STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

December 6, 2007

Ms. Peggy Morgan
Town of Hartland
21 Academy Street
Hartland, Maine, 04943

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0101443
Maine Waste Discharge License (WDL) Application #W000678-5-M-H-R
Final MEPDES Permit/WDL

Dear Ms. Morgan:

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.*"

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: Hadley Buker, Irving Tanning Co.
Greg McVeigh, Wright-Pierce
Michelle Jones, Interest Party
Clarissa Trasko, DEP
Jim Crowley, DEP
Sandy Lao, USEPA
File #678

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

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF HARTLAND	)	MAINE POLLUTANT DISCHARGE
HARTLAND, SOMERSET COUNTY	)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS	)	AND
#ME0101443	)	WASTE DISCHARGE LICENSE
#W000678-5M-H-R **APPROVAL**	)	**RENEWAL**

Pursuant to the provisions of the *Federal Water Pollution Control Act*, Title 33 USC, §1251, *Conditions of licenses*, 38 M.R.S.A. § 414-A, and applicable regulations, the Department of Environmental Protection (Department) has considered the application of TOWN OF HARTLAND (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 to the Department for a renewal of Waste Discharge License (WDL) #W000678-5M-G-M / Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0101443, which was issued on November 7, 2002, and expired on November 7, 2007. The 11/7/02 MEPDES permit authorized the monthly average discharge of up to 1.5 million gallons per day (MGD) of secondary treated sanitary and tannery process waste waters from the Hartland Pollution Control Facility, a publicly owned treatment works (POTW), to the West Branch of the Sebasticook River, Class C, in Hartland, Maine.

On June 15, 2004, the Department administratively modified the 11/7/02 permit to reduce the minimum monitoring frequency requirement for total phosphorous from once per week to once per month during the period of June 1 – September 30 of each year.

On April 10, 2006, the Department amended the 11/7/02 permit to incorporate the testing requirements of the *Surface Water Toxics Control Program*, 06-096 CMR 530 (effective October 9, 2005).

PERMIT SUMMARY

This permitting action is similar to the 11/7/02 permitting action, 6/15/04 administrative modification, and 4/10/06 amendment in that it is:

1. Carrying forward the monthly average discharge flow limit of 1.5 MGD and the daily maximum discharge flow reporting requirement;

2. Carrying forward the monthly average and daily maximum water quality-based concentration and mass limitations for biochemical oxygen demand (BOD_5);

3. Carrying forward the monthly average and daily maximum water quality-based concentration and mass limitations for total suspended solids (TSS);

4. Carrying forward the daily maximum, technology-based concentration limitation of 0.3 ml/L for settleable solids;

5. Carrying forward the seasonal monthly average and daily maximum concentration limits for *Escherichia coli* bacteria;

6. Carrying forward the technology-based, monthly average and daily maximum concentration limits for total residual chlorine (TRC);

7. Carrying forward the daily maximum technology-based concentration limit for oil and grease (O&G);

8. Carrying forward the seasonal monthly average and weekly average total phosphorous (total-P) concentration reporting requirements;

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

10. Carrying forward the chronic water quality limit of 5.5% for the water flea based on the results of facility testing;

11. Carrying forward authorization to receive and introduce into the treatment process a daily maximum of up to 5,000 gallons per day of septage (up to a monthly total of 152,100 gallons) (Special Condition M of this permit);

12. Carrying forward conditions and requirements for an Industrial Pretreatment Program (Special Condition N of this permit); and

13. Carrying forward the minimum monitoring frequency requirements for all monitored parameters, except total chromium, settleable solids, and total-P.

PERMIT SUMMARY (cont'd)

This permitting action is different from the 11/7/02 permitting action, 6/15/04 administrative modification, and 4/10/06 amendment in that it is:

1. Establishing reporting requirements for the 30-day average percent removal rates for BOD_5 and TSS;

2. Establishing a technology-based daily maximum mass limit and monthly average concentration and mass limits for O&G;

3. Eliminating the critical acute and chronic water quality limits of 5.5% for the brook trout based on the results of facility testing;

4. Eliminating the water quality-based monthly average concentration and mass limits for total arsenic based on the results of facility testing;

5. Establishing water quality-based monthly average concentration and mass limits for 2,4,6-trichlorophenol, total aluminum, B-BHC, Bis (2-ethylhexyl) phthalate, chlorodibromomethane, chloroform, and dichlorobromomethane based on the results of facility testing;

6. Establishing water quality-based monthly average and daily maximum concentration and mass limits for total copper and total zinc based on the results of facility testing;

7. Revising the seasonal, water quality-based monthly average concentration an mass limits for ammonia based on the results of facility testing and revised ambient water quality criteria;

8. Revising the water quality-based monthly average concentration and mass limits for total chromium based on the results of facility testing and revised ambient water quality criteria;

9. Establishing seasonal daily maximum concentration and mass reporting requirements for total-P;

10. Establishing Special Condition I, *Toxicity Reduction Evaluation (TRE)*, for an exceedence of 2,4,6-trichlorophenol and total zinc;

11. Establishing Special Condition J, *Surface Water Toxics Control Program Statement for Reduced/Waived Toxics Testing*, an annual notification requirement for reduced surveillance level toxics testing;

12. Establishing Special Condition O, *Fish Advisory Program*; and

13. Establishing a minimum monitoring frequency requirements for dichlorobromomethane and total zinc, and revising the minimum monitoring frequency requirements for total chromium, settleable solids, and total-P.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated December 4, 2007, 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, *Classification of Maine Waters*, 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 38 M.R.S.A. § 414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the above noted application of the TOWN OF HARTLAND to discharge a monthly average flow of up to 1.5 million gallons per day of secondary treated municipal wastewater (sanitary and tannery process waste waters) from the Hartland Pollution Control Facility to the West Branch of the Sebasticook River, Class C, in Hartland, 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.

