR]</i>
<b>Mercury (Total)</b> <sup>(6)</sup> <i>[71900]</i>	---	---	---	43.2 ng/L <i>[3M]</i>	---	64.8 ng/L <i>[3M]</i>	1/Year <i>[01/YR]</i>	Grab <i>[GR]</i>
<b>pH</b> <i>[00400]</i>	---	---	---	---	---	6.0 – 9.0 SU <i>[12]</i>	1/Day <i>[01/01]</i>	Grab <i>[GR]</i>

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

## **SPECIAL CONDITIONS**

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

#### **Footnotes:**

1. **Monitoring** – Influent monitoring shall be conducted at the effluent end of the influent comminutor. All effluent monitoring shall be conducted at a location following the last treatment unit in the treatment process as to be representative of end-of-pipe effluent characteristics. Effluent monitoring shall be conducted at the discharge manhole following chlorination and dechlorination. 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 treatment facility shall maintain a minimum of 85 percent removal of both biochemical oxygen demand and total suspended solids for all flows receiving secondary treatment. The percent removal shall be calculated based on influent and effluent concentration values.
3. **Bacteria Limits** – Fecal coliform bacteria limits and monitoring requirements are seasonal and apply between May 15 and September 30 of each year.
4. **Bacteria Reporting** – The monthly average fecal coliform bacteria limitation is a geometric mean limitation and sample results shall be reported as such.
5. **Total residual chlorine (TRC)** – 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 limitations in this permit.

## SPECIAL CONDITIONS

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

#### Footnotes:

6. **Mercury** – All mercury sampling (1/Year) required to determine compliance with interim limitations established pursuant to *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001) shall be conducted in accordance with EPA's "clean sampling techniques" found in EPA Method 1669, Sampling Ambient Water For Trace Metals At EPA Water Quality Criteria Levels. All mercury analyses shall be conducted in accordance with EPA Method 1631E, Determination of Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Fluorescence Spectrometry. See **Attachment A, Effluent Mercury Test Report**, of this permit for the Department's form for reporting 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 effluent shall not contain a visible oil sheen, foam or floating solids at any time which would impair the uses 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 uses designated by the classification of the receiving waters.
3. The discharges shall not cause visible discoloration or turbidity in the receiving waters which would impair the uses 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. TREATMENT PLANT OPERATOR

The person who has the management responsibility over the treatment facility must hold a **Grade II** certificate (or higher) 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. LIMITATIONS FOR INDUSTRIAL USERS**

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

### **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 May 21, 2015; 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.

### **F. NOTIFICATION REQUIREMENT**

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

1. Any introduction of pollutants into the wastewater collection and treatment system from an indirect discharger in a primary industrial category discharging process 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 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.

## SPECIAL CONDITIONS

### G. OPERATION & MAINTENANCE (O&M) PLAN

The permittee shall maintain a current written comprehensive Operation & Maintenance (O&M) Plan at the facility. 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 USEPA personnel upon request.

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

### H. WET WEATHER FLOW MANAGEMENT PLAN

The treatment facility staff shall 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 shall conform to Department guidelines for such plans and 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 review their plan annually** and record any necessary changes to keep the plan up to date.

### I. PUMP STATION EMERGENCY BYPASSES

Discharges from emergency bypass structures in pump stations are not authorized by this permit. The permittee shall make provisions to monitor the pump stations listed below, in accordance with a monitoring plan reviewed and approved by the Department, to determine the frequency and quantity (via measurement or estimation) of wastewater discharged from the bypass structures. Discharges from the following pump stations shall be reported in accordance with Standard Condition B(5), *Bypasses*, of this permit.

<u>Outfall #</u>	<u>Location</u>
002	DeGregoire Park Pump Station

## **SPECIAL CONDITIONS**

### **J. 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.

### **K. 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 shall be postmarked by the thirteenth (13<sup>th</sup>) day of the month or hand-delivered to a Department Regional Office such that the DMRs are received by the Department by the fifteenth (15<sup>th</sup>) day of the month following the completed reporting period. A signed copy of the DMR and all other reports required herein shall be submitted, unless otherwise specified, to the Department's facility inspector at:

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

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 15<sup>th</sup> 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 (13<sup>th</sup>) 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 (15<sup>th</sup>) 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 15<sup>th</sup> day of the month following the completed reporting period.

### **L. SEVERABILITY**

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



# ATTACHMENT A

### 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:	<table border="1"><tr><td> </td><td> </td><td> </td></tr><tr><td>mm</td><td>dd</td><td>yy</td></tr></table>				mm	dd	yy	Sampling time:	_____ 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	_____ mg/L	Sample type:	_____ Grab (recommended) or _____ Composite						

#### ANALYTICAL RESULT FOR EFFLUENT MERCURY

Name of Laboratory:	_____		
Date of analysis:	_____	Result:	<span style="background-color: yellow;"> </span> ng/L (PPT)
Please Enter Effluent Limits for your facility			
Effluent Limits:	Average = _____ ng/L	Maximum = _____ ng/L	
Please attach any remarks or comments from the laboratory that may have a bearing on the results or their interpretation. If duplicate samples were taken at the same time please report the average.			

#### CERTIFICATION

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

PLEASE MAIL THIS FORM TO YOUR ASSIGNED INSPECTOR

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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**A. GENERAL PROVISIONS**

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

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

- (a) They are not
  - (i) Designated as toxic or hazardous under the provisions of Sections 307 and 311, respectively, of the Federal Water Pollution Control Act; Title 38, Section 420, Maine Revised Statutes; or other applicable State Law; or
  - (ii) Known to be hazardous or toxic by the licensee.
- (b) The discharge of such materials will not violate applicable water quality standards.

