STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

April 4, 2006

DAVID P. LITTELL
COMMISSIONER

Mr. John Collins
Springfield Terminal Railway
Iron Horse Park
North Billerica, MA 01862

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0036803
Maine Waste Discharge License (WDL) Application #W006634-5O-D-R
Final Permit/License

Dear Mr. Collins:

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 Quality Management
Bureau of Land and Water Quality

Enc.

cc: Ken Pellitier, MCRR; Beth DeHaas, DEP; Sandy Lao, USEPA; File #6634

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
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: (207) 760-3143

web site: www.maine.gov/dep

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

DEPARTMENT ORDER

IN THE MATTER OF

MAINE CENTRAL RAILROAD	) MAINE POLLUTANT DISCHARGE
PROCESS WATER AND STORM WATER	) ELIMINATION SYSTEM PERMIT
WATERVILLE, KENNEBEC COUNTY	) AND
#ME0036803	) WASTE DISCHARGE LICENSE
#W006634-5O-D-R **APPROVAL**	) **RENEWAL**

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, §1251, *et seq.*, and Maine law, 38 M.R.S.A., §414-A *et seq.*, and applicable regulations, the Department of Environmental Protection (Department) has considered the application of MAINE CENTRAL RAILROAD (MCRR), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

Springfield Terminal Railway has applied to the Department for renewal of Waste Discharge License (WDL) #W006634-5O-C-R issued on January 11, 2001. The 1/11/01 WDL authorized the discharge of an unspecified quantity of treated process wastewater and storm water runoff from the Maine Central Railroad (MCRR) intermodal facility via Outfall #003A to the Kennebec River, Class C, in Waterville, Maine. The 1/11/01 WDL expired on January 11, 2006.

On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency (USEPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine, excluding areas of special interest to Maine Indian Tribes. From that point forward, the program will be referred to as the Maine Pollutant Discharge Elimination System (MEPDES) permit program, and permit #ME0036803 (new permit number) will be utilized as the primary reference number for this facility.

PERMIT SUMMARY

This permitting action is similar to the previous licensing action in that it is:

1. Carrying forward the daily maximum oil and grease concentration limit of 15 mg/L;

2. Carrying forward the daily maximum total suspended solids (TSS) concentration limit of 50 mg/L; and

3. Carrying forward the pH range limitation of 6.0 to 8.5 standard units.

This permitting action is different from the previous licensing action in that it is:

1. Replacing the Permit Compliance System (PCS) tracking number of MEU506634 with a new MEPDES permit of ME0036803;

2. Establishing a daily maximum discharge flow limit of 0.144 million gallons per day (MGD) for Outfall #003A;

3. Revising the minimum monitoring frequency requirements for all monitored parameters; and

4. Establishing a requirement (Special Condition G) to develop and maintain current a written Storm Water Pollution Prevention Plan (SWPPP).

CONCLUSIONS

BASED on the findings in the attached Fact Sheet, dated April 4, 2006, 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 discharges will be subject to effluent limitations that require application of best practicable treatment as defined in Maine law, 38 M.R.S.A. §414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the above noted application of the MAINE CENTRAL RAILROAD to discharge a daily maximum flow of up to 0.144 MGD of treated process wastewater and storm water runoff to the Kennebec River, Class C, in Waterville, 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 4TH DAY OF April, 2006.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
DAVID P. LITTELL, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: January 11, 2006
Date of application acceptance: January 11, 2006

FILED
APR 6 2006
BOARD OF ENVIRONMENTAL PROT.
STATE OF MAINE

Date filed with Board of Environmental Protection: _____

This Order prepared by William F. Hinkel, BUREAU OF LAND & WATER QUALITY
#ME0036803 / #W006634-5O-D-R April 4, 2006

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge **treated process wastewater and storm water runoff** from **Outfall #003A** to the Kennebec River in Waterville, Maine. Such discharges shall be limited and monitored by the permittee as specified below[1]:

Effluent Characteristic	Discharge Limitations	Minimum Monitoring Requirements	
	Daily Maximum	**Measurement Frequency**	**Sample Type**
	as specified	**as specified**	**as specified**
Flow *[50050]*	0.144 MGD *[03]*	3/Week *[03/07]*	Calculate *[CA]*
Total Suspended Solids *[00530]*	50 mg/L *[19]*	2/Month *[02/30]*	Grab *[GR]*
Oil and Grease *[00552]*	15 mg/L *[19]*	2/Month *[02/30]*	Grab *[GR]*
pH *[00400]*	6.0 – 8.5 SU *[12]*	2/Month *[02/30]*	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.