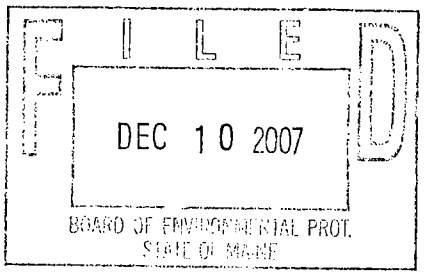
DONE AND DATED AT AUGUSTA, MAINE, THIS 6TH DAY OF December, 2007.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____ for
DAVID P. LITTELL, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: October 16, 2007
Date of application acceptance: October 17, 2007



Date filed with Board of Environmental Protection: _____.

This Order prepared by William F. Hinkel, BUREAU OF LAND & WATER QUALITY
#ME0101443 / #W000678-5M-H-R December 4, 2007

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge **secondary treated sanitary and tannery process waste waters from Outfall #001A** to the West Branch of the Sebasticook River at Hartland. Such discharges shall be limited and monitored by the permittee as specified below[1]:

Effluent Characteristic	Discharge Limitations			Minimum Monitoring Requirements				
	Monthly Average as specified	Weekly Average as specified	Daily Maximum as specified	Monthly Average as specified	Weekly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Flow *[50050]*	1.5 MGD *[03]*	---	Report MGD *[03]*	---	---	---	Continuous *[99/99]*	Recorder *[RC]*
BOD_5 *[00310]*	660 lbs./day *[26]*	---	1,320 lbs./day *[26]*	66 mg/L *[19]*	---	132 mg/L *[19]*	3/Week *[03/07]*	24-Hour Composite *[24]*
BOD_5 Percent Removal[2] ***[81010]***	---	---	---	Report % *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
TSS *[00530]*	1,028 lbs./day *[26]*	---	2,238 lbs./day *[26]*	103 mg/L *[19]*	---	224 mg/L *[19]*	3/Week *[03/07]*	24-Hour Composite *[24]*
TSS Percent Removal[2] ***[81011]***	---	---	---	Report % *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
Settleable Solids *[00545]*	---	---	---	---	---	0.3 ml/L *[25]*	5/Week *[05/07]*	Grab *[GR]*
E. coli* Bacteria[3]** ***May 15 – September 30 *[31633]*	---	---	---	142/100 ml [4] *[13]*	---	949/100 ml *[13]*	3/Week *[03/07]*	Grab *[GR]*
Total Residual Chlorine[5] *[50060]*	---	---	---	0.1 mg/L *[19]*	---	0.3 mg/L *[19]*	2/Day *[02/01]*	Grab *[GR]*
Oil and Grease *[03582]*	188 lbs./day *[26]*	---	188 lbs./day *[26]*	15 mg/L *[19]*	---	15 mg/L *[19]*	1/Month *[01/30]*	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 Pages 9 through 12 of this permit for applicable footnotes.

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge **secondary treated sanitary and tannery process waste waters from Outfall #001A** to the West Branch of the Sebasticook River at Hartland. Such discharges shall be limited and monitored by the permittee as specified below **(cont'd)** [1]:

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average as specified	Weekly Average as specified	Daily Maximum as specified	Monthly Average as specified	Weekly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
2,4,6-Trichlorophenol *[16734]*	0.29 lbs./day *[26]*	---	---	34.8 µg/L *[28]*	---	---	1/Year *[01/01]*	24-Hour Composite *[24]*
Aluminum (Total) *[01105]*	15.1 lbs./day *[26]*	---	---	1.8 mg/L *[19]*	---	---	1/Quarter *[01/90]*	24-Hour Composite *[24]*
Ammonia (as N) ***June 1 – September 30*** / ***October 1 – May 31*** *[61574]*	523 lbs./day *[26]* / 1,028 lbs./day *[26]*	---	---	62.7 mg/L *[19]* / 123 mg/L *[19]*	---	---	2/Month *[02/30]* / 2/Month *[02/30]*	24-Hour Composite *[24]*
B-BHC *[39338]*	0.002 lbs./day *[26]*	---	---	0.23 µg/L *[28]*	---	---	1/Year *[01/01]*	24-Hour Composite *[24]*
Bis (2-ethylhexyl) phthalate *[16770]*	0.25 lbs./day *[26]*	---	---	30.0 µg/L *[28]*	---	---	1/Year *[01/01]*	24-Hour Composite *[24]*
Chlorodibromomethane *[34306]*	0.13 lbs./day *[26]*	---	---	15.0 µg/L *[28]*	---	---	1/Year *[01/01]*	24-Hour Composite *[24]*
Chloroform *[32106]*	1.7 lbs./day *[26]*	---	---	202.7 µg/L *[28]*	---	---	1/Year *[01/01]*	24-Hour Composite *[24]*
Chromium (Total) *[01034]*	4.0 lbs./day *[26]*	---	34.0 lbs./day *[26]*	0.48 mg/L *[19]*	---	3.4 mg/L *[19]*	1/Month *[01/30]*	24-Hour Composite *[24]*
Copper (Total) *[01042]*	0.41 lbs./day *[26]*	---	0.53 lbs./day *[26]*	49.2 µg/L *[28]*	---	64.1 µg/L *[28]*	1/Year *[01/01]*	24-Hour Composite *[24]*
Dichlorobromomethane *[32101]*	0.17 lbs./day *[26]*	---	---	19.8 µg/L *[28]*	---	---	1/Year *[01/01]*	24-Hour Composite *[24]*
Zinc (Total) *[01092]*	5.3 lbs./day *[26]*	---	5.3 lbs./day *[26]*	638.1 µg/L *[28]*	---	638.1 µg/L *[28]*	1/Year *[01/01]*	24-Hour Composite *[24]*
Total Phosphorus [6] *[00665]* ***June 1 – September 30***	Report lbs./day *[26]*	Report lbs./day *[26]*	Report lbs./day *[26]*	Report mg/L *[19]*	Report mg/L *[19]*	Report mg/L *[19]*	2/Month *[02/30]*	24-Hour Composite *[24]*