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

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

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

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

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

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

**B. OPERATION AND MAINTENANCE OF FACILITIES**

**1. General facility requirements.**

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

**5. Bypasses.**

- (a) Definitions.
  - (i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
  - (ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c) and (d) of this section.
- (c) Notice.
  - (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

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

**6. Upsets.**

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

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**C. MONITORING AND RECORDS**

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

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

**3. Monitoring and records.**

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

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**D. REPORTING REQUIREMENTS**

**1. Reporting requirements.**

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

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has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(ii) The following shall be included as information which must be reported within 24 hours under this paragraph.

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit.

(B) Any upset which exceeds any effluent limitation in the permit.

(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.

(iii) The Department may waive the written report on a case-by-case basis for reports under paragraph (f)(ii) of this section if the oral report has been received within 24 hours.

(g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (d), (e), and (f) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (f) of this section.

(h) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

**2. Signatory requirement.** All applications, reports, or information submitted to the Department shall be signed and certified as required by Chapter 521, Section 5 of the Department's rules. State law provides that any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained by any order, rule, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

**3. Availability of reports.** Except for data determined to be confidential under A(9), above, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. As required by State law, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal sanctions as provided by law.

**4. Existing manufacturing, commercial, mining, and silvicultural dischargers.** In addition to the reporting requirements under this Section, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Department as soon as they know or have reason to believe:

(a) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(i) One hundred micrograms per liter (100 ug/l);

(ii) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

(iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or

(iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

# MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

## STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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- (b) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
  - (i) Five hundred micrograms per liter (500 ug/l);
  - (ii) One milligram per liter (1 mg/l) for antimony;
  - (iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
  - (iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

### 5. Publicly owned treatment works.

- (a) All POTWs must provide adequate notice to the Department of the following:
  - (i) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA or Chapter 528 if it were directly discharging those pollutants.
  - (ii) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
  - (iii) For purposes of this paragraph, adequate notice shall include information on (A) the quality and quantity of effluent introduced into the POTW, and (B) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (b) When the effluent discharged by a POTW for a period of three consecutive months exceeds 80 percent of the permitted flow, the permittee shall submit to the Department a projection of loadings up to the time when the design capacity of the treatment facility will be reached, and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans.

## E. OTHER REQUIREMENTS

**1. Emergency action - power failure.** Within thirty days after the effective date of this permit, the permittee shall notify the Department of facilities and plans to be used in the event the primary source of power to its wastewater pumping and treatment facilities fails as follows.

- (a) For municipal sources. During power failure, all wastewaters which are normally treated shall receive a minimum of primary treatment and disinfection. Unless otherwise approved, alternate power supplies shall be provided for pumping stations and treatment facilities. Alternate power supplies shall be on-site generating units or an outside power source which is separate and independent from sources used for normal operation of the wastewater facilities.
- (b) For industrial and commercial sources. The permittee shall either maintain an alternative power source sufficient to operate the wastewater pumping and treatment facilities or halt, reduce or otherwise control production and or all discharges upon reduction or loss of power to the wastewater pumping or treatment facilities.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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**2. Spill prevention.** (applicable only to industrial sources) Within six months of the effective date of this permit, the permittee shall submit to the Department for review and approval, with or without conditions, a spill prevention plan. The plan shall delineate methods and measures to be taken to prevent and or contain any spills of pulp, chemicals, oils or other contaminants and shall specify means of disposal and or treatment to be used.

**3. Removed substances.** Solids, sludges trash rack cleanings, filter backwash, or other pollutants removed from or resulting from the treatment or control of waste waters shall be disposed of in a manner approved by the Department.

**4. Connection to municipal sewer.** (applicable only to industrial and commercial sources) All wastewaters designated by the Department as treatable in a municipal treatment system will be cosigned to that system when it is available. This permit will expire 90 days after the municipal treatment facility becomes available, unless this time is extended by the Department in writing.

**F. DEFINITIONS.** For the purposes of this permit, the following definitions shall apply. Other definitions applicable to this permit may be found in Chapters 520 through 529 of the Department's rules

**Average** means the arithmetic mean of values taken at the frequency required for each parameter over the specified period. For bacteria, the average shall be the geometric mean.

**Average monthly discharge limitation** means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. Except, however, bacteriological tests may be calculated as a geometric mean.

**Average weekly discharge limitation** means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

**Best management practices ("BMPs")** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**Composite sample** means a sample consisting of a minimum of eight grab samples collected at equal intervals during a 24 hour period (or a lesser period as specified in the section on monitoring and reporting) and combined proportional to the flow over that same time period.

**Continuous discharge** means a discharge which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes, or other similar activities.

**Daily discharge** means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.

# MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

## STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

**Maximum daily discharge limitation** means the highest allowable daily discharge.

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

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

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

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

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

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

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

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

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

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

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

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

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

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

**FACT SHEET**

Date: **August 14, 2015**

PERMIT NUMBER:           **ME0102474**  
LICENSE NUMBER:         **W002584-6B-H-R**

NAME AND ADDRESS OF APPLICANT:

**TOWN OF BAR HARBOR  
Waste water Treatment Facility  
136 Ledgelawn Avenue  
Bar Harbor, Maine 04609**

COUNTY:                   **Hancock**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**DeGregoire Park Plant  
Bar Harbor, Maine 04609**

RECEIVING WATER/CLASSIFICATION: **Atlantic Ocean, Frenchman Bay /Class SB**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **:Mr. Jeff Van Trump, Utilities Supt.**  
e-mail: [jvantrump@barharbormaine.gov](mailto:jvantrump@barharbormaine.gov)  
**(207) 288-4028**

**1. APPLICATION SUMMARY**

- a. Application: The Town of Bar Harbor (Town/permittee hereinafter) has submitted a timely and complete application to the Department for the renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0102474/Maine Waste Discharge License (WDL) #W002584-6B-G-R (permit hereinafter) which was issued by the Department on September 2, 2010, for a five-year term. The 9/21/10 permit authorized the monthly average discharge of up to 0.012 million gallons per day (MGD) of secondary treated sanitary waste water from the Town's DeGregoire Park Plant to the Atlantic Ocean at Frenchman Bay, Class SB, in Bar Harbor, Maine. See **Attachment A** of this Fact Sheet for a location map.

