

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR



PAUL MERCER
COMMISSIONER

November 7, 2016

Mr. Michael McGovern
Town Manager - Town of Cape Elizabeth
P.O. Box 6260, Ocean House Road
Cape Elizabeth, ME. 04107
Michael.mcgovern@capeelizabeth.org

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit # ME0090379
Maine Waste Discharge License (WDL) Application #W003157-6A-F-R
Proposed Draft Permit

Dear Mr. McGovern:

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 **Wednesday, December 7, 2016**. 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 Water Quality
Division of Water Quality Management
17 State House Station
Augusta, ME 04333

If you have any questions regarding the matter, please feel free to call me at 485-2404 or send me an e-mail at irene.saumur@maine.gov.

Sincerely,

A handwritten signature in cursive script that reads "Irene Saumur". The signature is written in black ink and is positioned below the word "Sincerely,".

Irene Saumur
Division of Water Quality Management
Bureau of Land and Water Quality

Enc:

cc: Bill Johnson, DEP/CMRO
Lori Mitchell, DEP/CMRO
David Webster, USEPA
Olga Vergara, USEPA
Marelyn Vega, USEPA

STATE OF MAINE
Department of Environmental Protection
17 State House Station
Augusta, ME 04333

IN THE MATTER OF

TOWN OF CAPE ELIZABETH)	MAINE POLLUTANT DISCHARGE
CAPE ELIZABETH, CUMBERLAND COUNTY)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS)	AND
PORTLAND HEAD LIGHT & MUSEUM)	
#ME0090379)	WASTE DISCHARGE LICENSE
#W003157-6A-F-R)	RENEWAL
APPROVAL)	

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. Section 414-A, et seq., and applicable regulations, the Department of Environmental Protection (Department hereinafter) has considered the application of the TOWN OF CAPE ELIZABETH (Town hereinafter), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The Town has applied to the Department for renewal of combination MEPDES Permit #ME0090379 and Waste Discharge License (WDL) #W003157-6A-E-R which was issued by the Department on April 10, 2012, and is scheduled to expire on April 10, 2017. The permit authorized a year-round daily maximum discharge of up to 500 gallons per day (gpd) of secondary treated sanitary wastewater to Casco Bay, Class SB, in Cape Elizabeth, Maine.

PERMIT SUMMARY

This permitting action is carrying forward all the terms and conditions of the 04/10/12 permitting action and pursuant to 40 CFR 122.44(i)(2), this permitting action is establishing a once per year monitoring frequency for all parameters.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated November 7, 2016, 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., §464(4)(F), will be met, in that:
 - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding natural resource, that water quality will be maintained and protected;
 - (c) Where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and
 - (e) Where a discharge will result in lowering the existing water quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharges will be subject to effluent limitations that require application of best practicable treatment as defined in Maine law, 38 M.R.S., §414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the above noted application of the TOWN OF CAPE ELIZABETH to discharge a daily maximum flow of up to 500 gpd of secondary treated sanitary wastewater to Casco Bay, Class SB, in Cape Elizabeth, 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 thereafter. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the terms and conditions of this permit and all subsequent modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act, 5 M.R.S.A. § 10002 and Rules Concerning the Processing of Applications and Other Administrative Matters, 06-096 CMR 2(21)(A) (amended October 19, 2015)*].

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
For Paul Mercer, Commissioner

Date of initial receipt of application: October 31, 2016.

Date of application acceptance: November 1, 2016.

Date filed with Board of Environmental Protection: _____.