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 Pages 9 through 12 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

SURVEILLANCE LEVEL - Beginning upon issuance and lasting until 12 months prior to permit expiration.

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Whole Effluent Toxicity (7)						
Acute – NOEL						
Ceriodaphnia dubia (Water flea) *[TDA3B]*	---	---	---	Report % *[23]*	2/Year *[02/YR]*	Composite *[24]*
Salvelinus fontinalis (Brook trout) *[TDA6F]*	---	---	---	Report % *[23]*	1 Year *[01/YR]*	Composite *[24]*
Chronic – NOEL						
Ceriodaphnia dubia (Water flea) *[TBP3B]*	---	---	---	5.5% *[23]*	2/Year *[02/YR]*	Composite *[24]*
Salvelinus fontinalis (Brook trout) *[TBQ6F]*	---	---	---	Report % *[23]*	1 Year *[01/YR]*	Composite *[24]*
Analytical Chemistry (8) *[51168]*	---	---	---	Report ug/L *[28]*	1 Year *[01/YR]*	Composite/Grab *[24]*

SCREENING LEVEL - Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter.

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Whole Effluent Toxicity (7)						
Acute – NOEL						
Ceriodaphnia dubia (Water flea) *[TDA3B]*	---	---	---	Report % *[23]*	1/Quarter *[01/90]*	Composite *[24]*
Salvelinus fontinalis (Brook trout) *[TDA6F*	---	---	---	Report % *[23]*	1/Quarter *[01/90]*	Composite *[24]*
Chronic – NOEL						
Ceriodaphnia dubia (Water flea) *[TDA3B]*	---	---	---	5.5% *[23]*	1/Quarter *[01/90]*	Composite *[24]*
Salvelinus fontinalis (Brook trout) *[TBQ6F]*	---	---	---	Report % *[23]*	1/Quarter *[01/90]*	Composite *[24]*
Analytical Chemistry (8) *[51168]*	---	---	---	Report ug/L *[28]*	1/Quarter *[01/90]*	Composite/Grab *[24]*
Priority Pollutant (9) *[50008]*	---	---	---	Report ug/L *[28]*	1/Year *[01/YR]*	Composite/Grab *[24]*

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 Pages 9 through 12 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

FOOTNOTES:

1. **Sampling** – Sampling and analysis must be conducted in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis shall be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services. Samples that are sent to a POTW licensed pursuant to *Waste discharge licenses*, 38 M.R.S.A. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended February 13, 2000).

   All detectable analytical test results shall be reported to the Department including results which are detected below the respective reporting limits (RLs) specified by the Department. See Attachment C of this permit for a list of the Department's current RLs. If a non-detect analytical test result is below the respective RL, the concentration result shall be reported as <Y where Y is the actual detection limit achieved by the laboratory for each respective parameter. Reporting a value of <Y that is greater than an established RL is not acceptable and will be rejected by the Department. For mass, if the analytical result is reported as <Y or if a detectable result is less than a RL, report a <X lbs/day, where X is the parameter specific limitation established in the permit. Compliance with this permit will be evaluated based on whether or not a compound is detected at or above the Department's RL.

2. **Percent Removal** – The treatment facility shall report percent removal for both biochemical oxygen demand and total suspended solids for all flows receiving secondary treatment. The percent removal shall be calculated based on influent and effluent concentration values.

3. **Bacteria Limits** – *E. coli* bacteria limits and monitoring requirements are seasonal and apply between May 15 and September 30 of each year. The Department reserves the right to require year-round bacteria limits to protect the health, safety and welfare of the public.

4. **Bacteria Reporting** – The monthly average *E. coli* 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.

SPECIAL CONDITIONS

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

FOOTNOTES:

6. **Total Phosphorus** – Total phosphorus (total-P) monitoring shall be performed in accordance with Attachment A of this permit, *Protocol For Total Phosphorous Sample Collection and Analysis for Waste Water and Receiving Water Monitoring Required by Permits, Finalized April, 2008*, unless otherwise specified by the Department.