## 1. APPLICATION SUMMARY (cont'd)

- b. Source Description: The Town's three wastewater treatment facilities receive wastewater generated by residential and commercial users (approximately 1,450 customer accounts on approximately 1,380 lots) located within the Town of Bar Harbor. The Town does not have specific information as to the exact number of customers connected to each of the three treatment systems. The DeGregoire Park facility receives wastewater generated by residential customers located in a small neighborhood surrounding the facility. There are no significant industrial facilities discharging to the system, and there are no combined sewer overflow (CSO) points located within the collection system. The collection system for DeGregoire Park is approximately 0.78 miles in length and contains one (1) pump station. The Town reported that the pump station is small enough to be pumped down by a truck with a suction hose in the event of high water events. The pump station contains an emergency bypass which is designed to discharge in the event of an electrical or mechanical failure; however, bypass discharges are not authorized by this permit and any bypass event is considered a violation, is reportable, and is subject to Department enforcement.

Special Condition J of this permit, *Pump Station Emergency Bypasses*, establishes a requirement for the town to make provisions to monitor the pump station to determine the frequency and quantity (via measurement or estimation) of wastewater discharged from the bypass structures. The Town is not authorized to receive transported wastes at the DeGregoire Park facility.

- c. Wastewater Treatment: The Town's DeGregoire Park Plant provides a secondary level of wastewater treatment via an extended aeration activated sludge package treatment system. The treatment system consists of an approximately 32-foot long by 12-foot wide by 10-foot deep steel rectangular tank that is separated into two nearly equal basins. The first basin serves as the aeration basin and the second serves as the clarifier. Periodic removal of solids is accomplished by use of a pump truck with the solids being transported to the Town's Main Plant (MEPDES #ME0101214) for processing. Following clarification, the flow is conveyed to an approximately 16-foot long by 7-foot wide by 20-inch deep chlorine contact tank for disinfection using sodium hypochlorite and dechlorination using sodium bisulfite on a seasonal basis.

Final effluent is discharged to Frenchman Bay (Atlantic Ocean) via a 6-inch diameter outfall pipe that extends out into the receiving water approximately 240 linear feet to a depth of approximately 3.5 feet below the surface of the water at mean low tide.

A schematic of the treatment facility is included as Fact Sheet **Attachment B**.

## 2. PERMIT SUMMARY

- a. Terms and Conditions: This permitting action is carrying forward all the terms and conditions from the 11/21/05 permit except that this permit is:
  1. Reducing the monitoring frequencies for settleable solids and total residual chlorine from 5/Week to 3/Week based on a statistical evaluation for the previous three-year period.
- b. Regulatory history: The most recent significant permitting/licensing actions completed for the Town's DeGregoire Park Plant include the following:

*June 12, 1990* – The Department issued WDL #W002591-46-C-R to the Town for separate discharges from three wastewater treatment facilities (DeGregoire Park Plant, Main Plant, and Hulls Cove Plant). As a matter of convenience and expedience, the Department combined the licensing of the three facilities into the one document.

*July 18, 1990* – The Natural Resources Council of Maine (NRCM) filed an appeal of the 6/12/90 WDL with the Board of Environmental Protection (Board).

*February 10, 1993* – The Department issued revised WDL #W002591-46-C-Z to the Town based on a settlement of the appeal filed by NRCM on 7/18/90. The license was modified to contain requirements for the Town to conduct toxicity testing of wastewater discharges, work to eliminate combined sewer overflows (CSOs) at the Main and Hulls Cove facilities, and to eliminate the discharge of chlorine in toxic amounts via construction/reconfiguration of outfall structures that provide adequate dilution for the flows discharged.

*May 18, 1993* – The USEPA issued NPDES permit #ME0102709 to the Town for the discharges from the DeGregoire Park, Main and Hulls Cove facilities. The 5/18/93 permit superseded previous NPDES permits issued to the Town for the three facilities. See Page 1 of 11 of the 5/18/93 permit for a complete listing of NPDES permit numbers and their associated effective dates.

*November 3, 1997* – The Department issued a letter to the Town, thereby administratively modifying the 2/10/93 WDL, to establish a monthly average concentration limit of 15 colonies/100 ml and to revise the daily maximum concentration limit from 15 colonies/100 ml to 50 colonies/100 ml for fecal coliform bacteria.

*July 10, 2000* – Pursuant to Maine law, 38 M.R.S.A. §420 and §413 and Department rule, 06-096 CMR Chapter 519, *Interim Effluent Limitations and Controls for the Discharge of Mercury*, the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL # W002591-46-C-Z by establishing interim monthly average and daily maximum effluent concentration limits of 43.2 parts per trillion (ppt) and 64.8 ppt, respectively, and a minimum monitoring frequency requirement of 2 tests per year for mercury.

## 2. PERMIT SUMMARY (cont'd)

*December 8, 2000* – The Department issued WDL #W002584-5L-D-R to the Town for the discharge from the DeGregoire Park Plant. It is noted the Town's Main and Hulls Cove waste water treatment facilities were licensed independently.

*January 12, 2001* – The Department received authorization from the USEPA to administer the NPDES program in Maine.

*June 18, 2001* – The Town submitted an application to the Department to modify the 12/14/00 WDL for the DeGregoire Park Plant to incorporate the terms and conditions of the MEPDES program.

*August 28, 2001* – The Department issued WDL #W002584-5L-E-M / MEPDES permit #ME0102474 (8/28/01 MEPDES permit hereinafter) to the Town for the monthly average discharge of up to 0.012 MGD from the DeGregoire Park Plant to Frenchman Bay of the Atlantic Ocean. The 8/28/01 MEPDES permit superseded the 12/14/00 WDL.

