STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAWN R. GALLAGHER
COMMISSIONER

November 23, 2005

Mr. Robert Kane
Town of Bar Harbor
Bar Harbor Wastewater Treatment Facility – DeGregoire Park Plant
93 Cottage Street
Bar Harbor, ME 04609

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0102474
Maine Waste Discharge License (WDL) Application #W002584-5L-F-R
Final Permit/License – DeGregoire Park Plant

Dear Mr. Kane:

Enclosed, please find a copy of your **final** MEPDES permit and Maine WDL which was approved by the Department of Environmental Protection. Please read the permit/license 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 (DMRs) 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 MEPDES permit/WDL that do not appear on the DMR. Please see attached April 2003 O&M Newsletter article regarding this matter.

If you have any questions regarding the matter, please feel free to call me at 287-7659.

Sincerely,

Bill Hinkel
Division of Water Resource Regulation
Bureau of Land and Water Quality

Enc.
cc: Clarissa Trasko, DEP
Roger Janson, USEPA

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
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 04769-2094
(207) 764-0477 FAX: 764-1507

web site: www.maine.gov/dep

DMR Lag

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.

Phil Garwood

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 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
#W002584-5L-F-R **APPROVAL**	)	**RENEWAL**
DeGregoire Park Plant		

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) has considered the application of the TOWN OF BAR HARBOR (Town), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The Town has applied for renewal of Department Waste Discharge License (WDL) #W002584-5L-D-R issued on December 8, 2000, and subsequent WDL Modification #W002584-5L-E-M / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0102474 issued on August 28, 2001. The 8/28/01 MEPDES permit is scheduled to expire on December 8, 2005, the expiration date associated with the 12/8/00 WDL. The 8/28/01 MEPDES permit authorized the monthly average discharge of up to 0.012 million gallons per day (MGD) of secondary treated sanitary wastewater from the Town's DeGregoire Park Plant to the Atlantic Ocean at Frenchman Bay, Class SB, in Bar Harbor, Maine. It is noted that a permit compliance system (PCS) tracking number of MEU502584 is referenced in the 8/28/01 MEPDES permit rather than the MEPDES permit number of ME0102474, which was assigned to this facility in March 2002 for data management purposes.

PERMIT SUMMARY

This permitting action is similar to the 8/28/01 permitting action in that it is:

1. Carrying forward the monthly average discharge flow limit of 0.012 MGD and the daily maximum discharge flow reporting requirement;

2. Carrying forward the monthly average, weekly average and daily maximum technology-based concentration and mass limits for biochemical oxygen demand (BOD_5) and total suspended solids (TSS);

3. Carrying forward the requirement for a minimum of 85% removal of BOD_5 and TSS;

4. Carrying forward the daily maximum technology-based concentration limit for settleable solids;

5. Carrying forward the seasonal monthly average and daily maximum concentration limits for fecal coliform bacteria;

6. Carrying forward the technology-based daily maximum concentration limit for total residual chlorine (TRC);

7. Carrying forward the pH range limit of 6.0 to 9.0 standard units (SU); and

8. Carrying forward the minimum monitoring frequency requirements for all monitored parameters.

This permitting action is different from the 8/28/01 permitting action in that it is

1. Establishing a technology-based monthly average concentration limit of 0.1 mg/L for TRC;

2. Requiring the submission of a revised Operation and Maintenance (O&M) manual for Department review and comment;

3. Requiring the submission of a revised Wet Weather Management Plan for Department review and comment; and

4. Establishing a requirement (Special Condition I) to monitor record and report emergency bypass discharges from the DeGregoire Park pump station.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated November 21, 2005, 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) The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;

   (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and

   (e) Where a discharge will result in lowering the existing water quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.

4. The 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 wastewater 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. The expiration date of this permit is five (5) years from the date of signature below.