This Order prepared by Irene Saumur, BUREAU OF WATER QUALITY
Portland Head Light 11/7/2016

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge **secondary treated sanitary wastewater from Outfall #001A** to Casco Bay. Such discharges shall be limited and monitored by the permittee as specified below⁽¹⁾:

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>	<u>Weekly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow <i>[50050]</i>	---	---	500 GPD <i>[07]</i>	---	---	---	1/Yr <i>[01/YR]</i>	Estimate <i>[ES]</i>
BOD₅ <i>[00310]</i> PERMIT	0.1 lbs/day <i>[26]</i>	0.2 lbs/day <i>[26]</i>	0.2 lbs/day <i>[26]</i>	30 mg/L <i>[19]</i>	45 mg/L <i>[19]</i>	50 mg/L <i>[19]</i>	1/Yr <i>[01/YR]</i>	Grab <i>[GR]</i>
BOD₅ Percent Removal ⁽²⁾ <i>[81010]</i>	---	---	---	85% <i>[23]</i>	---	---	1/Yr <i>[01/YR]</i>	Calculate <i>[CA]</i>
TSS <i>[00530]</i>	0.1 lbs/day <i>[26]</i>	0.2 lbs/day <i>[26]</i>	0.2 lbs/day <i>[26]</i>	30 mg/L <i>[19]</i>	45 mg/L <i>[19]</i>	50 mg/L <i>[19]</i>	1/Yr <i>[01/YR]</i>	Grab <i>[GR]</i>
TSS Percent Removal ⁽²⁾ <i>[81011]</i>	---	---	---	85% <i>[23]</i>	---	---	1/Yr <i>[01/YR]</i>	Calculate <i>[CA]</i>
Settleable Solids <i>[00545]</i>	---	---	---	---	---	0.3 ml/L <i>[25]</i>	1/Yr <i>[01/YR]</i>	Grab <i>[GR]</i>
Fecal Coliform Bacteria ⁽³⁾ <i>[31615]</i> (May 15 – Sept. 30)	---	---	---	15/100 ml ⁽⁴⁾ <i>[13]</i>	---	50/100 ml <i>[13]</i>	1/Yr <i>[01/YR]</i>	Grab <i>[GR]</i>
Total Residual Chlorine <i>[50060]</i>	---	---	---	---	---	1.0 mg/L <i>[19]</i>	1/Yr <i>[01/YR]</i>	Grab <i>[GR]</i>
pH <i>[00400]</i>	---	---	---	---	---	6.0 – 9.0 SU <i>[12]</i>	1/Yr <i>[01/YR]</i>	Grab <i>[GR]</i>
The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports.								

FOOTNOTES: See Page 5 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

FOOTNOTES:

1. **Sampling** – Sampling and analysis must be conducted in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis shall be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services. 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 (last amended 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 shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report.
2. **Percent Removal** – The treatment facility must maintain a minimum of 85 percent removal of both BOD₅ and TSS for all flows receiving secondary treatment. The percent removal shall be calculated based on an assumed influent value of 286 mg/L and measured effluent concentration values.
3. **Bacteria Limits** – Fecal coliform bacteria limits and monitoring requirements are seasonal and apply between May 15th and September 30th of each year. The Department reserves the right to impose bacteria limits on a year-round basis to protect the health, safety, and welfare of the public.
4. **Bacteria Reporting** – The monthly average fecal coliform bacteria limitation is a geometric mean limitation.

B. NARRATIVE EFFLUENT LIMITATIONS

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

SPECIAL CONDITIONS

C. AUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from Outfall #001A. Discharges of wastewater from any other point source not identified in the 11/01/16 application for permit renewal are not authorized under this permit, and shall be reported in accordance with Standard Condition D(1)(f), *Twenty-four hour reporting*, of this permit.

D. NOTIFICATION REQUIREMENT

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

1. Any substantial change or proposed change in the volume or character of pollutants being discharged. 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.

E. SEPTIC TANK MAINTENANCE

1. All septic treatment tanks and other holding or treatment tanks shall be regularly inspected (at least once every three years) and maintained to ensure that they are providing best practicable treatment.
2. Tank contents should be removed whenever the sludge and scum occupies one-third of the tank's liquid capacity or whenever levels approach maximum design capacity whichever is less. Following pumping, the tanks shall be checked for damage at key joints and the inlet and outlet baffles, and repaired promptly if damaged. The permittee shall keep a pumping log including the date of pumping, quantity of material removed, name and number of licensed contractor, pumping frequency and other relevant observations. The logs must be kept current and available to the Department for inspection upon request.