*May 17, 2005* – The Department issued a Notice of Violation (NOV) to the Town for the unlicensed bypass that occurred from the DeGregoire Park pump station on March 29 and March 30, 2005. The NOV required the submission of a revised standard operating procedure (SOP) for identifying and responding to pump station bypasses from the DeGregoire Park treatment facility, and implementation of the Department-approved SOP by August 1, 2005.

*June 30, 2005* – The Town responded in writing to the Department's 5/17/05 NOV.

*November 21, 2005* – The Department issued MEPDES permit #ME0102474/WDL #W002584-5L-F-R for five year term.

*September 2, 2010* - The Department issued MEPDES permit #ME0102474/WDL #W002584-6B-G-R for five year term.

*May 29, 2015* – The Town submitted a timely and complete application to renew MEPDES permit #ME0102474/WDL #W002584-6B-G-R.

## 3. CONDITIONS OF PERMITS

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 classifies all estuarine and marine waters lying within the boundaries of the State and which are not otherwise classified, which includes Frenchman Bay at the point of discharge, as Class SB waters. Maine law, 38 M.R.S.A. §465-B(2) describes the standards for Class SB waters as follows;

*Class SB waters must be of such quality that they are suitable for the designated uses of recreation in and on the water, fishing, aquaculture, propagation and harvesting of shellfish, industrial process and cooling water supply, hydroelectric power generation, navigation and as habitat for fish and other estuarine and marine life. The habitat must be characterized as unimpaired.*

*The dissolved oxygen content of Class SB waters must be not less than 85% of saturation. Between May 15th and September 30th, the numbers of enterococcus bacteria of human and domestic animal origin in these waters may not exceed a geometric mean of 8 per 100 milliliters or an instantaneous level of 54 per 100 milliliters. In determining human and domestic animal origin, the department shall assess licensed and unlicensed sources using available diagnostic procedures. The numbers of total coliform bacteria or other specified indicator organisms in samples representative of the waters in shellfish harvesting areas may not exceed the criteria recommended under the National Shellfish Sanitation Program, United States Food and Drug Administration.*

*Discharges to Class SB waters may not cause adverse impact to estuarine and marine life in that the receiving waters must be of sufficient quality to support all estuarine and marine species indigenous to the receiving water without detrimental changes in the resident biological community. There may be no new discharge to Class SB waters that would cause closure of open shellfish areas by the Department of Marine Resources. For the purpose of allowing the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety, the department may find that the discharged effluent will not cause adverse impact to estuarine and marine life as long as the materials and methods used provide protection for nontarget species. When the department issues a license for the discharge of aquatic pesticides authorized under this paragraph, the department shall notify the municipality in which the application is licensed to occur and post the notice on the department's publicly accessible website.*

#### **5. RECEIVING WATER QUALITY CONDITIONS**

*The State of Maine 2012 Integrated Water Quality Monitoring and Assessment Report*, prepared pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists Bar Harbor (Waterbody # 714-21) as, “*Category 4-A: Estuarine and Marine Waters with Impaired Use. TMDL Completed*” formerly “*Category 5-B-2: Estuarine and Marine Waters Impaired by Bacteria From Combined Sewer Overflows.*” The Town’s DeGregoire Park collection system does not contain combined sewer overflow (CSO) points and therefore does not cause or contribute to the impairment caused by bacteria from CSO discharges. The Department is requiring the Town to develop and implement CSO Master Plans for the elimination or abatement of all CSO points associated with the

**5. RECEIVING WATER QUALITY CONDITIONS**

Town’s Hulls Cove and Main Plant wastewater collection systems. As the Town’s Hulls Cove and Main Plants and the sewer collection systems are upgraded and maintained in according with the CSO Master Plans and Nine Minimum Controls, there should be reductions in the frequency and volume of CSO activities and, over time, improvement in the quality of the wastewater discharged to the receiving waters to the CSO Master Plan and Nine Minimum Controls, there should be reductions in the frequency and volume of CSO activities and, over time, improvement in the quality of the wastewater discharged to the receiving waters.

The Maine Department of Marine Resources (DMR) assesses information on shellfish growing areas to ensure that shellfish harvested are safe for consumption. The DMR has authority to close shellfish harvesting areas wherever there is a pollution source, a potential pollution threat, or poor water quality. The DMR traditionally closes shellfish harvesting areas if there are known sources of discharges with unacceptable bacteria levels (instream thresholds established in the National Shellfish Sanitation Program) or maintains shellfish harvesting closure areas due to lack of updated information regarding ambient water quality conditions. In addition, the DMR prohibits shellfish harvesting in the immediate vicinity of all wastewater treatment outfall pipes as a precautionary measure in the event of a failure in the treatment plant’s disinfection system. Thus, shellfish harvesting area #47 is closed to the harvesting of shellfish due to insufficient or limited ambient water quality data to determine that the area meets the standards in the National Shellfish Sanitation Program. The shellfish closure area is identified on the map included as Fact Sheet **Attachment A**. The Department is making the determination that compliance with the fecal coliform bacteria and other secondary wastewater treatment limits established in this permitting action ensure that the discharge of secondary treated wastewater from the Town’s DeGregoire Park Plant will not cause or contribute to the failure of the receiving waters to meet the standards of its designated classification.

**6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS**

- a. Flow: The previous permitting action established, and this permitting action is carrying forward, a monthly average discharge flow limit of 0.012 million gallons per day (MGD) based on the design capacity of the treatment facility, a daily maximum discharge flow reporting requirement and a “continuous recorder” monitoring requirement.

A review of the monthly DMR data for the period January 2012 - February 2015 indicates the facility has been in compliance with the flow limit 100% of the time in said period as results have been reported as follows:

**Flow (DMRs=36)**

<b>Value</b>	<b>Limit (MGD)</b>	<b>Range (MGD)</b>	<b>Mean (MGD)</b>
Monthly average	0.012	0.002 – 0.008	0.005
Daily maximum	Report	0.004 – 0.023	0.013

## 6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

- b. Dilution Factors: Department rule, 06-096 CMR Chapter 530. Section 4.A.2., *Surface Water Toxics Control Program*, states that, “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.” Based on the configuration of the outfall structure and a discharge flow limit of 0.012 MGD, dilution factors associated with the discharge are as follows:

Acute = 62:1

Chronic = 643:1

Harmonic mean = 1,929:1\*

Footnote:

- \* 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 U.S. EPA 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.