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[1] **Monitoring – 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 effluent end of the dissolved air flotation (DAF) unit,** or other location specified by the Department. 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.

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. TREATMENT PLANT OPERATOR

The treatment facility must be operated by a person holding a minimum of a **Grade I** Physical/Chemical (PC) certificate (or Maine 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.

D. 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 facility inspector (unless otherwise specified by the Department) at following address:

Department of Environmental Protection
Bureau of Land and Water Quality
Division of Water Quality Management
17 State House Station
Augusta, ME 04333-0017

SPECIAL CONDITIONS

E. NOTIFICATION REQUIREMENT

In accordance with Standard Condition D, the permittee shall notify the Department of any substantial change (increase or decrease) in the volume or character of pollutants being introduced into the wastewater collection and treatment system. For the purposes of this section, notice regarding substantial change shall include information on:

1. the quality and quantity of wastewater introduced to the wastewater collection and treatment system; and

2. any anticipated impact caused by the change in the quantity or quality of the wastewater to be discharged from the treatment system.

F. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from Outfall #003A. Discharges of wastewater from any other point source that are not authorized under this or another State permit are prohibited and shall be reported in accordance with Standard Condition B(5), *Bypasses,* of this permit.

G. STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

With respect to areas of the facility contributing flow subject to this permit, the permittee shall develop, maintain and periodically update a Storm Water Pollution Prevention Plan (SWPPP) for the facility that is consistent with the SWPPP requirements established in the Department's *Multi-Sector General Permit Maine Pollutant Discharge Elimination System Stormwater Discharge Associated with Industrial Activity*, dated October 11, 2005. As the site or any operations conducted on it have changed or are expected to change materially or substantially, the permittee shall modify its SWPPP as necessary to include such changes and notify the Department within 90 days of such modifications to the plan. The permittee shall maintain a copy of the SWPPP and any subsequent revisions at the terminal and shall make the plan available to any Department or USEPA representative upon request.

The SWPPP requirements are intended to facilitate a process whereby the permittee thoroughly evaluates potential pollution sources at the railyard and selects and implements appropriate measures to prevent or control the discharge of pollutants in storm water runoff. The process involves the following four steps: (1) formation of a team of qualified facility personnel who will be responsible for preparing the SWPPP and assisting the terminal manager in its implementation; (2) assessment of potential storm water pollution sources; (3) selection and implementation of appropriate management practices and controls; and (4) periodic evaluation of the effectiveness of the plan to prevent storm water contamination and comply with the terms and conditions of the permit.

SPECIAL CONDITIONS

H. OPERATION & MAINTENANCE (O&M) PLAN

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

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

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

I. CHAPTER 530(2)(D)(4) STATEMENT FOR REDUCED TOXICS TESTING

On or before December 31st of each year of the effective term of this permit ***[PCS Code 95799]***, the permittee shall provide the Department with statements describing the following:

(a) Changes in the number or types of non-domestic wastes contributed directly or indirectly to the wastewater treatment works that may increase the toxicity of the discharge;

(b) Changes in the operation of the treatment works that may increase the toxicity of the discharge; and

(c) Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge.