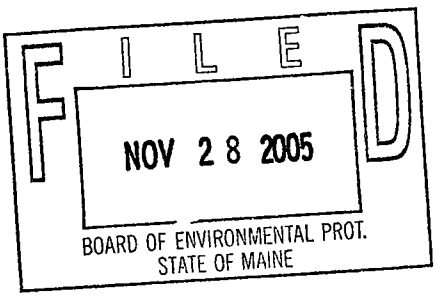
DONE AND DATED AT AUGUSTA, MAINE, THIS 21st DAY OF November, 2005.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
DAWN R. GALLAGHER, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: August 26, 2005
Date of application acceptance: August 29, 2005



Date filed with Board of Environmental Protection: _____

This Order prepared by William F. Hinkel, BUREAU OF LAND & WATER QUALITY
#ME0102474 / #W002584-5L-F-R November 21, 2005

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning the effective date of this permit and lasting through permit expiration, the permittee is authorized to discharge **secondary treated sanitary wastewater from Outfall #001A** (DeGregoire Park Plant) to the Atlantic Ocean at Frenchman Bay. Such discharges shall be limited and monitored by the permittee as specified below[1]:

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
	as specified	as specified	as specified	as specified	as specified	as specified	as specified	as specified
Flow *[50050]*	0.012 MGD *[03]*	---	Report, MGD *[03]*	---	---	---	Continuous *[99/99]*	Recorder *[RC]*
BOD_5 *[00310]*	3.0 lbs./day *[26]*	4.5 lbs./day *[26]*	5.0 lbs./day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	2/Month *[02/30]*	24-Hour Composite *[24]*
BOD_5 Percent Removal[2] *[81010]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
TSS *[00530]*	3.0 lbs./day *[26]*	4.5 lbs./day *[26]*	5.0 lbs./day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	2/Month *[02/30]*	24-Hour Composite *[24]*
TSS Percent Removal[2] *[81011]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
Settleable Solids *[00545]*	---	---	---	---	---	0.3 ml/L *[25]*	1/Day *[01/01]*	Grab *[GR]*
Fecal coliform bacteria[3] *[31616]*	---	---	---	15/100 ml[4] *[13]*	---	50/100 ml *[13]*	2/Month *[02/30]*	Grab *[GR]*
Total Residual Chlorine[5] *[50060]*	---	---	---	0.1 mg/L *[19]*	---	0.3 mg/L *[19]*	1/Day *[01/01]*	Grab *[GR]*
pH *[00400]*	---	---	---	---	---	6.0 – 9.0 SU *[12]*	1/Day *[01/01]*	Grab *[GR]*

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 6 of this permit for applicable footnotes.**

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. 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 Human Services.

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. The percent removal shall be waived when the monthly average influent concentration is less than 200 mg/L. Influent BOD and TSS samples may be collected as grab samples, unless otherwise specified by the Department in writing.

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. **TRC Monitoring** – Monitoring for TRC is only required when elemental chlorine or chlorine-based compounds are in use for effluent disinfection. TRC shall be tested using Amperometric Titration or the DPD Spectrophotometric Method. The USEPA approved methods are found in Standard Methods for the Examination of Water and Waste Water, (Most current edition), Method 4500-CL-E and Method 4500-CL-G or USEPA Manual of Methods of Analysis of Water and Wastes. For the purposes of Discharge Monitoring Report (DMR) reporting when a facility has not disinfected with chlorine-based compounds for an entire reporting period, enter **"NODI-9" indicating " monitoring not required this monitoring period."**

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 usages designated by the classification of the receiving waters.

2. The effluent shall not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated by the classification of the receiving waters.

3. The discharges shall not cause visible discoloration or turbidity in the receiving waters which would impair the usages designated by the classification of the receiving waters.

4. Notwithstanding specific conditions of this permit, the effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

C. DISINFECTION

If chlorination is used as the means of disinfection, an approved chlorine contact tank providing the proper detention time consistent with good engineering practice must be utilized followed by a dechlorination system if the imposed total residual chlorine (TRC) limit cannot be achieved by dissipation in the detention tank. The total residual chlorine in the effluent shall at no time cause any demonstrable harm to aquatic life in the receiving waters. The dose of chlorine applied shall provide a TRC concentration that will effectively reduce fecal coliform bacteria levels to or below those specified in Special Condition A, *Effluent Limitation and Monitoring Requirements,* above.