7. **Whole effluent toxicity (WET) testing** – Definitive WET testing is a multi-concentration testing event (a minimum of five dilutions bracketing the critical acute and chronic thresholds of 5.5% and 5.5%, respectively), which provides a point estimate of toxicity in terms of No Observed Effect Level, commonly referred to as NOEL or NOEC. A-NOEL is defined as the acute no observed effect level with survival as the end point. C-NOEL is defined as the chronic no observed effect level with survival, reproduction and growth as the end points. The critical acute and chronic thresholds were derived as the mathematical inverse of the applicable acute and chronic dilution factors of 18.2:1 and 18.2:1, respectively.

   a. **Surveillance level testing** – Beginning upon issuance of this permit and lasting through twelve months prior to permit expiration, the permittee shall initiate surveillance level acute and chronic WET testing at a minimum frequency of once per year (reduced testing) for the brook trout (*Salvelinus fontinalis*) and at a minimum frequency of twice per year (default testing frequency) for the water flea (*Ceriodaphnia dubia*). Tests using the brook trout shall be conducted in a different calendar quarter each year. Tests using the water flea shall be conducted with a minimum of 6 months separating test events.

   b. **Screening level testing** – Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter, the permittee shall conduct screening level acute and chronic WET testing at a minimum frequency of four times per year for both the water flea and the brook trout. Tests shall be conducted in consecutive calendar quarters.

   WET test results must be submitted to the Department not later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, that the permittee may review the toxicity reports for up to 10 business days of their availability before submitting them. The permittee shall evaluate test results being submitted and identify to the Department possible exceedences of the critical acute and chronic water quality thresholds of 5.5% and 5.5%, respectively.

SPECIAL CONDITIONS

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

FOOTNOTES:

Toxicity tests must be conducted by an experienced laboratory approved by the Department. The laboratory must follow procedures as described in the following USEPA methods manuals.

a. Short Term Methods for Estimating the Chronic Toxicity of Effluent and Receiving Water to Freshwater Organisms, Fourth Edition, October 2002, EPA-821-R-02-013.

b. Methods for Measuring the Acute Toxicity of Effluent and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition, October 2002, EPA-821-R-02-012.

Results of WET tests shall be reported on the "Whole Effluent Toxicity Report Fresh Waters" form included as Attachment B of this permit each time a WET test is performed. **The permittee is required to analyze the effluent for the nine (9) parameters specified in the WET chemistry section and the twelve (12) parameters specified in the analytical chemistry section on the "WET and Chemical Specific Data Report Form" form included as Attachment C of this permit each time a WET test is performed.**

8. **Analytical chemistry** – Pursuant to 06-096 CMR 530(2)(C)(4), analytical chemistry refers to a suite of thirteen (13) chemical tests that consist of: ammonia nitrogen (as N), total aluminum, total arsenic, total cadmium, total chromium, total copper, total cyanide, total hardness, total lead, total nickel, total silver, total zinc and total residual chlorine. The permittee shall conduct analytical chemistry testing as follows, unless more frequent testing for specific parameters is required in this permit.

   a. **Surveillance level testing** – Beginning upon permit issuance and lasting until 12 months prior to permit expiration, the permittee shall conduct analytical chemistry testing at a minimum frequency of once per year (reduced testing). Tests shall be conducted in a different calendar quarter each year.

   b. **Screening level testing** – Beginning 12 months prior to permit expiration and every five years thereafter, the permittee shall conduct analytical chemistry testing at a minimum frequency of once per calendar quarter for four consecutive calendar quarters.

SPECIAL CONDITIONS

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

FOOTNOTES:

9. **Priority pollutant testing** – Priority pollutants are those parameters specified at *Effluent Guidelines and Standards*, 06-096 CMR 525(4)(IV) (effective January 12, 2001).

   a. **Screening level testing** - Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter, the permittee shall conduct screening level priority pollutant testing at a minimum frequency of once per calendar quarter for four consecutive calendar quarters.

   Surveillance level priority pollutant testing is not required pursuant to 06-096 CMR 530.

   Priority pollutant and analytical chemistry testing shall be conducted on samples collected at the same time as those collected for whole effluent toxicity tests when applicable. Priority pollutant and analytical chemistry testing shall be conducted using methods that permit detection of a pollutant at existing levels in the effluent or that achieve minimum reporting levels of detection as specified by the Department.

   Test results must be submitted to the Department not later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, that the permittee may review the toxicity reports for up to 10 business days of their availability before submitting them. The permittee shall evaluate test results being submitted and identify to the Department, possible exceedences of the acute, chronic or human health AWQC as established in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective October 9, 2005). For the purposes of DMR reporting, enter a "1" for yes, testing done this monitoring period or "NODI-9" monitoring not required this period.

   All mercury sampling required to determine compliance with interim limitations established pursuant to *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001), shall be conducted in accordance with EPA's "clean sampling techniques" found in EPA Method 1669, Sampling Ambient Water For Trace Metals At EPA Water Quality Criteria Levels. All mercury analysis shall be conducted in accordance with EPA Method 1631, Determination of Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Fluorescence Spectrometry.

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

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

C. 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 *E. coli* 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 IV** certificate (or by a Maine registered professional engineer) pursuant to *Sewerage Treatment Operators*, 32 M.R.S.A. §§ 4171-4182. 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. AUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on October 17, 2007; 2) the terms and conditions of this permit; and 3) 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

F. 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.

G. 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 Department assigned inspector (unless otherwise specified by the Department) at the following address:

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

H. NOTIFICATION REQUIREMENTS

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

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

2. Any substantial change in the volume or character of pollutants being introduced into the waste water collection and treatment system by a source introducing pollutants to the system at the time of permit issuance.