F. 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.

G. SEVERABILITY

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

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

FACT SHEET

Date: **November 7, 2016**

MEPDES PERMIT: **#ME0090379**
WASTE DISCHARGE LICENSE: **#W003157-6A-F-R**

NAME AND ADDRESS OF APPLICANT:

**TOWN OF CAPE ELIZABETH
P.O. Box 6260
Ocean House Road
Cape Elizabeth, Maine 04107**

COUNTY: **Cumberland County**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**Portland Head Lighthouse and Museum
12 Captain Strout Circle
Cape Elizabeth, Maine 04107**

RECEIVING WATER / CLASSIFICATION: **Casco Bay/Class SB**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Michael McGovern
Town Manager
(207) 799-5251**

1. APPLICATION SUMMARY

- a. Application - The Town of Cape Elizabeth (Town hereinafter) has applied to the Department for renewal of combination MEPDES Permit #ME0090379/WDL #W003157-6A-E-R which was issued by the Department on April 10, 2012, and is scheduled to expire on April 10, 2017. The permit authorized a year-round daily maximum discharge of up to 500 gallons per day (gpd) of secondary treated sanitary wastewater to Casco Bay, Class SB in Cape Elizabeth, Maine. See Attachment A of this permit for a location map of the facility.
- b. Source Description & Waste Water Treatment– The 4/10/12 application submitted to the Department for renewal of the MEPDES Permit/WDL indicates the facility is open year-round. Sanitary waste waters are generated by employees and the general public utilizing bathrooms at the facility. A secondary level of treatment of the waste waters is accomplished by means of a 1,000-gallon septic and a sand filter measuring approximately 20 feet by 30 feet for a total area of 600 square feet. The treated waste water is disinfected via tablet chlorinator and discharged to Casco Bay via a pipe measuring four inches in diameter that is submerged at mean low water.

2. PERMIT SUMMARY

- a. Terms and Conditions. - This permitting action is carrying forward all the terms and conditions of the 04/10/12 permitting action and pursuant to 40 CFR 122.44(i)(2), this permitting action is establishing a once per year monitoring frequency for all parameters.
- b. Facility History: This section provides a summary of the most significant regulatory actions for the Town's facility.

March 14, 1974 – The EPA issued NPDES permit #ME0090379 to the U.S. Coast Guard for a five-year term.

October 30, 1979 – The EPA issued NPDES permit renewal #ME0090379 to the U.S. Coast Guard for a five-year term.

June 10, 1980 – The Department issued WDL #3157 renewal to the U.S. Coast Guard for a five-year term.

February 12, 1987 - The Department issued WDL renewal #W003157-45-A-R to the U.S. Coast Guard for a three-year term.

October 19, 1992 – The Department issued Conditional Permit #W003157-58-B-R to the U.S. Coast Guard for a five-year term.

November 30, 1992 – The Department issued a Conditional Permit Transfer Order. The Order transferred the 10/19/92 overboard discharge permit from the U.S. Coast Guard to the Town of Cape Elizabeth.

February 14, 2007 – The Town of Cape Elizabeth submitted a complete application to the Department to renew the Conditional Permit for the lighthouse and museum.

May 2, 2007 - The Department issued Waste Discharge License #W003157-5D-D-R to the Town of Cape Elizabeth for a five-year term.

February 3, 2012 – The Town of Cape Elizabeth submitted a complete and timely application to the Department to renew the Waste Discharge License for the lighthouse and museum.

April 10, 2012 – The Department issued combination MEPDES Permit #ME0090379 / Waste Discharge License #W003157-6A-D-R to the Town of Cape Elizabeth for a five-year term.

