



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAWN R. GALLAGHER
COMMISSIONER

Richard Boston
The Goldenrod Restaurant
P.O. Box 1140 – Two Railroad Avenue
York, Maine 03910

May 20, 2005

RE: Maine Pollutant Discharge Elimination System Permit (MEPDES) # ME0036749
Maine Waste Discharge License (WDL) Application # W002862-5L-D-R
Final Document

Dear Mr. Boston:

Enclosed please find a copy of your **final** Maine MEPDES/WDL which was approved by the Department of Environmental Protection. Please read the permit and its attached conditions carefully. You must follow the conditions in the order to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State Law and is subject to enforcement action.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled "*Appealing a Commissioner's Licensing Decision.*"

We would like to make you aware of the fact that your monthly Discharge Monitoring Reports (DMR) may not reflect the revisions in this permitting action for several months however, you are required to report applicable test results for parameters required by this permitting action that do not appear on the DMR. Please see the attached April 2003 O&M Newsletter article regarding this matter.

If you have any questions regarding this matter, please feel free to call me at 287-7658.

Sincerely,

David Silver
Division of Water Resource Regulation
Bureau of Land and Water Quality

Enc. Matt Hight, DEP/SMRO

~~Ted Lavery~~, USEPA

Dave Webster

WDS:W002862

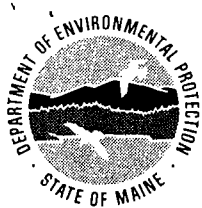
DMR Lag

(reprinted from April 2003 O&M Newsletter)

When the Department renews discharge permits, the parameter limits may change or parameters may be added or deleted. In some cases, it is merely the replacement of the federally issued NPDES permit with a state-issued MEPDES permit that results in different limits. When the new permit is finalized, a copy of the permit is passed to our data entry staff for coding into EPA's Permits Compliance System (PCS) database. PCS was developed in the 1970's and is not user-friendly. Entering or changing parameters can take weeks or even months. This can create a lag between the time your new permit becomes effective and the new permit limits appearing on your DMRs. If you are faced with this, it can create three different situations that have to be dealt with in different ways.

1. If the parameter was included on previous DMRs, but only the limit was changed, there will be a space for the data. Please go ahead and enter it. When the changes are made to PCS, the program will have the data and compare it to the new limit.
2. When a parameter is eliminated from monitoring in your new permit, but there is a delay in changing the DMR, you will have a space on the DMR that needs to be filled. For a parameter that has been eliminated, please enter the space on the DMR for that parameter only with "NODI-9" (No Discharge Indicator Code #9). This code means monitoring is conditional or not required this monitoring period.
3. When your new permit includes parameters for which monitoring was not previously required, and coding has not caught up on the DMRs, there will not be any space on the DMR identified for those parameters. In that case, please fill out an extra sheet of paper with the facility name and permit number, along with all of the information normally required for each parameter (parameter code, data, frequency of analysis, sample type, and number of exceedances). Each data point should be identified as monthly average, weekly average, daily max, etc. and the units of measurement such as mg/L or lb/day. Staple the extra sheet to the DMR so that the extra data stays with the DMR form. Our data entry staff cannot enter the data for the new parameters until the PCS coding catches up. When the PCS coding does catch up, our data entry staff will have the data right at hand to do the entry without having to take the extra time to seek it from your inspector or from you.

EPA is planning significant improvements for the PCS system that will be implemented in the next few years. These improvements should allow us to issue modified permits and DMRs concurrently. Until then we appreciate your assistance and patience in this effort.



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

DEPARTMENT ORDER

IN THE MATTER OF

THE GOLDENROD	)	MAINE POLLUTANT DISCHARGE
YORK, YORK COUNTY, MAINE	)	ELIMINATION SYSTEM PERMIT
NON-CONTACT COOLING WATER	)	AND
ME0036749	)	WASTE DISCHARGE LICENSE
W002862-5L-D-R	)	RENEWAL

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 (DEP) has considered the application of THE GOLDENROD, with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The applicant has applied for renewal of its existing Waste Discharge License (WDL) #W002862-5L-C-R, that was issued on June 28, 2000 and is scheduled to expire on June 28, 2005. The application is for the continued operation of a candy factory that generates and discharges up to 20,000 gallons per day (GPD) of non-contact cooling water at its facility on Ocean Avenue in York, Maine.