J. REOPENING OF PERMIT FOR MODIFICATIONS

Upon evaluation of the tests results or monitoring requirements specified in Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at 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 effluent or ambient water quality monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

K. 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
WASTE DISCHARGE LICENSE

FACT SHEET

DATE: **APRIL 4, 2006**

MEPDES PERMIT: **#ME0036803**
WASTE DISCHARGE LICENSE: **#W006634-5O-D-R**

NAME AND ADDRESS OF APPLICANT:

SPRINGFIELD TERMINAL RAILWAY
IRON HORSE PARK
NORTH BILLERICA, MA 01862

COUNTY: **KENNEBEC**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

MAINE CENTRAL RAILROAD
55 COLLEGE AVENUE
WATERVILLE, ME 04901

RECEIVING WATER / CLASSIFICATION: **KENNEBEC RIVER/CLASS C**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **MR. JOHN COLLINS**
Billerica, MA Office
(978) 663-1218
OR
MR. KEN PELLITIER
Waterville, ME Facility
(207) 873-6961

1. APPLICTION SUMMARY

Application: Springfield Terminal Railway has applied to the Department for renewal of Waste Discharge License (WDL) #W006634-5O-C-R issued on January 11, 2001 for the Maine Central Railroad (MCRR) facility. The 1/11/01 WDL authorized the discharge of an unspecified quantity of treated process wastewater and storm water runoff from the MCRR intermodal facility via Outfall #003A to the Kennebec River, Class C, in Waterville, Maine. The 1/11/01 WDL expired on January 11, 2006.

2. PERMIT SUMMARY

a. Regulatory: On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency (USEPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine, excluding areas of special interest to Maine Indian Tribes. On October 30, 2003, after consultation with the U.S. Department of Justice, the USEPA extended Maine's NPDES program delegation to all but tribally owned lands. In those areas, the Department maintains the authority to issue WDLs pursuant to Maine law. The extent of Maine's delegated authority is under appeal at the time of this permitting action. From this point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) program and permit #ME0036803 (new permit number) will be utilized as the primary reference number for this facility.

b. Terms and Conditions: **This permitting action is similar to the previous licensing action in that it is:**

1. Carrying forward the daily maximum oil and grease concentration limit of 15 mg/L;

2. Carrying forward the daily maximum total suspended solids (TSS) concentration limit of 50 mg/L; and

3. Carrying forward the pH range limitation of 6.0 to 8.5 standard units.

This permitting action is different from the previous licensing action in that it is:

1. Replacing the Permit Compliance System (PCS) tracking number of MEU506634 with a new MEPDES permit of ME0036803;

2. Establishing a daily maximum discharge flow limit of 0.144 million gallons per day (MGD) for Outfall #003A;

3. Revising the minimum monitoring frequency requirements for all monitored parameters; and

4. Establishing a requirement (Special Condition G) to develop and maintain current a written Storm Water Pollution Prevention Plan (SWPPP).

c. Facility History: This section provides a summary of significant licensing/permitting actions and milestones that have been completed for MCRR's Waterville terminal.

December 10, 1985 – The Department issued WDL #W006634-53-A-N (a new license for existing discharges) to MCRR for the discharge of an unspecified quantity of process wastewater and storm water runoff from two discharge points (Outfall 001A and 002A) to the Kennebec River in Waterville, Maine.

2. PERMIT SUMMARY (cont'd)

September 1997 – MCRR submitted an application to the USEPA (Region I) for an individual National Pollutant Discharge Elimination System (NPDES) permit and a Notice of Intent (NOI) for a Storm Water Multi-Sector General Permit for the Waterville facility. MCRR submitted a subsequent NOI to the USEPA in October 2000. As of the date of this permitting action, the USEPA has not acted on any of the three applications.

January 11, 2001 – The Department issued WDL #W006634-5O-C-R to MCRR for the discharge of an unspecified quantity of process wastewater and storm water runoff from one discharge point (Outfall #003A) to the Kennebec River. The 1/11/01 WDL expired on January 11, 2006 and superseded WDL #W006634-42-B-R issued on November 2, 1994 and the 12/10/85 WDL referenced above.

September 2005 – MCRR revised its existing Spill Prevention Control and Countermeasure Plan.

January 11, 2006 – Springfield Terminal Railway, owner of MCRR, submitted a General Application to the Department for renewal of WDL #W006634-5O-C-R. The application was accepted for processing on January 11, 2006 and was assigned WDL #W006634-5O-D-R / MEPDES permit #ME0036803. Springfield Terminal Railway submitted a Notice of Intent (NOI) to comply form to the Department for coverage of stormwater discharges associated with the industrial facility under the Department's Multi-Sector General Permit Maine Pollutant Discharge Elimination System Stormwater Discharge Associated with Industrial Activity. The NOI was accepted as complete and coverage was granted by the Department on January 11, 2006.