D. TREATMENT PLANT OPERATOR

The treatment facility must be operated by a person holding a minimum of a **Grade II** certificate (or Registered Professional Engineer) pursuant to Title 32 M.R.S.A. §4171 *et seq*. All proposed contracts for facility operation by any person must be approved by the Department before the permittee may engage the services of the contract operator.

E. 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.

SPECIAL CONDITIONS

F. MONITORING AND REPORTING

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

Department of Environmental Protection
Eastern Maine Regional Office
Bureau of Land and Water Quality
Division of Engineering, Compliance and Technical Assistance
106 Hogan Road
Bangor, Maine 04401

G. 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.

H. 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, and shall be reported in accordance with Standard Condition B(5), *Bypasses*, of this permit.

SPECIAL CONDITIONS

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 DeGregoire Park pump station pump station to determine the frequency and quantity (via measurement or estimation) of wastewater discharged from the bypass structures.

J. WET WEATHER FLOW MANAGEMENT PLAN

On or before March 1, 2006, the permittee shall submit to the Department, for review and comment, a new or revised Wet Weather Management Plan ***[PCS Code 06799]*** that conforms to Department guidelines for such plans. The revised plan shall include operating procedures for a range of intensities, address solids handling procedures (including septic waste and other high strength wastes if applicable) and provide written operating and maintenance procedures during the events.

The treatment facility staff shall develop and maintain a Wet Weather Management Plan to direct the staff on how to operate the facility effectively during periods of high flow. The Department acknowledges that the existing collection system may deliver flows in excess of the monthly average design capacity of the treatment plant during periods of high infiltration and rainfall.

The permittee shall review their plan at least annually and record any necessary changes to keep the plan up to date. Any changes to the plans must be submitted to the Department for review and approval.

K. OPERATION & MAINTENANCE (O&M) PLAN

On or before June 1, 2006, the permittee shall submit to the Department, for review and comment, a current written comprehensive Operation & Maintenance (O&M) Plan ***[PCS Code 09699]***. 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.

SPECIAL CONDITIONS

L. 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.

M. SEVERABILITY

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: **NOVEMBER 21, 2005**

PERMIT NUMBER: **#ME0102474**
LICENSE NUMBER: **#W002584-5L-F-R**

NAME AND ADDRESS OF APPLICANT:

TOWN OF BAR HARBOR
WASTEWATER TREATMENT FACILITY
93 COTTAGE STREET
BAR HARBOR, MAINE 04609

COUNTY: **HANCOCK**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

TOWN OF BAR HARBOR
DEGREGOIRE PARK PLANT
BAR HARBOR, MAINE 04609

RECEIVING WATER/CLASSIFICATION: **ATLANTIC OCEAN AT FRENCHMAN BAY /CLASS SB**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **MR. ROBERT KANE**
(207) 288-4028

1. APPLICATION SUMMARY

Application: The Town of Bar Harbor (Town) has applied to the Department of Environmental Protection (Department) for renewal of Waste Discharge License (WDL) #W002584-5L-D-R issued on December 8, 2000, and subsequent WDL Modification #W002584-5L-E-M / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0102474 issued on August 28, 2001. The 8/28/01 MEPDES permit is scheduled to expire on December 8, 2005, the expiration date associated with the 12/8/00 WDL. The 8/28/01 MEPDES permit authorized the monthly average discharge of up to 0.012 million gallons per day (MGD) of secondary treated wastewater from the Town's DeGregoire Park Plant to Frenchman Bay (Atlantic Ocean), Class SB, in Bar Harbor, Maine. It is noted that a permit compliance system (PCS) tracking number of MEU502584 is referenced in the 8/28/01 MEPDES permit rather than the MEPDES permit number of ME0102474, which was assigned to this facility in March 2002 for data management purposes.