On January 12, 2001, the State of Maine received authorization from the U.S. Environmental Protection Agency (EPA) to administer the National Pollutant Discharge Elimination System (NPDES) permitting program in Maine. An individual NPDES permit (MEU502862) issued by the EPA covering this discharge from the facility was issued on June 28, 2000 and will be replaced with the issuance of this permit. As a result, the Department is hereby issuing a combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0036749/Maine Waste Discharge License (WDL) #W002862-5L-D-R for the discharge of non-contact cooling waters.

RENEWAL SUMMARY

This permitting action carries forward the existing waste discharge limitations and monitoring requirements.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet, dated December 28, 2004, 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 MRSA Section 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) The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and
 - (e) Where a discharge will result in lowering the existing quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharge will be subject to effluent limitations that require application of best practicable treatment.

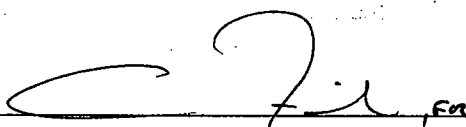
ACTION

THEREFORE, the Department APPROVES the above noted application of THE GOLDENROD to discharge a daily maximum of 20,000 gallons per day of non-contact cooling water to the tidewaters of the Atlantic Ocean (Short Sands Beach), York, Maine, Class SB, SUBJECT TO THE FOLLOWING 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. All terms and conditions of WDL #W002862-5L-C-R are in effect through midnight June 28, 2005. Beginning June 29, 2005 the terms and conditions of this permit become effective. This permit expires 5 years from the date of signature below.

DONE AND DATED AT AUGUSTA, MAINE, THIS 20TH DAY OF May, 2005.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

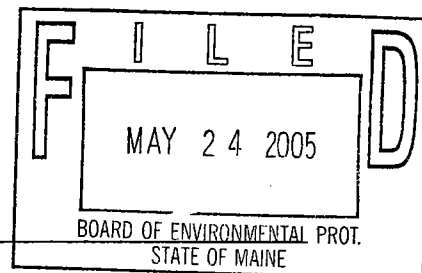
BY: 
DAWN GALLAGHER, COMMISSIONER

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application April 28, 2005

Date of application acceptance April 28, 2005

Date filed with Board of Environmental Protection _____



This Order prepared by David Silver, Bureau of Land and Water Quality

W0028625LDR

19May05

SPECIAL CONDITIONS**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

1. **During the period** beginning the effective date of the permit and lasting through permit expiration, the permittee is authorized to discharge non-contact cooling waters to the tidewaters of the Atlantic Ocean (Short Sands Beach)—York, Maine, Class SB, from **OUTFALL #001**.

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>		<u>Monitoring Requirement</u>	
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Minimum Measurement Frequency</u>	<u>Sample Type</u>
	(Quantity or as specified)			
Flow [51500]	20,000 gallons per day [57]	---	---	---
Temperature [000111]	---	84° F [15]	---	---
pH (Std. Units) [00400]	The pH shall not be less than 6.0 or greater than 8.5 at any time.		---	---

The italicized numeric values bracketed in the table above are code numbers utilized by Department personnel to code the monthly Discharge Monitoring Reports (DMR's).

SPECIAL CONDITIONS

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 usage 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 usage designated by the classification of the receiving waters.
3. The discharge shall not cause visible discoloration or turbidity in the receiving waters which would impair the usages designated by the classification of the receiving waters.
4. Notwithstanding specific conditions of this permit the effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

C. NOTIFICATION REQUIREMENT

In accordance with Standard Condition D, the permittee shall notify the Department of any substantial change in the volume or character (quality or quantity) of the discharge of non-contact cooling waters.

D. UNAUTHORIZED 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 are not authorized under this permit, but shall be reported in accordance with Standard Condition B(5) (Bypass) of this permit.

E. OPERATIONS LOG BOOK RECORDS

The permittee has maintained logs of all monitoring results conducted in the past to determine compliance with the discharge temperature, pH, and flow limitations. The log book has not been required to be submitted to the Department in the past and is not required to be submitted by this licensing action.