February 2006 – MCRR revised its Storm Water Pollution Prevention Plan (SWPPP).

d. Source Description: Maine Central Railroad Intermodal Facility is a locomotive refueling, washing, maintenance and repair facility located on College Avenue in Waterville, Maine. A map prepared by the Department showing the location of the facility and receiving water is included as Fact Sheet Attachment A. Process wastewater from washdown, maintenance and repair activities and storm water runoff are generated by the facility. Specifically, the various sources of wastewater are as follows:

Engine House and Fuel Area

Wastewater is collected within the Engine House facility, which consists of spillage, rainwater, infiltration of the building and hosing down of equipment and floors. Wastewater is also collected from the Locomotive Fueling Stand and Turntable Area, which consists of storm water spillage and hosing down of equipment. Oil accumulates from spillage during servicing and fueling of locomotives. On average, the daily flow from these facilities is 8,500 gallons per day (GPD).

Main Repair Shop Drain

Wastewater is collected within the Repair Shop Facility, which consists of spillage, rainwater, infiltration of the building, and hosing down of equipment. On average, the daily flow generated by this facility is 850 GPD.

2. PERMIT SUMMARY (cont'd)

Storm Water Runoff

Storm water runoff from Paint Shop and Engine House roof drains and from four (4) approximately 15-foot by 20-foot (300 square feet each) concrete refueling pads is conveyed to the treatment system, and is subject to this permit. Storm water generated from other areas on the industrial site is covered under the Department's *Multi-Sector General Permit Maine Pollutant Discharge Elimination System Stormwater Discharge Associated with Industrial Activity.*

e. Wastewater Treatment: Process wastewater and storm water runoff is collected in process drains and conveyed to oil-water separators and a chemically-assisted dissolved air flotation (DAF) unit for treatment. Effluent from both oil-water separators is pumped to two 12,500-gallon storage tanks which provide flow equalization and settling of sludge. A process flow schematic prepared by MCRR is included as Fact Sheet Attachment B.

Wastewater flow from the storage tanks is manually controlled by way of valves, and the flow is measured using a flow sensor and totalizer. During off-hours, the storage tanks are automatically filled from the oil-water separators. When the storage tanks are 80% full an alarm is activated and the plant operator is dispatched to the site. Wastewater is conveyed to a mixing tank where caustic or acid are added for pH adjustment and a polymer and floc enhancer (aluminum sulfate) are added to assist in solids settling. The pH is measured continuously in the mixing tank and the acid/caustic addition is paced based on influent pH values. The flow is conveyed from the mixing tank to a dissolved air floatation (DAF) unit for treatment prior to discharge.

Final effluent is conveyed for discharge to the Kennebec River via a 15-inch diameter outfall pipe designed Outfall #003A in this permitting action. MCRR reported that the pipe is submerged to a depth of 4 feet below the mean low water level and terminates 50 feet from the western shore of the Kennebec River.

The wastewater treatment process generates sludge as a final by-product. Sludge consists of petroleum products skimmed from the water surface of the DAF unit and settleable solids. Sludge is collected in a holding chamber at the front end of the DAF unit. When the sludge reaches a preset level in the chamber, an air driven diaphragm pump is activated. The sludge is transferred to a 10,000-gallon above ground storage tank. The wastewater treatment plant operator periodically de-waters the sludge tank to remove as much clear liquid as possible. The liquid removed is reprocessed in the DAF unit. When the sludge tank reaches a level of being ¾ full, an environmental contractor is contacted for sampling and pricing to remove and properly dispose of the sludge. MCRR reports sludge removal occurs approximately every 6-8 months.

3. CONDITIONS OF PERMIT

Maine law, 38 M.R.S.A. §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., §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. §467 (4)(A)(10) classifies the Kennebec River at the point of discharge as a Class C waterbody. Maine law, 38 M.R.S.A. §465 (4) describes the standards for Class C waters.