- c. Biochemical Oxygen Demand (BOD<sub>5</sub>) and Total Suspended Solids (TSS): The previous permitting action established, and this permitting action is carrying forward, technology-based monthly and weekly average biochemical oxygen demand (BOD<sub>5</sub>) and total suspended solids (TSS) concentration limits of 30 mg/L and 45 mg/L, respectively, based on secondary treatment requirements pursuant to Department rule, 06-096 CMR Chapter 525(3)(III). The previous permitting action established, and this permitting action is carrying forward, technology-based daily maximum BOD<sub>5</sub> and TSS concentration limits of 50 mg/L based on a Department best professional judgement of best practicable treatment. The previous permitting action established, and this permitting action is carrying forward, monthly average, weekly average and daily maximum mass limits based on calculations using the monthly average flow limit of 0.012 MGD and the appropriate concentration limits as follows:

Monthly Average Mass Limit:  $(30 \text{ mg/L})(8.34 \text{ lbs./gallon})(0.012 \text{ MGD}) = 3.0 \text{ lbs./day}$

Weekly Average Mass Limit:  $(45 \text{ mg/L})(8.34 \text{ lbs./day})(0.012 \text{ MGD}) = 4.5 \text{ lbs./day}$

Daily Maximum Mass Limit:  $(50 \text{ mg/L})(8.34 \text{ lbs./day})(0.012 \text{ MGD}) = 5.0 \text{ lbs./day}$

**6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS**

A review of the monthly Discharge Monitoring Report (DMR) data for the period January 2012 – February 2015 indicates the following:

**BOD Mass (DMRs=36)**

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	3.0	0.1 – 0.3	0.18
Daily Maximum	5.0	0.1 – 0.4	0.23

**BOD Concentration (DMRs=36)**

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	3.0 – 6.5	4.5
Daily Maximum	50	3.0 – 7.0	5.0

**TSS mass (DMRs=36)**

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	3.0	0.1 – 0.3	0.17
Daily Maximum	5.0	0.1 – 0.5	0.21

**TSS concentration (DMRs=36)**

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	3.0 – 7.0	4.2
Daily Maximum	50	3.0 – 7.0	4.7

The previous permitting action established, and this permitting action is carrying forward a requirement to achieve a minimum 30-day average removal of 85 percent for BOD<sub>5</sub> and TSS pursuant to Department rule, 06-096 CMR Chapter 525(3)(III)(a&b)(3).

A review of the monthly DMR data for the period January 2012 – February 2015 indicates the permittee has reported values as follows:

**BOD % Removal (DMRs=38)**

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	85	93 - 98	96

**TSS % Removal (DMRs=38)**

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	85	93 - 98	96

The previous permitting action established, and this permitting action is carrying forward, a minimum monitoring frequency requirement of twice per month (2/Month) for BOD<sub>5</sub> and TSS, which is based on Department guidance for POTWs permitted to discharge up to 0.1 MGD, and a “24-hour composite” sample type for BOD<sub>5</sub> and TSS. Influent samples for BOD<sub>5</sub> and TSS may be collected as grab samples, unless otherwise specified by the Department.

**6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS**

- d. Settleable Solids: The previous permitting action established, and this permitting action is carrying forward, a technology-based daily maximum concentration limit of 0.3 ml/L for settleable solids, which is considered a best practicable treatment limitation (BPT). The 9/2/10 permit established a minimum monitoring frequency requirement of 5/Week, which was based on Department guidance for POTWs permitted to discharge up to 0.1 MGD, and a “grab” sample type for settleable solids.

A review of the monthly Discharge Monitoring Report (DMR) data for the period January 2012 – February 2015 indicates the following:

**Settleable solids (DMRs=36)**

Value	Limit (ml/L)	Range (ml/L)	Average (ml/L)
Daily Maximum	0.3	<0.1 - <0.1	0.05

Minimum monitoring frequency requirements in MEPDES permits are prescribed by 06-096 CMR Chapter 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.

Although EPA’s 1996 Guidance recommends evaluation of the most current two-years of effluent data for a parameter, the Department is considering 38 months of data (January 2012 – February 2015). A review of the monitoring data for settleable solids indicates the ratios (expressed in percent) of the long term effluent average to the daily maximum limit can be calculated as 16%. According to Table I of the EPA Guidance and Department Guidance, a 5/Week monitoring requirement can be reduced to 3/Week. Therefore, this permitting action is reducing the monitoring frequency for settleable solids to 3/Week.

- e. Fecal Coliform Bacteria: The previous permitting action established, and this permitting action is carrying forward, seasonal monthly average and daily maximum concentration limits of 15 colonies/100 ml and 50 colonies/100 ml, respectively, for fecal coliform bacteria, which are consistent with the National Shellfish Sanitation Program, a minimum monitoring frequency requirement of twice per month (2/Month), which is based on Department guidance for POTWs permitted to discharge up to 0.1 MGD, and a “grab” sample type. Bacteria limits are seasonal and apply between May 15 and September 30, inclusive, of each year; however, the Department reserves the right to require year-round disinfection to protect the health, safety and welfare of the public.

**6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS**

A review of the monthly DMR data for the period May 2012 - September 2014 indicates the permittee has been in compliance with the bacteria limits 100% of the time as values have been reported as follows:

**Fecal coliform bacteria (DMRs=14)**

Value	Limit (col/100 ml)	Range (col/100 ml)	Mean (col/100 ml)
Monthly Average	15	2 - 7	4.1
Daily Maximum	50	3 - 12	6.3

According to Department guidance, *Performance Based Reduction of Monitoring Frequencies - Modification of EPA Guidance Released April 1996* (Maine DEP May 22, 2014) “No matter the original testing frequency, or the allowed reductions determined using EPA table 1 above, the Department will not grant reductions below the minimum of 2/month or twice monthly.” Therefore, the monitoring frequency of 2/Month in the previous permit is being carried forward in this permit.