F. RE-OPENER CLAUSE

Upon evaluation of the tests results required by 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 anytime and with notice to the permittee, modify this permit to: (1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded; (2) require additional monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

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

Date: December 28, 2004

PERMIT NUMBER: ME0036749

LICENSE NUMBER: W002862-5L-D-R

NAME AND ADDRESS OF APPLICANT:

The Goldenrod
P.O. Box 1140
York, Maine 03910

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

The Goldenrod
Two Railroad Avenue
York, Maine 03910

RECEIVING WATER/CLASSIFICATION: Tidewaters of Atlantic Ocean
(Short Sands Beach), Class SB

COUNTY: York County

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: Mr. Richard Boston
(207) 363-2621

1. APPLICATION SUMMARY:

A. Application: The applicant has applied for renewal of its existing Waste Discharge License (WDL) #W002862-5L-C-R, that was issued on June 28, 2000 and is scheduled to expire on June 28, 2005. The application is for the continued operation of a candy factory that generates and discharges up to 20,000 gallons per day (GPD) of non-contact cooling water at its facility on Ocean Avenue in York, Maine.

B. History: The most recent relevant licensing/permitting actions include:

On March 20, 1991 – The Department issued Waste Discharge License (WDL) #W002862-57-B-R to the Goldenrod for the non-contact cooling water discharge.

On March 1, 1996 – The Goldenrod filed an application with the Department to renew the WDL.

On June 28, 2000 – The Department issued WDL #W002862-5L-C-R that renewed the authorization to discharge non-contact cooling waters.

On January 12, 2001 – The Department received authorization from the Environmental Protection Agency (EPA) to administer the National Pollutant Discharge Elimination System (NPDES) program in Maine. From this point forward, the program will be referenced as the Maine Pollutant Discharge Elimination System (MEPDES) program and MEPDES permit number ME0036749 will be utilized as the primary facility reference.

On April 28, 2005 – The Goldenrod submitted an application to the Department to renew the authorization to discharge non-contact cooling waters to the tidewaters of the Atlantic Ocean (Short Sands Beach).

- C. Waste Water Source Description: Non-contact cooling water from the restaurant is generated by water cooled air conditioning units and non-contact cooling water generated by the candy factory. In the candy factory, water cooled tables are used in the manufacturing process when making salt water taffy candy. Cooling water is discharged seasonally between June 1st and September 30th of each year.
- D. Waste Water Treatment: Non-Contact cooling water is discharged via outfall #001 and does not receive any formal treatment as the only pollutant of concern is the thermal load in the waste water. The two cooling waste water streams are collected in a wet well located outside of the restaurant building and pumped to a town owned catch basin under County Road. The storm drain system conveys the cooling water and storm water runoff from the streets to a man-made jetty adjacent to Short Sands Beach. The waters from the collection system are discharged to the receiving waters via a two-port outlet structure. All sanitary waste water and gray waters generated by the restaurant facility are conveyed to the York Sewer District's waste water treatment facility.

2. 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, 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 Regulation Chapter 530.5, *Surface Water Toxics Control Program* requires the regulation of toxic substances at the levels set forth for Federal Water Quality Criteria as published by the U.S. Environmental Protection Agency pursuant to the Clean Water Act.

3. RECEIVING WATER QUALITY STANDARDS:

Maine law, 38 M.R.S.A., Section 469 classifies the tidal waters of the Atlantic Ocean (Short Sands Beach), York, Maine as Class SB waters. Maine law, 38 M.R.S.A., Section 465-B(2) describes the classification standards for Class SB waters.

4. RECEIVING WATER QUALITY CONDITIONS:

The 2002 Integrated Water Quality Monitoring and Assessment Report prepared by the Department (*Category 2—Estuarine and Marine Waters Attaining some Designated Uses, No Use is Threatened, and Insufficient Data or Information to Determine if Other Uses are Attained or Threatened*) indicates that receiving waters in the vicinity of The Goldenrod's outfall may be attaining its assigned classification for some uses, however, incomplete information is available to find that tidewaters of the Atlantic Ocean (Short Sands Beach) is attaining all uses. Waterbody # 826 is listed under this category and extends between Fort Foster, Kittery to Bald Head, York.

The Department is not aware of discharges from the Goldenrod facility that would cause or impact the ability of the water body to achieve its assigned designation.

5. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Flow: The previous licensing action established a monthly average flow limitation of 20,000 gallons per day (gpd). This limitation is being carried forward in this permitting action. It is noted that flows recorded in the permittee's on-site log book indicate that flows have historically (since 1979) averaged approximately 14,000 gpd.