3. For the purposes of this section, adequate notice shall include information on:

   a. The quality and quantity of waste water introduced to the waste water collection and treatment system; and

   b. Any anticipated impact of the change in the quantity or quality of the waste water to be discharged from the treatment system.

SPECIAL CONDITIONS

I. TOXICITY REDUCTION EVALUATION (TRE)

Within forty-five (45) days of the effective date of this permit, *[PCS code 02199]* the permittee shall submit to the Department for review and approval, a TRE plan which outlines a strategy to identify the source(s) and action items to be implemented to mitigate or eliminate exceedences of ambient water quality criteria associated with 2,4,6-trichlorophenol and total zinc.

J. SURFACE WATER TOXICS CONTROL PROGRAM STATEMENT FOR REDUCED/WAIVED 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.

Further, the Department may require that annual testing be re-instituted if it determines that there have been changes in the character of the discharge or if annual certifications described above are not submitted.

K. OPERATIONS AND MAINTENANCE (O&M) PLAN

This facility shall have a current written comprehensive Operation & Maintenance (O&M) Plan. 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 waste water 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 EPA personnel upon request.

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

SPECIAL CONDITIONS

L. WET WEATHER MANAGEMENT PLAN

The treatment facility staff shall 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. A specific objective of the plan shall be to maximize the volume of wastewater receiving secondary treatment under all operating conditions. 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.

Once the Wet Weather Management Plan has been approved, the permittee shall review their plan at least annually and record any necessary changes to keep the plan up to date. The Department may require review and update of the plan as it is determined to be necessary.

M. DISPOSAL OF SEPTAGE WASTE IN WASTEWATER TREATMENT FACILITY

During the effective period of this permit, the permittee is authorized to receive and introduce into the treatment process or solids handling stream **a maximum of 5,000 gallons per day** of septage (up to a monthly total of 152,100 gallons), subject to the following terms and conditions:

1. This approval is limited to methods and plans described in the application and supporting documents. Any variations are subject to review and approval prior to implementation.

2. At no time shall addition of septage cause or contribute to effluent quality violations. If such conditions do exist, the introduction of septage into the treatment process or solids handling stream shall be suspended until effluent quality can be maintained.

3. The permittee shall maintain records which shall include, as a minimum, the following by date: volume of septage received, source of the septage (name of municipality), the hauler transporting the septage, the dates and volume of septage added to the waste water treatment influent and test results.

4. Addition of septage into the treatment process or solids handling stream shall not cause the treatment facilities design capacity to be exceeded. If, for any reason, the treatment process or solids handling facilities become overloaded, introduction of septage into the treatment process or solids handling stream shall be reduced or terminated in order to eliminate the overload condition.

5. Septage known to be harmful to the treatment processes shall not be accepted. Wastes which contain heavy metals, toxic chemicals, extreme pH, flammable or corrosive materials in concentrations harmful to the treatment operation shall be refused.

SPECIAL CONDITIONS

M. DISPOSAL OF SEPTAGE WASTE IN WASTEWATER TREATMENT FACILITY (cont'd)

6. During wet weather events, septage may be received into the septage holding facilities but shall not be added to the treatment process or solids handling facilities.

7. Except as noted in item #9 below, holding tank waste water shall not be recorded as septage and should be reported in the treatment facility's influent flow.

8. Any trucked-in waste that has the characteristics of septage, specifically with regard to biochemical oxygen demand (5,000 mg/L or greater) and total suspended solids (10,000 mg/L or greater) shall be considered as septage and is subject to the above-mentioned 5,000-gallon per day limit.

9. If conditions change within the permittee's septage management program, the permittee shall provide the Department with an updated septage management plan that reflects such changes pursuant to *Standards for the Addition of Septage to Waste Water Treatment Facilities*, 06-096 CMR 555 (last amended January 29, 1989).

N. INDUSTRIAL PRETREATMENT PROGRAM

1. Pollutants introduced into POTW's by a non-domestic source (user) shall not pass-through the publicly owned treatment works (POTW) or interfere with the operation or performance of the works.

    a. The permittee shall develop and enforce specific effluent limits (local limits) for Industrial User(s), and all other users, as appropriate, which together with appropriate changes in the POTW facilities or operation, are necessary to ensure continued compliance with the POTW's MEPDES permit or sludge use or disposal practices. Specific local limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.

Within 180 days of the effective date of this permit, *[PCS code 95979]* the permittee shall prepare and submit a written technical evaluation to the Department analyzing the need to revise local limits. As part of this evaluation, the permittee shall assess how the POTW performs with respect to influent and effluent of pollutants, water quality concerns, sludge quality, sludge processing concerns/inhibition, biomonitoring results, activated sludge inhibition, worker health and safety and collection system concerns. In preparing this evaluation, the permittee shall complete the "Re-Assessment of Technically Based Local Limits" form included as Attachment D of this permit with the technical evaluation to assist in determining whether existing local limits need to be revised. Justifications and conclusions should be based on actual plant data if available and should be included in the report. Should the evaluation reveal the need to revise local limits, the permittee shall complete the revisions within 120 days of notification by the Department and submit the revisions to the Department for approval. The permittee shall carry out the local limits revisions in accordance with EPA's document entitled, *Local Limits Development Guidance (July 2004).*