- f. Total Residual Chlorine (TRC): The previous permitting action established a technology-based daily maximum concentration limit of 0.3 mg/L and a minimum monitoring frequency requirement of once per day (1/Day) for TRC, which is based on Department guidance for POTWs permitted to discharge up to 0.1 MGD, and a “grab” sample type. 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 BPT-based limit. With dilution factors as determined above, 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 Threshold	Chronic Threshold
0.013 mg/L	0.0075 mg/L	62:1 (A) 643:1 (C)	0.81 mg/L	4.8 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. The Town dechlorinates the effluent prior to discharge in order to consistently achieve compliance with the water quality-based thresholds. The daily maximum technology-based standard of 0.3 mg/L is more stringent than the calculated acute water quality-based threshold of 0.81 mg/L and is therefore being carried forward in this permitting action. The monthly average technology-based standard of 0.1 mg/L is more stringent than the calculated chronic water quality-based threshold of 4.8 mg/L and is therefore being carried forward in this permitting action.

**6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS**

A review of the DMR data for the period May 2012 – September 2014 indicates the permittee has been in compliance with the TRC limit every month as concentration values being reported as follows:

**Total residual chlorine (DMRs=15)**

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly average	0.1	0.01 – 0.03	0.02
Daily maximum	0.3	0.04 – 0.20	0.1

Although EPA’s 1996 Guidance recommends evaluation of the most current two-years of effluent data for a parameter, the Department is considering 15 months of data (May 2012 – September 2014). A review of the monitoring data for TRC indicates the ratios (expressed in percent) of the long term effluent average to the daily maximum limit can be calculated as 20%. According to Table I of the EPA Guidance and Department Guidance, a 5/Week monitoring requirement can be reduced to 3/Week. Therefore, this permitting action is reducing the monitoring frequency for TRC to 3/Week.

- g. 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, which is based on Department rule, 06-096 CMR Chapter 525(3)(III), and a minimum monitoring frequency requirement of once per day (1/Day) based on Department guidance for POTWs permitted to discharge between 0.1 and 0.5 MGD.
- h. Nitrogen - The permittee has not been conducting total nitrogen testing on its discharge to date. However, the USEPA requested the Department evaluate the reasonable potential for the discharge of total nitrogen to cause or contribute to non-attainment of applicable water quality standards in marine waters, namely dissolved oxygen (DO) and marine life support. The Department has 50 total nitrogen effluent values with an arithmetic mean of 14.3 mg/L collected from various municipally-owned treatment works that discharge to marine waters of the State. None of the facilities whose effluent data were used are specifically designed to remove total nitrogen. For the MEPDES permitting program, the Department considers 14.3 mg/L to be representative of total nitrogen discharge levels for all facilities providing secondary treatment that discharge to marine waters in the absence of facility specific data.

As of the date of this permitting action, the State of Maine has not promulgated numeric ambient water quality criteria for any of the nitrogen compounds. According to several studies in EPA’s Region I, numeric nutrient criteria have been established for relatively few estuaries but the criteria that have been set typically fall between 0.35 mg N/L and 0.50 mg N/L to protect aquatic life in marine waters using dissolved oxygen as the indicator and to control cultural eutrophication effects namely diurnal DO swings and supersaturated DO levels. While the thresholds are site-specific many of the nitrogen thresholds set for the protection of eelgrass habitat are similar and fall between 0.30 mg N/L and 0.39 mg N/L.

## 6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Extrapolating estuarine criteria to an exposed coastal marine environment may result in thresholds that are not appropriate given the lower ambient nutrient concentrations expected in the open ocean. Based on studies in EPA Region I and the Department's best professional judgment of thresholds that are protective of Maine water quality standards, the Department is utilizing a threshold of 0.45 mg/L for the protection of aquatic life in marine waters using dissolved oxygen as the indicator and 0.32 mg/L for the protection of eelgrass beds in the vicinity of discharge outfalls. There are eelgrass beds present in the vicinity of the permittee's outfall pipe.

Except for ammonia other nitrogen species are not acutely toxic, the Department is considering a far-field dilution to be more appropriate when evaluating impacts of total nitrogen to a marine environment. The permittee's facility has a chronic near field dilution factor of 643:1. Far field dilutions are significantly higher than the near-field dilution, ranging from 100 – 10,000 times higher depending on the location of the outfall pipe. With open ocean discharges, far field dilutions would tend to be 1,000 – 10,000 times higher. With outfalls located in protected coves or small embayments without significant flushing, the far field dilutions factors would tend to be on the order of 100 times higher. Final effluent is discharged to Frenchman Bay (Atlantic Ocean) via a 6-inch diameter outfall pipe that extends out into the receiving water approximately 240 linear feet to a depth of approximately 3.5 feet below the surface of the water at mean low tide. The outfall is located in open water with significant tidal flushing, thus, the far field dilution factor would likely be not less than 1,000 times higher. Applying this most protective far field dilution multiplier of 1,000 times to the near field dilution factor of 643:1 results in a far-field dilution factor of 643,000:1. By this analysis, the increase in the ambient total nitrogen due to permittee's effluent discharge is as follows:

Total nitrogen concentrations in effluent = 14.3 mg/L

Chronic dilution factor = 643,000:1

In-stream concentration after dilution:  $\frac{14.3 \text{ mg/L}}{643,000} = 0.00002 \text{ mg/L}$

The Department has been collecting ambient total nitrogen data in close proximity to the Maine coastline to support an effort to develop statewide nutrient criteria for marine waters. For the permittee's facility, the Department calculated a mean background concentration of 0.22 mg/l based on the ambient data collected to date. As a result, after reasonable opportunity for far field mixing, the increase in the concentration of total nitrogen in the receiving water due to the discharge from the permittee's facility will not be measureable thus, the instream concentration of total nitrogen will remain at 0.22 mg/L. This concentration is lower than the Department's and EPA's best professional judgment of a critical threshold of 0.32 mg/L for the protection of eelgrass beds in the vicinity of the permittee's outfall pipe. Therefore, the Department is making a best professional judgment determination that the discharge of total nitrogen from the permittee's facility does not exhibit a reasonable potential to exceed applicable water quality standards for Class SB waters.