2. PERMIT SUMMARY

a. Terms and Conditions: **This permitting action is similar to the 8/28/01 permitting action in that it is:**

1. Carrying forward the monthly average discharge flow limit of 0.012 MGD and the daily maximum flow reporting requirement;

2. Carrying forward the monthly average, weekly average and daily maximum technology-based concentration and mass limits for biochemical oxygen demand (BOD_5) and total suspended solids (TSS);

3. Carrying forward the requirement for a minimum of 85% removal of BOD_5 and TSS;

4. Carrying forward the daily maximum technology-based concentration limit for settleable solids;

5. Carrying forward the seasonal monthly average and daily maximum concentration limits for fecal coliform bacteria;

6. Carrying forward the technology-based daily maximum concentration limit for total residual chlorine (TRC);

7. Carrying forward the pH range limit of 6.0 to 9.0 standard units (SU); and

8. Carrying forward the minimum monitoring frequency requirements for all monitored parameters.

This permitting action is different from the 8/28/01 permitting action in that it is

1. Establishing a technology-based monthly average concentration limit of 0.1 mg/L for TRC;

2. Requiring the submission of a revised Operation and Maintenance (O&M) manual for Department review and comment; and

3. Requiring the submission of a revised Wet Weather Management Plan for Department review and comment;

4. Establishing a requirement (Special Condition I) to monitor record and report emergency bypass discharges from the DeGregoire Park pump station.

2. PERMIT SUMMARY (cont'd)

b. 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. It is noted the limitations have not been incorporated into Special Condition A, *Effluent Limitations And Monitoring Requirements*, of this permit as limitations and monitoring frequencies are regulated separately through Maine law, 38 M.R.S.A. §413 and Department rule Chapter 519. However, the interim limitations remain in effect and enforceable and any modifications to the limits and or monitoring requirements will be formalized outside of this permitting document.

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 wastewater 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.

August 26, 2005 – The Town submitted a General Application to the Department for renewal of the 8/25/01 MEPDES permit. The application was accepted for processing on August 29, 2005 and was assigned WDL #W002584-5L-F-R / MEPDES #ME0102474.

c. 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.

2. PERMIT SUMMARY (cont'd)

Special Condition I 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 septage wastes at the DeGregoire Park facility.

A map showing the location of the facility is included as Fact Sheet Attachment A.

d. 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.

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.

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2004 Integrated Water Quality Monitoring and Assessment Report, prepared pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists Frenchman Bay at Bar Harbor (Waterbody # 714-21) as, *"Category 4-B-2: Estuarine and Marine Waters Impaired by Bacteria From Combined Sewer Overflows (TMDL Required Only if Control Plans are Insufficient)."* 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 Town's Hulls Cove and Main Plant wastewater collection system. 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 #C49 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.

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

b. Dilution Factors: Department rule, 06-096 CMR Chapter 530 Section 4.A.2..a, *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 = 1,928:1

c. Biochemical Oxygen Demand (BOD_5) 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 (BOD5) and total suspended solids (TSS) concentration limits of 30 mg/L and 45 mg/L, respectively, based on secondary treatment requirements of the Clean Water Act of 1977 §301(b)(1)(B), as defined in 40 CFR 133.102 and 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_5 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 mg/L)(8.34 lbs./gallon)(0.012 MGD) = 3.0 lbs./day
Weekly Average Mass Limit: (45 mg/L)(8.34 lbs./day)(0.012 MGD) = 4.5 lbs./day
Daily Maximum Mass Limit: (50 mg/L)(8.34 lbs./day)(0.012 MGD) = 5.0 lbs./day

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_5 and TSS pursuant to Department rule, 06-096 CMR Chapter 525(3)(III)(a&b)(3).

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_5 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_5 and TSS. Influent samples for BOD_5 and TSS may be collected as grab samples, unless otherwise specified by the Department.

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

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), and a minimum monitoring frequency requirement of once per day (1/Day), which is based on Department guidance for POTWs permitted to discharge up to 0.1 MGD, and a "grab" sample type for settleable solids.

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.

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 established in this permitting action. This permitting action is carrying forward the minimum monitoring

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

frequency 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 "grab" sample type.

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. 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.