SPECIAL CONDITIONS

N. INDUSTRIAL PRETREATMENT PROGRAM (cont'd)

2. The permittee shall implement the Industrial Pretreatment Program in accordance with the legal authorities, policies, procedures, and financial provisions described in the permittee's approved Pretreatment Program, and the General Pretreatment Regulations, found at 40 CFR 403 and *Pretreatment Program*, 06-096 CMR 528 (effective January 12, 2001). At a minimum, the permittee must perform the following duties to properly implement the Industrial Pretreatment Program (IPP):

   a. Carry out inspection, surveillance, and monitoring procedures which will determine, independent of information supplied by the industrial user, whether the industrial user is in compliance with the Pretreatment Standards. At a minimum, all significant industrial users shall be sampled and inspected at the frequency established in the approved IPP but in no case less than once per year and maintain adequate records.

   b. Issue or renew all necessary industrial user control mechanisms within 90 days of their expiration date or within 180 days after the industry has been determined to be a significant industrial user.

   c. Obtain appropriate remedies for noncompliance by an industrial user with any pretreatment standard and/or requirement.

   d. Maintain an adequate revenue structure for continued implementation of the Pretreatment Program.

   e. The permittee shall provide the Department with an annual report describing the permittee's pretreatment program activities for the twelve-month period ending 60 days prior to the due date in accordance with federal regulation found at 40 CFR 403.12(i) and 06-096 CMR 528(12)(i). **The annual report shall be consistent with the format described in the "MEPDES Permit Requirements For Industrial Pretreatment Annual Report" form included as Attachment E of this permit and shall be submitted no later than March 1 of each calendar year.**

   f. The permittee must obtain approval from the Department prior to making any significant changes to the industrial pretreatment program in accordance with federal regulation found at 40 CFR 403.18(c) and 06-096 CMR 528(18).

   g. The permittee must assure that applicable National Categorical Pretreatment Standards are met by all categorical industrial users of the POTW. These standards are published in the federal regulations found at 40 CFR 405.

SPECIAL CONDITIONS

N. INDUSTRIAL PRETREATMENT PROGRAM (cont'd)

h. The permittee must modify its pretreatment program to conform to all changes in the federal regulations and State rules that pertain to the implementation and enforcement of the industrial pretreatment program. **Within 180 days of the effective date of this permit,** *[PCS code 95979]* the permittee must provide the Department in writing, proposed changes to the permittee's pretreatment program deemed necessary to assure conformity with current federal regulations and State rules. At a minimum, the permittee must address in its written submission the following areas: (1) Enforcement response plan; (2) revised sewer use ordinances; and (3) slug control evaluations. The permittee will implement these proposed changes pending the Department's approval under federal regulation 40 CFR 403.18 and 06-096 CMR 528(18). This submission is separate and distinct from any local limits analysis submission described in section 1(a) above.

O. FISH ADVISORY PROGRAM

The permittee is required to participate in the State's most current annual Fish Advisory Program (administered by the Department) pursuant to *Dioxin Monitoring Program*, 38 M.R.S.A., § 420-A.

P. REOPENING OF PERMIT FOR MODIFICATION

Upon evaluation of the tests results in the Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at anytime and with notice to the permittee, modify this permit to: (1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded: (2) require additional monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

Q. SEVERABILITY

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

ATTACHMENT A

Protocol for Total Phosphorus Sample Collection and Analysis for Waste Water and Receiving Water Monitoring Required by Permits

Approved Analytical Methods: EPA 365.1 (Rev. 2.0), 365.3, 365.4; SM 4500-P B.5, 4500-P E, 4500-P F; ASTM D515-88(A), D515-88(B); USGS I-4600-85, I-4610-91; OMAAOAC 973.55, 973.56

Sample Collection: The Maine DEP is requesting that total phosphorus analysis be conducted on composite effluent samples, unless a facility's Permit specifically designates grab sampling for this parameter. Facilities can use individual collection bottles or a single jug made out of glass or polyethylene. Bottles and/or jugs should be cleaned prior to each use with dilute HCL. This cleaning should be followed by several rinses with distilled water. Commercially purchased, pre-cleaned sample containers are an acceptable alternative. The sampler hoses should be cleaned, as needed.

Sample Preservation: During compositing the sample must be at 0-6 degrees C (without freezing). If the sample is being sent to a commercial laboratory or analysis cannot be performed the day of collection then the sample must be preserved using H_2SO_4 to obtain a sample pH of <2 su and refrigerated at 0-6 degrees C (without freezing). The holding time for a preserved sample is 28 days.

Note: Ideally, Total P samples are preserved as described above. However, if a facility is using a commercial laboratory then that laboratory may choose to add acid to the sample once it arrives at the laboratory. The Maine DEP will accept results that use either of these preservation methods.

Laboratory QA/QC: Laboratories must follow the appropriate QA/QC procedures that are described in each of the approved methods.

Sampling QA/QC: If a composite sample is being collected using an automated sampler, then once per month run a blank on the composite sampler. Automatically, draw distilled water into the sample jug using the sample collection line. Let this water set in the jug for 24 hours and then analyze for total phosphorus. Preserve this sample as described above.

ATTACHMENT B

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
WHOLE EFFLUENT TOXICITY REPORT
FRESH WATERS

Facility Name _____ MEPDES Permit # _____

Facility Representative _____ Signature _____

By signing this form, I attest that to the best of my knowledge that the information provided is true, accurate, and complete.