October 31, 2016 - The Town of Cape Elizabeth submitted a complete and timely application to the Department to renew the MEPDES Permit/Waste Discharge License for the lighthouse and museum.

3. CONDITIONS OF PERMIT

Maine law, 38 M.R.S., 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., 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

Classification of major river basins, 38 M.R.S. § 469(1) classifies the estuarine and marine waters lying within the boundaries of Cumberland County and that are not otherwise classified as Class SB waters. *Standards for classification of estuarine and marine waters*, 38 M.R.S., § 465-B(2) describes the standards for Class SB waters.

5. RECEIVING WATER QUALITY CONDITIONS

The *State of Maine 2012 Integrated Water Quality Monitoring and Assessment Report*, prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act lists the following discharges as such:

Cape Elizabeth (as it refers to the Portland Water District wastewater facility) is listed as Category 4-A: Rivers and Streams with Impaired Use. Total Maximum Daily Load (TMDL) Completed (Waterbody ID 804-7). The cause of the impaired use in bacteria from combined sewer overflows (formerly Category 5-B-2). The statewide Maine Bacteria TMDL was approved by the USEPA in 2009 with the goal for attainment in the affected waterbody as sewer separation.

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

The Maine Department of Marine Resources (MEDMR) Pollution Area #13 *Western Casco Bay and Islands (Cape Elizabeth to Falmouth)* lists the area where the discharge is located as prohibited to the harvesting of shellfish. The MEDMR closes or restricts areas based on ambient water quality data that indicate the area did not meet or marginally met the standards in the National Shellfish Sanitation Program. In addition, MEDMR closes areas by default in the vicinity of outfall pipes associated with treated sanitary wastewater discharges in the event of a failure of the disinfection system.

The Department has no information that the discharge from the permittee, as conditioned, causes or contributes to non-attainment of applicable Class SB water quality standards.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

- a. Flow: The previous permitting action established a daily maximum discharge flow limitation of 500 gallons per day (gpd) based on the design flow for the treatment system. The design flow is calculated using a sand filter bed loading factor of 1.05 gallons per day per square foot of filter bed and a total sand filter bed area of approximately 600 square feet.

Department rule, 06-096 CMR Chapter 523 Section 6(b)(1), specifies, “*effluent limitations, standards, or prohibitions shall be calculated based on design flow.*” This permitting action is carrying forward the discharge flow limit of 500 gpd as it is considered representative of the design flow for the facility and pursuant to 40 CFR 122.44(i)(2), this permitting action is establishing a once per year monitoring frequency for flow.

- b. Biochemical Oxygen Demand (BOD₅) and Total Suspended Solids (TSS): The previous permitting action established technology-based monthly average, weekly average and daily maximum BOD₅ and TSS concentration limits of 30 mg/L, 45 mg/L and 50 mg/L respectively. The monthly average and weekly average concentration limits in the permitting action were based on secondary treatment requirements as defined in Department rule, 06-096 CMR Chapter 525(3)(III). The daily maximum BOD₅ and TSS concentration limits of 50 mg/L were based on a Department best professional judgment (BPJ) of best practicable treatment (BPT). This permitting action is carrying forward all three technology based concentration limitations.

Department rule Chapter 523, *Waste Discharge License Conditions*, Section 6, *Calculating NPDES permit conditions*, sub-section f(1) states that, “*all pollutants limited in permits shall have limitations, standards or prohibitions expressed in terms of mass...*” Therefore, this permitting action is carrying forward the monthly average, weekly average and daily maximum BOD₅ and TSS mass limitations based on calculations using the design flow for the facility of 500 gpd (0.0005 MGD) and the applicable concentration limits as follows:

Monthly Average Mass Limit: $(30 \text{ mg/L})(8.34 \text{ lbs./gallon})(0.0005 \text{ MGD}) = 0.1 \text{ lbs/day}$
Weekly Average Mass Limit: $(45 \text{ mg/L})(8.34 \text{ lbs./day})(0.0005 \text{ MGD}) = 0.2 \text{ lbs/day}$
Daily Maximum Mass Limit: $(50 \text{ mg/L})(8.34 \text{ lbs./day})(0.0005 \text{ MGD}) = 0.2 \text{ lbs/day}$

This permitting action is also carrying forward a requirement for a minimum of 85% removal of BOD₅ and TSS pursuant to Chapter 525(3)(III)(a)(3) and (b)(3) of the Department’s rules. The Town’s waste water treatment system does not have an influent sampling location that is representative of raw waste water conditions. According to the USEPA’s Onsite Wastewater Treatment Systems Manual, dated February 2002, table 3-7 entitled “*Constituent Mass Loadings and Concentrations in Typical Residential Wastewater*” a reasonable influent value for BOD₅ and TSS may be assumed to be 286 mg/L. Therefore, if the permittee is ever required to demonstrate compliance with the 85% removal limitation, this permitting action authorizes the permittee to assume an influent BOD₅ and TSS concentration value of 286 mg/L for purposes of calculating the monthly percent removal value until such time that the infrastructure is modified or replaced such that collection of a representative raw influent sample is practical. Pursuant to 40 CFR 122.44(i)(2), this permitting action is establishing a once per year monitoring frequency for BOD₅ and TSS.

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

- c. Settleable Solids: The previous permitting action established a BPT daily maximum technology based concentration limit of 0.3 ml/L for settleable solids that is being carried forward in this permitting action. Pursuant to 40 CFR 122.44(i)(2), this permitting action is establishing a once per year monitoring frequency for settleable solids.
- d. Fecal coliform bacteria: The previous permitting action established a monthly average (geometric mean) concentration limitation of 15 colonies /100 ml and a daily maximum concentration limit of 50 colonies/100 ml. Both limits are consistent with the National Shellfish Sanitation Program (NSSP) and all other like permitting actions by the Department. To be consistent with other like permits issued by the Department and consistent with Maine law found at 38 M.R.S.A., Section 465-B(2)(B), this permitting action is carrying forward the May 15th – September 30th as the season in which the limitations are in effect. Pursuant to 40 CFR 122.44(i)(2), this permitting action is establishing a once per year monitoring frequency for fecal coliform bacteria.
- e. Total Residual Chlorine (TRC): The previous permitting action established a daily maximum technology based concentration limit of 1.0 mg/L for TRC. Limitations on TRC are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. Department permitting actions impose the more stringent of either a water quality-based or BPT-based limit.

The Department has established a daily maximum BPT limitation of 1.0 mg/L for facilities that disinfect their effluent with chlorine-based compounds. For facilities that 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 does not have to dechlorinate the effluent to achieve compliance with water quality-based limitations.

By way of best professional judgment, the Department has determined there is sufficient initial dilution with the receiving water such that a daily maximum technology-based effluent TRC concentration limitation of 1.0 mg/L is more stringent than a water quality-based threshold and is therefore being carried forward in this permitting action. Pursuant to 40 CFR 122.44(i)(2), this permitting action is establishing a once per year monitoring frequency for TRC.

- f. pH: The previous permitting action established a pH range limit of 6.0 – 9.0 standard units (SU), considered by the Department at the time, as BPT for secondary treated waste water pursuant to Department rule found at Chapter 525(3)(III)(c). The limit range is being carried forward in this permitting action. Pursuant to 40 CFR 122.44(i)(2), this permitting action is establishing a once per year monitoring frequency for pH.

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

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

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

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

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

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

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

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

8. PUBLIC COMMENTS

Public notice of this application was made in the Portland Press Herald on or about November 1, 2016. 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:

Irene Saumur
Division of Water Quality Management
Bureau of Water Quality
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 485-2404
e-mail: irene.saumur@maine.gov

10. RESPONSE TO COMMENTS

Reserved until the end of the formal 30-day public comment period