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2004 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 a 14.7-mile reach of the Kennebec River, from the Fairfield-Skowhegan boundary to its confluence with the Sebasticook River (Hydrologic Unit Code #ME0103000306 / Waterbody ID #339R) as, *"Category 4-B-1: Rivers and Streams Impaired by Pollutants – Pollution Control Requirements Reasonably Expected to Result in Attainment."* Impairment in this context refers to the designated use of fishing and a fish consumption advisory due to the presence of dioxin in fish tissues. The Report also lists the Kennebec River at Waterville as, *"Category 4-B-2: Rivers and Streams Impaired by Bacteria from Combined Sewer Overflows (TMDL Required Only if Control Plans Insufficient."* The Kennebec Sanitary Treatment District (KSTD), which maintains combined sewer overflow (CSO) points on the Kennebec River in Waterville, has developed and implemented a CSO master plan for the elimination of all three CSO points associated with the collection system. As the KSTD and the sewer collection system is upgraded and maintained in according to the CSO Master Plan and Nine Minimum Controls, there should be reductions in the frequency and volume of CSO activities and in the wastewater receiving primary treatment only at the treatment plant, and, over time, improvement in the quality of the wastewater discharged to the receiving waters. The Report lists all of Maine's fresh waters as, *"Category 4-B-3: Waters Impaired by Atmospheric Deposition of Mercury. Regional or National TMDL may be Required."* Impairment in this context refers to a statewide fish consumption advisory due to elevated levels of mercury in some fish tissues. The Department has no information at this time that the discharge from MCRR causes or contributes to the impairment status of the receiving waterbody.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Department rule 06-096 CMR Chapter 521 and 40 Federal Code of Regulations Part 122.26 specify that storm water discharges associated with industrial activity require a permit. Special Condition G of this permit requires MCRR to maintain a current Storm Water Pollution Prevention Plan on-site at all times that is available to Department and USEPA personnel upon request.

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

a. Flow: The previous licensing action established monthly average and daily maximum discharge flow reporting requirements. This permitting action is establishing a daily maximum discharge flow limit of 0.144 MGD based on the design capacity of the treatment system.

A review of the monthly average and daily maximum flow data as reported on the Discharge Monitoring Reports submitted to the Department for the period January 2003 – December 2005 indicates the average monthly flow has ranged from 0.004 MGD to 0.034 MGD with an arithmetic mean of 0.016 MGD. The maximum flow has ranged from 0.003 MGD to 0.139 MGD with an arithmetic mean of 0.067 MGD.

The previous licensing action specified that the facility was required to maintain a daily log of precipitation, which is being eliminated in this permitting action as the Department has determined that this monitoring requirement is not necessary to assess compliance with the limits established in this permit.

b. Total Suspended Solids (TSS): The previous licensing action established a daily maximum TSS concentration limit of 50 mg/L based on a Department best professional judgment (BPJ) determination of best practicable treatment (BPT). Neither the USEPA nor the Department has developed effluent guidelines for the discharge of process wastewater and storm water runoff from intermodal facilities. Therefore, this permitting action is carrying forward the daily maximum effluent TSS concentration limit of 50 mg/L for Outfall #003A.

This permitting action is carrying forward the minimum monitoring frequency requirement of twice per month (2/Month) for TSS. The previous licensing action required monitoring at a minimum frequency of twice per month with one sample collected from a significant storm event, except that a second sample was not required if a significant storm event did not occur within a particular monthly reporting period. This permitting action is eliminating this sampling condition and requires the facility to collect samples that are representative of effluent flows discharged via Outfall #003A.

A review of the daily maximum TSS data as reported on the Discharge Monitoring Reports submitted to the Department for the period January 2003 – December 2005 indicates the maximum TSS concentration discharged has ranged from 1.0 mg/L to 13.0 mg/L with an arithmetic mean of 4.3 mg/L.

c. Oil and Grease: The previous licensing action established a daily maximum oil and grease concentration limit of 15 mg/L based on a Department best professional judgment (BPJ) determination of best practicable treatment (BPT). Neither the USEPA nor the Department has developed effluent guidelines for the discharge of process wastewater and storm water runoff from intermodal facilities. Therefore, this permitting action is carrying forward the daily maximum concentration limit of 15 mg/L, which is equivalent to the limit established in MEPDES permits for bulk oil storage terminals and remains the Department's BPJ of BPT for this discharge.