Facility Telephone # _____ Date Collected _____ (mm/dd/yy) Date Tested _____ (mm/dd/yy)

Chlorinated? _____ Dechlorinated? _____

Results

	% effluent	
	water flea	trout
A-NOEL		
C-NOEL		

Effluent Limitations

A-NOEL	
C-NOEL	

Data summary

	water flea			trout		
	% survival		no. young	% survival		final weight (mg)
QC standard	**A>90**	**C>80**	**>15/female**	**A>90**	**C>80**	**> 2% increase**
lab control						
receiving water control						
conc. 1 (%)						
conc. 2 (%)						
conc. 3 (%)						
conc. 4 (%)						
conc. 5 (%)						
conc. 6 (%)						
stat test used						

place * next to values statistically different from controls

for trout show final wt and % incr for both controls

Reference toxicant

	water flea		trout	
	A-NOEL	C-NOEL	A-NOEL	C-NOEL
toxicant / date				
limits (mg/L)				
results (mg/L)				

Comments _____

Laboratory conducting test

Company Name _____ Company Rep. Name (Printed) _____

Mailing Address _____ Company Rep. Signature _____

City, State, ZIP _____ Company Telephone # _____

Report WET chemistry on DEP Form "ToxSheet (Fresh Water Version), March 2007."

ATTACHMENT C

Maine Department of Environmental Protection
WET and Chemical Specific Data Report Form
This form is for reporting laboratory data and facility information. Official compliance reviews will be done by DEP.

Facility Name _____ **MEPDES #** _____ **Pipe #** _____ Facility Representative Signature _____
To the best of my knowledge this information is true, accurate and complete.

Licensed Flow (MGD) | **Flow for Day (MGD)[1]** | **Flow Avg. for Month (MGD)[2]**
Acute dilution factor
Chronic dilution factor | **Date Sample Collected** | Date Sample Analyzed
Human health dilution factor
Criteria type: M(arine) or F(resh)

Laboratory _____ Telephone _____
Address _____
Lab Contact _____ Lab ID # _____

ERROR WARNING ! Essential facility information is missing. Please check required entries in bold above.

FRESH WATER VERSION

Please see the footnotes on the last page.

			Effluent Limits, %			Receiving Water or Ambient	**Effluent Concentration** (ug/L or as noted)		**Possible Exceedence [7]**		
	WHOLE EFFLUENT TOXICITY		Acute	Chronic			WET Result, % Do not enter % sign	Reporting Limit Check	Acute	Chronic	
	Trout - Acute										
	Trout - Chronic										
	Water Flea - Acute										
	Water Flea - Chronic										
	WET CHEMISTRY										
	pH (S.U.) (9)					(8)					
	Total Organic Carbon (mg/L)					(8)					
	Total Solids (mg/L)										
	Total Suspended Solids (mg/L)										
	Alkalinity (mg/L)					(8)					
	Specific Conductance (umhos)										
	Total Hardness (mg/L)					(8)					
	Total Magnesium (mg/L)					(8)					
	Total Calcium (mg/L)					(8)					
	ANALYTICAL CHEMISTRY [3]										
	Also do these tests on the effluent with WET. Testing on the receiving water is optional	Reporting Limit	Effluent Limits, ug/L Acute[6]	Chronic[6]	Health[6]			Reporting Limit Check	**Possible Exceedence [7]** Acute	Chronic	Health
	TOTAL RESIDUAL CHLORINE (mg/L) (9)	0.05				NA					
	AMMONIA	NA				(8)					
M	ALUMINUM	NA				(8)					
M	ARSENIC	5				(8)					
M	CADMIUM	1				(8)					
M	CHROMIUM	10				(8)					
M	COPPER	3				(8)					
M	CYANIDE	5				(8)					
M	LEAD	3				(8)					
M	NICKEL	5				(8)					
M	SILVER	1				(8)					
M	ZINC	5				(8)					

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	PRIORITY POLLUTANTS [4]		Effluent Limits					Reporting Limit Check	Possible Exceedence [7]		
		Reporting Limit	Acute[6]	Chronic[6]	Health[6]				Acute	Chronic	Health
M	ANTIMONY	5									
M	BERYLLIUM	2									
M	MERCURY (5)	0.2									
M	SELENIUM	5									
M	THALLIUM	4									
A	2,4,6-TRICHLOROPHENOL	3									
A	2,4-DICHLOROPHENOL	5									
A	2,4-DIMETHYLPHENOL	5									
A	2,4-DINITROPHENOL	45									
A	2-CHLOROPHENOL	5									
A	2-NITROPHENOL	5									
A	4,6 DINITRO-O-CRESOL (2-Methyl-4,6-dinitrophenol)	25									
A	4-NITROPHENOL	20									
A	P-CHLORO-M-CRESOL (3-methyl-4-chlorophenol)+B80	5									
A	PENTACHLOROPHENOL	20									
A	PHENOL	5									
BN	1,2,4-TRICHLOROBENZENE	5									
BN	1,2-(O)DICHLOROBENZENE	5									
BN	1,2-DIPHENYLHYDRAZINE	10									
BN	1,3-(M)DICHLOROBENZENE	5									
BN	1,4-(P)DICHLOROBENZENE	5									
BN	2,4-DINITROTOLUENE	6									
BN	2,6-DINITROTOLUENE	5									
BN	2-CHLORONAPHTHALENE	5									
BN	3,3'-DICHLOROBENZIDINE	16.5									
BN	3,4-BENZO(B)FLUORANTHENE	5									
BN	4-BROMOPHENYLPHENYL ETHER	2									
BN	4-CHLOROPHENYL PHENYL ETHER	5									
BN	ACENAPHTHENE	5									
BN	ACENAPHTHYLENE	5									
BN	ANTHRACENE	5									
BN	BENZIDINE	45									
BN	BENZO(A)ANTHRACENE	8									
BN	BENZO(A)PYRENE	3									
BN	BENZO(G,H,I)PERYLENE	5									
BN	BENZO(K)FLUORANTHENE	3									
BN	BIS(2-CHLOROETHOXY)METHANE	5									
BN	BIS(2-CHLOROETHYL)ETHER	6									
BN	BIS(2-CHLOROISOPROPYL)ETHER	6									
BN	BIS(2-ETHYLHEXYL)PHTHALATE	3									
BN	BUTYLBENZYL PHTHALATE	5									
BN	CHRYSENE	3									
BN	DI-N-BUTYL PHTHALATE	5									
BN	DI-N-OCTYL PHTHALATE	5									
BN	DIBENZO(A,H)ANTHRACENE	5									
BN	DIETHYL PHTHALATE	5									
BN	DIMETHYL PHTHALATE	5									