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 July 28, 2005. 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

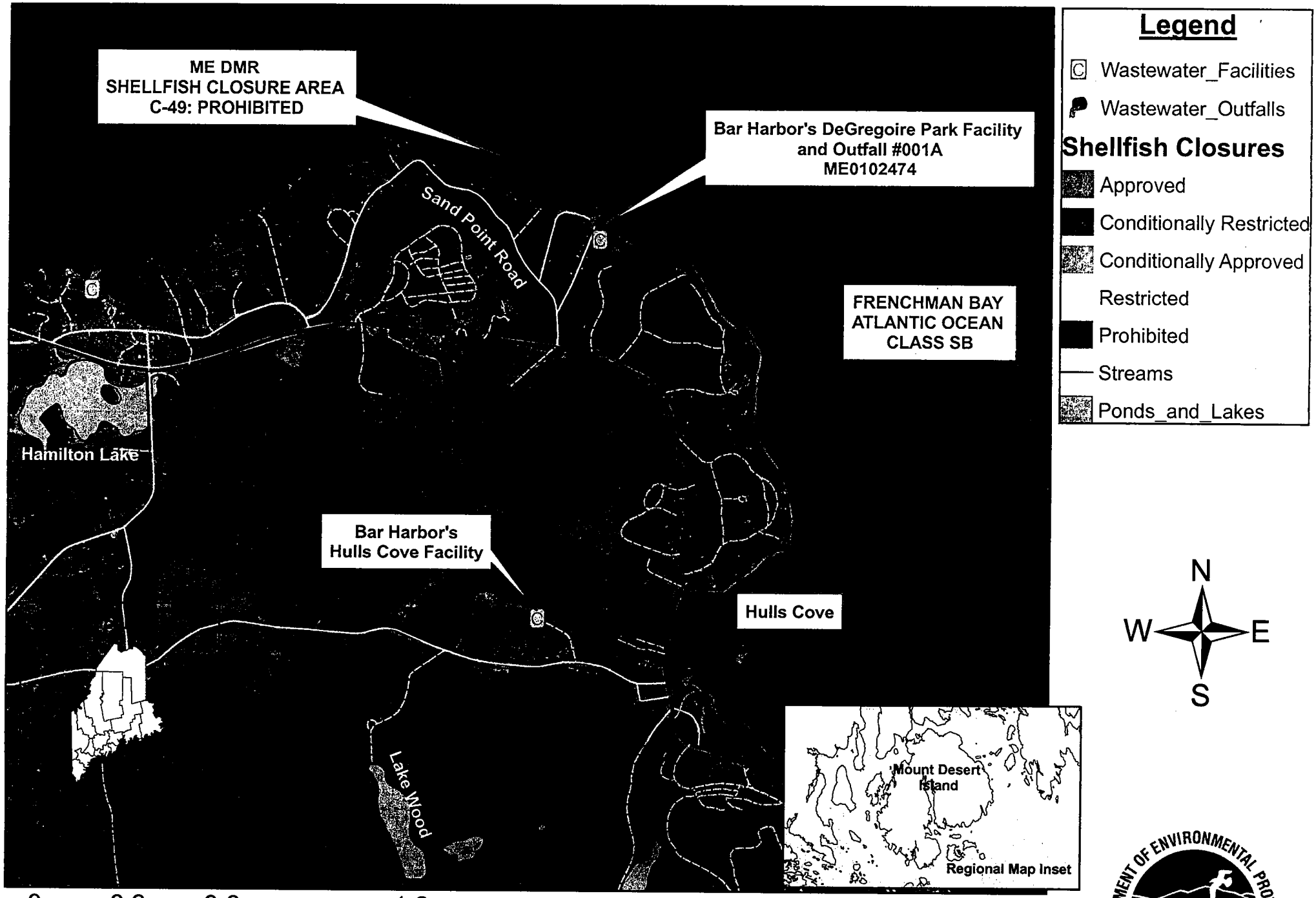
Additional information concerning this permitting action may be obtained from, and written comments sent to:

William F. Hinkel
Division of Water Resource Regulation
Bureau of Land & Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 287-7659

10. RESPONSE TO COMMENTS

During the period of August 30, 2005 through September 28, 2005, the Department solicited comments on the proposed draft Maine Pollutant Discharge Elimination System Permit to be issued to the Town for the proposed discharge from the DeGregoire Park facility. The Department received no significant comments on the proposed draft permit; therefore, a response to comments was not prepared.

ATTACHMENT A



Bar Harbor, Maine

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF MAINE

ATTACHMENT B

FLOW DIAGRAM
DEGREGOIRE
TREATMENT PLANT