## 6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

- 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 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 DeGregoire Park facility is permitted to discharge less than 50,000 gallons per day, and has a chronic dilution factor greater than 50:1. Thus, the Department concludes that the discharge from the Town's DeGregoire Park facility qualifies for exemption from Chapter 530 testing requirements. This permitting action is not establishing WET, priority pollutant or analytical chemistry monitoring requirements at this time.

## 6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

- i. 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 July 10, 2000, thereby administratively modifying MEPDES ME0102474/WDL W002584-5L-F-R by establishing interim monthly average and daily maximum effluent concentration limits of 43.2 parts per trillion (ppt) and 64.8 ppt, respectively, and a minimum monitoring frequency requirement of four (4) tests per year for mercury. It is noted the limitations have been incorporated into Special Condition A, *Effluent Limitations And Monitoring Requirements*, of this permit. On February 6, 2012, the Department issued a minor revision of the permit by reducing the monitoring frequency to 1/Year.

Maine law 38 M.R.S.A., §420 1-B,(B)(1) states that a facility is not in violation of the AWQC for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413, subsection 11. A review of the Department's database for the previous 60-month period indicates the permittee has been in compliance with both limitations 100% of the time as mercury test results have reported in the range from 0.7 ppt to 1.7 ppt with an arithmetic mean (n=5) of 1.6 ppt.

## 7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As permitted, the Department has determined the existing water uses will be maintained and protected and the discharge will not cause or contribute to the failure of the Atlantic Ocean at Frenchman Bay to meet standards for Class SB classification.

## 8. PUBLIC COMMENTS

Public notice of this application was made in the Mount Desert Islander newspaper on or about May 21, 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 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:

Gregg Wood  
Division of Water Quality Management  
Bureau of Water Quality  
Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333-0017 Telephone: (207) 287-7693  
e-mail; [gregg.wood@maine.gov](mailto:gregg.wood@maine.gov)

## **10. RESPONSE TO COMMENTS**

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

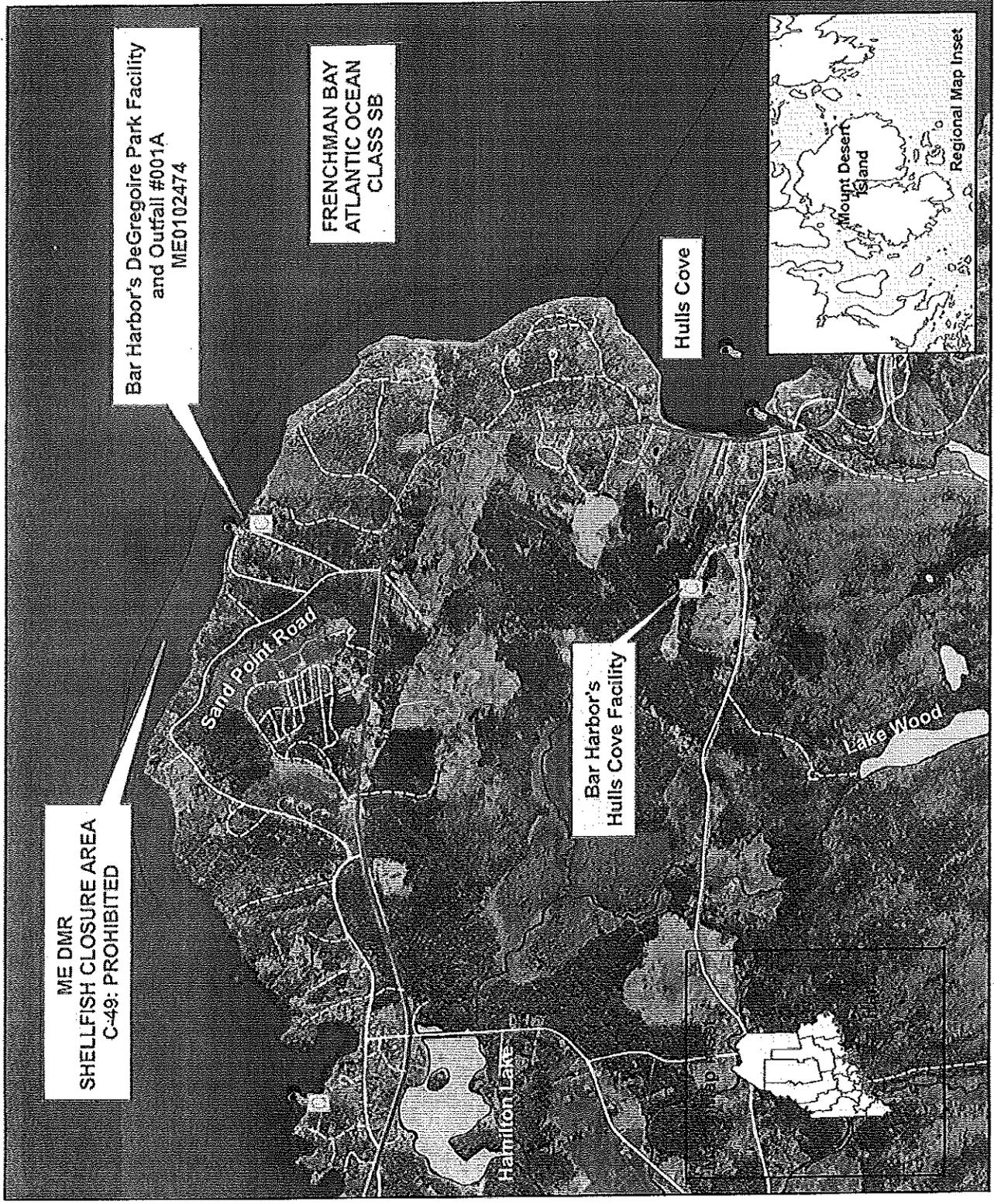
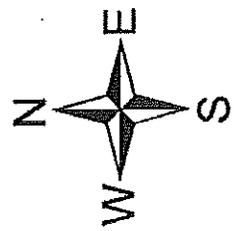
# ATTACHMENT A