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

This permitting action is carrying forward the minimum monitoring frequency requirement of twice per month (2/Month) for oil and grease. The previous licensing action required monitoring at a minimum frequency of twice per month with one sample collected from a significant storm event, except that a second sample was not required if a significant storm event did not occur within a particular monthly reporting period. This permitting action is eliminating this sampling condition and requires the facility to collect samples that are representative of effluent flows discharged via Outfall #003A.

A review of the daily maximum oil and grease data as reported on the Discharge Monitoring Reports submitted to the Department for the period January 2003 – December 2005 indicates the maximum oil and grease concentration discharged has ranged from 1.0 mg/L to 20.0 mg/L with an arithmetic mean of 3.5 mg/L. The DMR data indicate compliance with the daily maximum limit of 15 mg/L 97% of the time during said reporting period.

d. pH: The previous licensing action established a pH range limit of 6.0 – 8.5 standard units (SU), which was based on Maine Board of Environmental Protection policy regarding the certification of NPDES permits and is considered by the Department as BPJ of BPT. Neither the USEPA nor the Department has developed effluent guidelines for the discharge of process wastewater and storm water runoff from intermodal facilities. Therefore, this permitting action is carrying forward the pH range limitation of 6.0 – 8.5 SU, and is revising the minimum monitoring frequency requirement to twice per month consistent with the monitoring requirements for TSS and oil and grease.

The DMR data indicate the facility has been in compliance with the pH range limitation 100% of the time during said reporting period.

e. 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.

The previous licensing action neither established nor addressed WET or priority pollutant testing requirements of the toxics rule. 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."*

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

Chapter 530(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.

Discharges from the MCRR facility are not "solely domestic" in nature, therefore the facility is subject to the requirements of the toxics rule. Department rule Chapter 530(2)(C) categorizes facilities into one of four levels based on the relative risk of toxic contamination of receiving water by a discharge. Dilution of the discharge in the receiving water is the primary variable used to determine the testing frequency. The chronic dilution factor associated with the MCRR facility is 14,194 to 1. The rule specifies that facilities which have a chronic dilution factor of at least 500 to 1 and a permitted flow of less than 1 million gallons per day are categorized as a Level IV discharger. Routine testing requirements for Category IV facilities are waived, except that the Department shall require an individual discharger to conduct testing if the discharger's permit application or other information available to the Department indicate that toxic compounds may be present in toxic amounts or if previous testing indicates that toxic compounds may be present in toxic amounts. The Department has no information at this time that the discharge from the MCRR contains toxic compounds in toxic amounts. Therefore, the Department is making a best professional judgment determination in this permitting action to waive Level IV whole effluent toxicity, priority pollutant, and analytical chemistry testing at this time. The rule further states, *"all dischargers having waived or reduced testing must file statements with the Department on or before December 31 of each year describing the following.*

(a) Changes in the number or types of non-domestic wastes contributed directly or indirectly to the wastewater treatment works that may increase the toxicity of the discharge;
(b) Changes in the operation of the treatment works that may increase the toxicity of the discharge; and
(c) Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge."

This permitting action establishes Special Condition I, *Chapter 530(2)(D)(4) Statement for Reduced Toxics Testing*, with the requirement to submit annually a statement as described in sections a through c of this section. In accordance with Special Condition J of this permit, the Department reserves the right to reopen this permit at any time and

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

with notice to the permittee to establish toxics testing requirements pursuant to Chapter 530 based on new information regarding the sources or characterization of wastewater discharged via Outfall #003A.

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 Kennebec River to meet standards for Class C classification.