Temperature: The previous licensing action established a daily maximum temperature limit of 84°F that is being carried forward in this permitting action. A review of the permittee's on-site log book indicates that temperatures have historically averaged between 75° to 80°F.

Department Regulations, Chapter 582, *Regulations Relating to Temperature*, states that for tidal water discharges, no discharge of pollutants shall cause the monthly mean of the daily maximum ambient temperatures in any tidal body, as measured outside of the mixing zone, to be raised more than 4°F, nor more than 1.5°F from June 1 to September 1. In no event shall any discharge cause the temperature of any tidal water to exceed 85°F at any point outside a mixing zone established by the Board of Environmental Protection.

pH Limits: The previous license established a pH range limit of 6.0 to 8.5 standard units. This permitting action is carrying forward the limitation as a best practicable treatment (BPT) limit. A review of the permittee's on-site log book indicates pH values have historically ranged between 6.5 to 7.5 standard units.

Monitoring and Reporting: The previous licensing action eliminated monitoring and reporting requirements for all parameters listed above based on the consistency of the operations at the facility, and the consistency of the monitoring data received that fell well within the limitations previously established. Monitoring and reporting requirements from the previous license are being carried forward in this permitting action. The limitations remain in effect and enforceable. In the event that the characteristics of the waste water generated changes as a result of changes in the operations at the facility or for other unforeseen circumstances, the permittee shall notify the Department in writing within 30 days of such changes. The Department will re-evaluate the need to modify the limitations and monitoring requirements pursuant to Special Condition F, *Re-Opener Clause*, of this permit.

6. DISCHARGE IMPACT ON RECEIVING WATER QUALITY:

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

7. PUBLIC COMMENTS:

Public notice of this application was made in the *York Weekly* newspaper on or about April 6, 2005. The Department receives public comments on an application until final agency action is taken on that 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.

8. DEPARTMENT CONTACTS:

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

David Silver
Division of Water Resource Regulation
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone (207) 287-7658

9. RESPONSE TO COMMENT

During the period December 28, 2004, the Department solicited comments on the proposed draft combination Maine Pollutant Discharge Elimination System permit and Maine Waste Discharge License to be issued to The Goldenrod Restaurant for the proposed discharge. The Department did not receive comments from the licensee, state or federal agencies or interested parties that resulted in any substantive changes in the terms and conditions of the license. Therefore, the Department has not prepared a Response to Comments section.



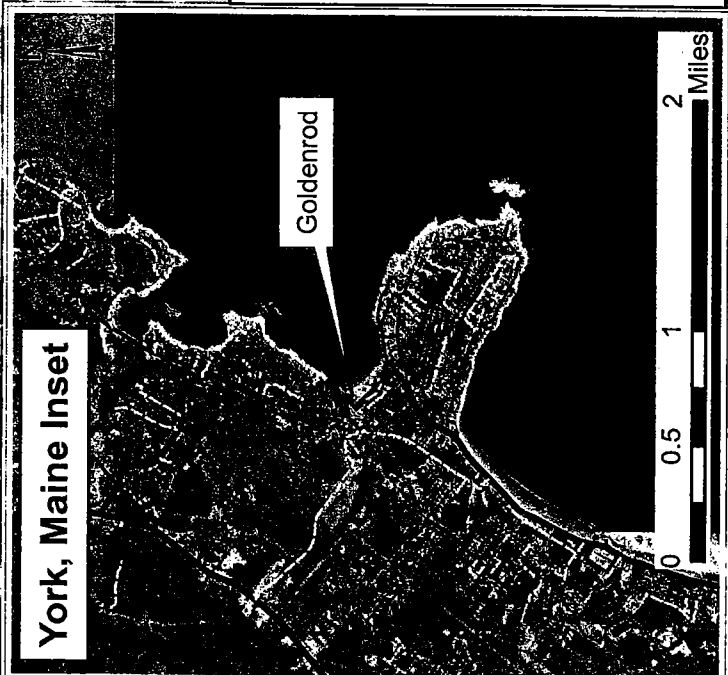
Goldenrod & Vicinity

York, Maine--Short Sands Beach

Goldenrod Restaurant
& Candy Factory

Wetwell and
Stormwater Outfall

York, Maine Inset



Maine Map Inset