**Legend**

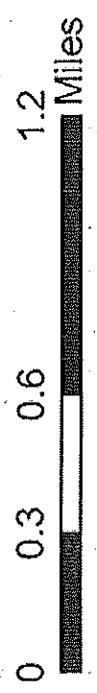
- Wastewater\_Facilities
- Wastewater\_Outfalls

**Shellfish Closures**

- Approved
- Conditionally Restricted
- Conditionally Approved
- Restricted
- Prohibited
- Streams
- Ponds and Lakes



Map created by:  
 Bill Hinkel  
 Division of Water Resource Regulation  
 Maine Department of Environmental Protection  
 July 12, 2005



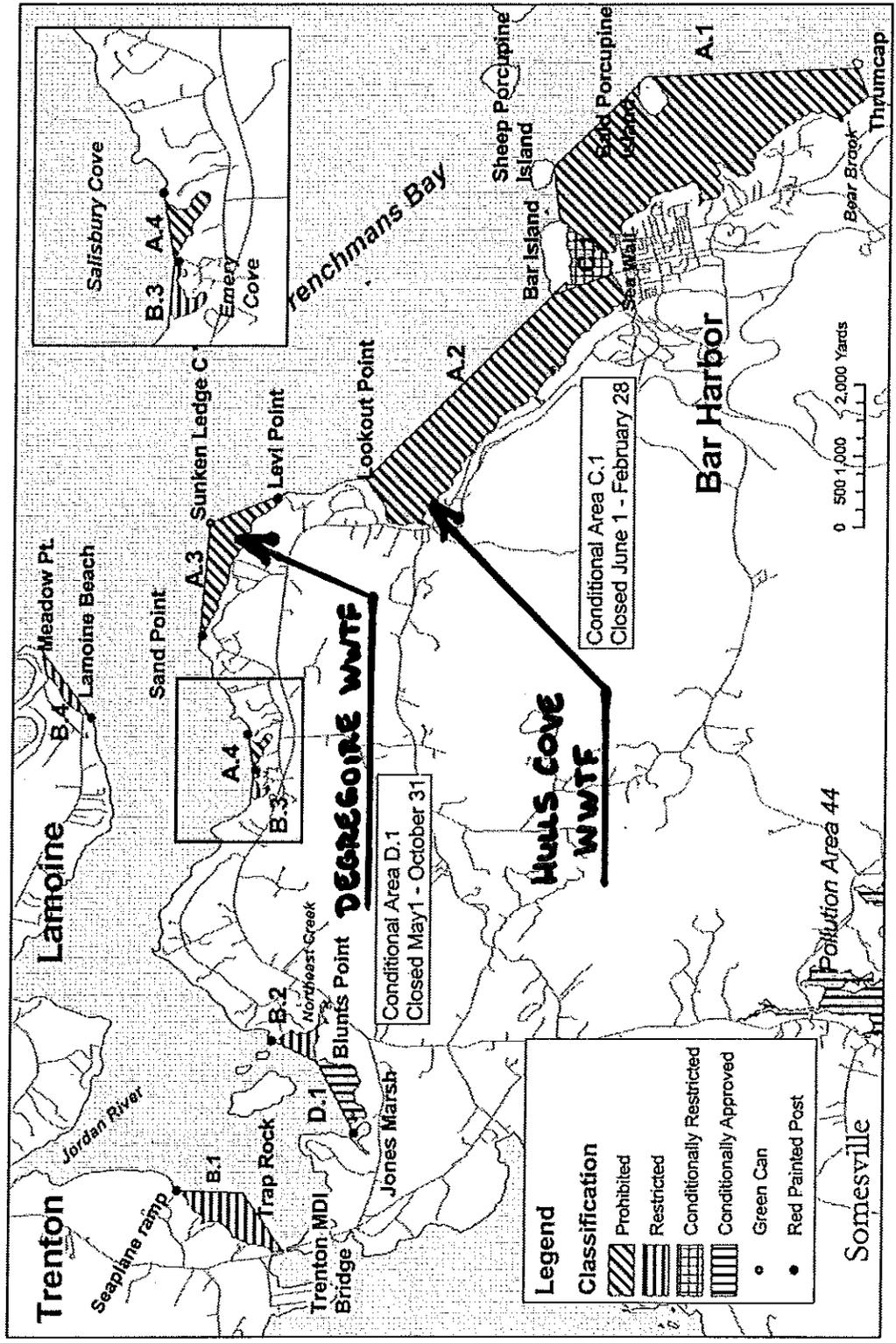
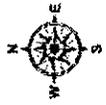
# Bar Harbor, Maine



# Maine Department of Marine Resources

Area No. 47

Northern Mount Desert Island and vicinity (Bar Harbor, Lamoine and Trenton)



Legend	
	Prohibited
	Restricted
	Conditionally Restricted
	Conditionally Approved
	Green Can
	Red Painted Post

Conditional Area D.1  
Closed May 1 - October 31

Conditional Area C.1  
Closed June 1 - February 28

0 500 1,000 2,000 Yards

Somesville

Pollution Area 44

# ATTACHMENT B

Webregone Park  
Treatment Plant

F4H (A)