8. PUBLIC COMMENTS

Public notice of this application was made in the *Morning Sentinel* newspaper on or about January 11, 2006. 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

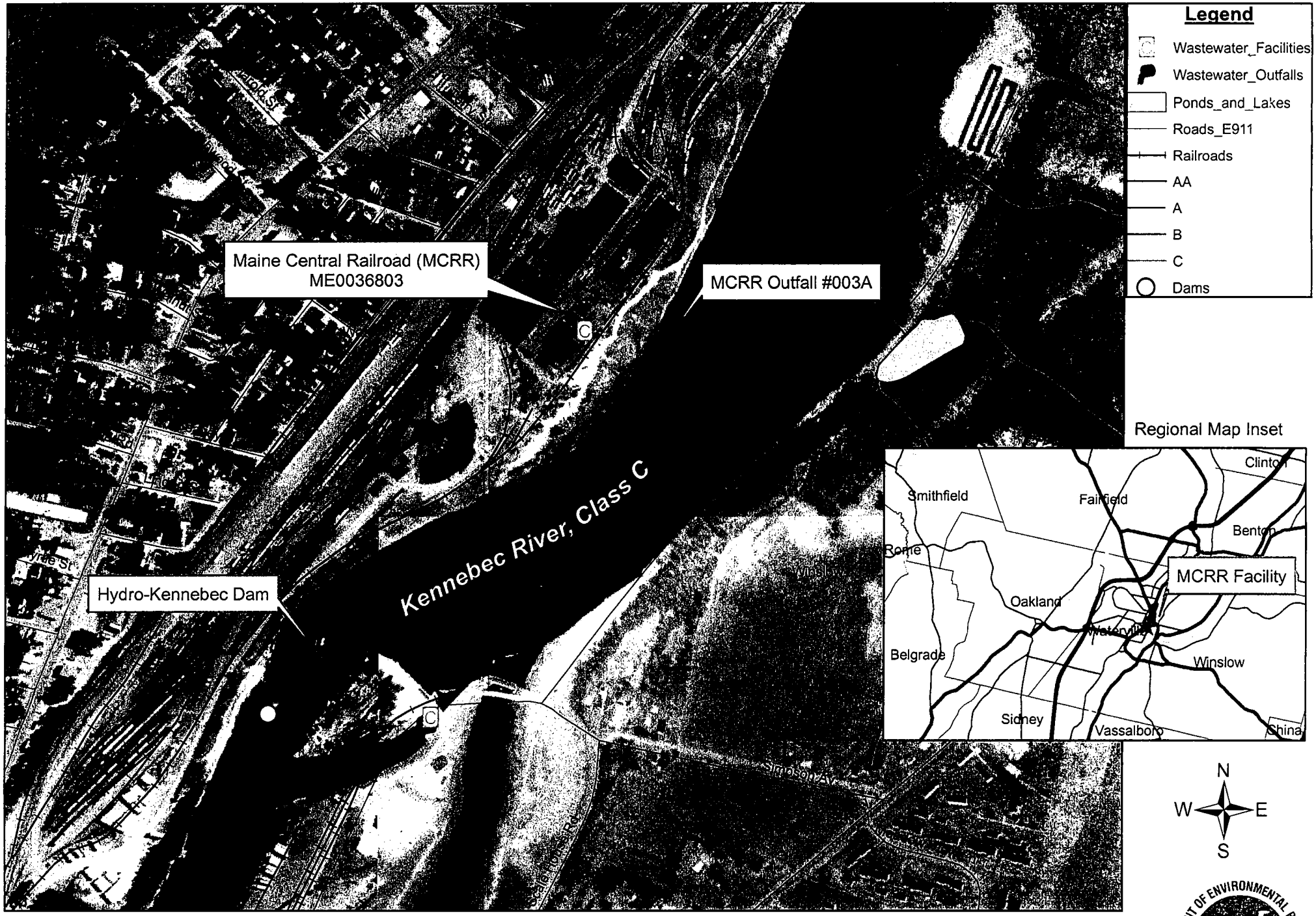
Additional information concerning this permitting action may be obtained from, and written comments sent to:

William F. Hinkel
Division of Water Quality Management
Bureau of Land & Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 287-7659 Fax: (207) 287-7826
e-mail: bill.hinkel@maine.gov

10. RESPONSE TO COMMENTS

During the period of March 3, 2006 through April 3, 2006, the Department solicited comments on the proposed draft Maine Pollutant Discharge Elimination System Permit to be issued to MCRR for the proposed discharge. The Department received no significant comments on the proposed draft permit; therefore, a response to comments was not prepared.

ATTACHMENT A



Waterville, Maine

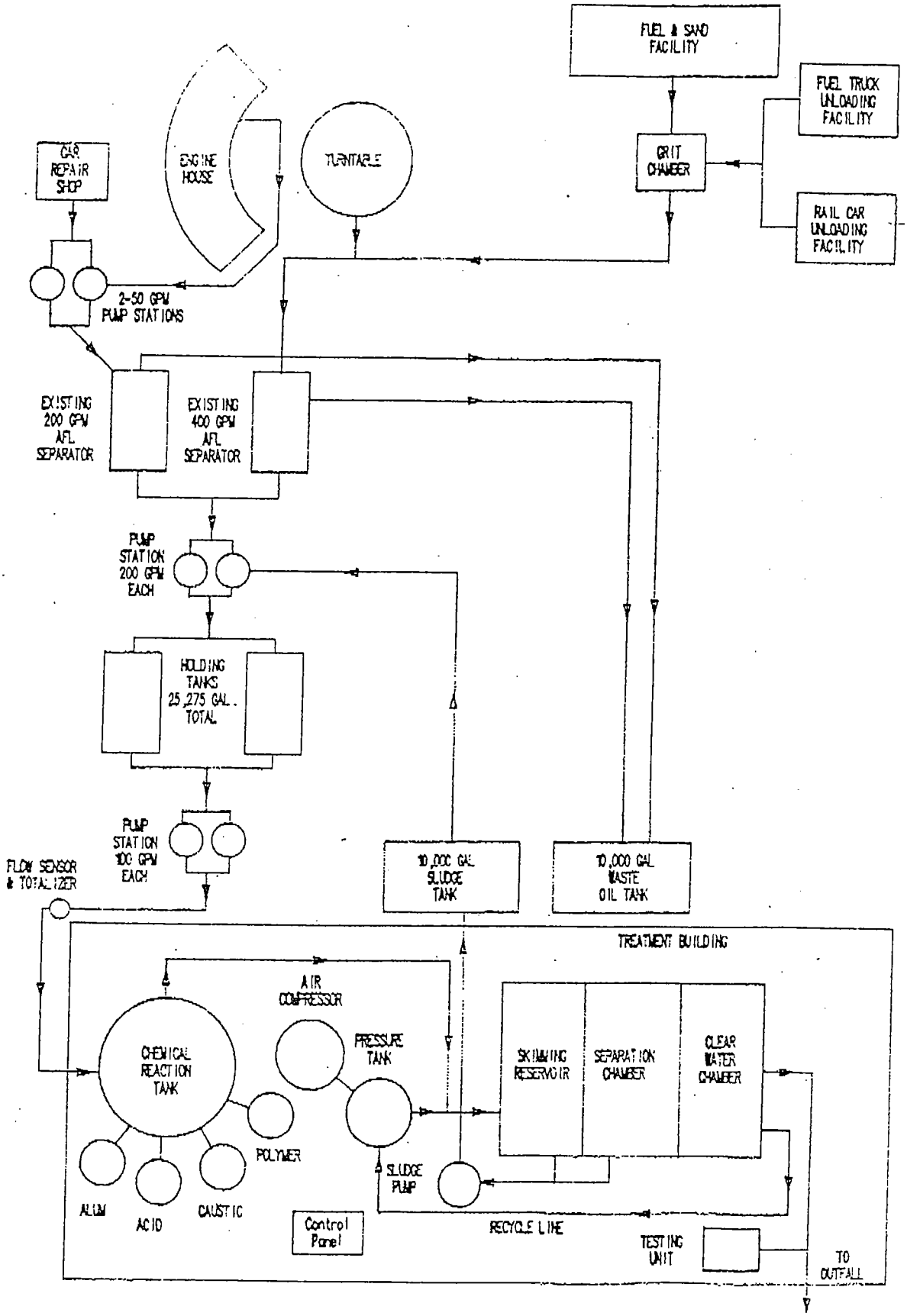
Map created by Maine DEP
March 3, 2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF MAINE

ATTACHMENT B

ENVIRONMENTAL FACILITY
WATERVILLE, ME.

Forwarded to: Charles B.
DEP: 207-773-653



D. Clough: Eng. file copy