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BN	FLUORANTHENE	5									
BN	FLUORENE	5									
BN	HEXACHLOROBENZENE	2									
BN	HEXACHLOROBUTADIENE	1									
BN	HEXACHLOROCYCLOPENTADIENE	10									
BN	HEXACHLOROETHANE	2									
BN	INDENO(1,2,3-CD)PYRENE	5									
BN	ISOPHORONE	5									
BN	N-NITROSODI-N-PROPYLAMINE	10									
BN	N-NITROSODIMETHYLAMINE	1									
BN	N-NITROSODIPHENYLAMINE	5									
BN	NAPHTHALENE	5									
BN	NITROBENZENE	5									
BN	PHENANTHRENE	5									
BN	PYRENE	5									
P	4,4'-DDD	0.05									
P	4,4'-DDE	0.05									
P	4,4'-DDT	0.05									
P	A-BHC	0.2									
P	A-ENDOSULFAN	0.05									
P	ALDRIN	0.15									
P	B-BHC	0.05									
P	B-ENDOSULFAN	0.05									
P	CHLORDANE	0.1									
P	D-BHC	0.05									
P	DIELDRIN	0.05									
P	ENDOSULFAN SULFATE	0.1									
P	ENDRIN	0.05									
P	ENDRIN ALDEHYDE	0.05									
P	G-BHC	0.15									
P	HEPTACHLOR	0.15									
P	HEPTACHLOR EPOXIDE	0.1									
P	PCB-1016	0.3									
P	PCB-1221	0.3									
P	PCB-1232	0.3									
P	PCB-1242	0.3									
P	PCB-1248	0.3									
P	PCB-1254	0.3									
P	PCB-1260	0.2									
P	TOXAPHENE	1									
V	1,1,1-TRICHLOROETHANE	5									
V	1,1,2,2-TETRACHLOROETHANE	7									
V	1,1,2-TRICHLOROETHANE	5									
V	1,1-DICHLOROETHANE	5									
V	1,1-DICHLOROETHYLENE (1,1-dichloroethene)	3									
V	1,2-DICHLOROETHANE	3									
V	1,2-DICHLOROPROPANE	6									
V	1,2-TRANS-DICHLOROETHYLENE (1,2-trans-dichloroethene)	5									
V	1,3-DICHLOROPROPYLENE (1,3-dichloropropene)	5									
V	2-CHLOROETHYLVINYL ETHER	20									

Maine Department of Environmental Protection
WET and Chemical Specific Data Report Form
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V	ACROLEIN	NA									
V	ACRYLONITRILE	NA									
V	BENZENE	5									
V	BROMOFORM	5									
V	CARBON TETRACHLORIDE	5									
V	CHLOROBENZENE	6									
V	CHLORODIBROMOMETHANE	3									
V	CHLOROETHANE	5									
V	CHLOROFORM	5									
V	DICHLOROBROMOMETHANE	3									
V	ETHYLBENZENE	10									
V	METHYL BROMIDE (Bromomethane)	5									
V	METHYL CHLORIDE (Chloromethane)	5									
V	METHYLENE CHLORIDE	5									
V	TETRACHLOROETHYLENE (Perchloroethylene or Tetrachloroethene)	5									
V	TOLUENE	5									
V	TRICHLOROETHYLENE (Trichloroethene)	3									
V	VINYL CHLORIDE	5									

Notes:

(1) Flow average for day pertains to WET/PP composite sample day.

(2) Flow average for month is for month in which WET/PP sample was taken.

(3) Analytical chemistry parameters must be done as part of the WET test chemistry.

(4) Priority Pollutants should be reported in micrograms per liter (ug/L).

(5) Mercury is often reported in nanograms per liter (ng/L) by the contract laboratory, so be sure to convert to micrograms per liter on this spreadsheet.

(6) Effluent Limits are calculated based on dilution factor, background allocation (10%) and water quality reserves (15% - to allow for new or changed discharges or non-point sources).

(7) Possible Exceedence determinations are done for a single sample only on a mass basis using the actual pounds discharged. This analysis does not consider watershed wide allocations for fresh water discharges.

(8) These tests are optional for the receiving water. However, where possible samples of the receiving water should be preserved and saved for the duration of the WET test. In the event of questions about the receiving water's possible effect on the WET results, chemistry tests should then be conducted.

(9) pH and Total Residual Chlorine must be conducted at the time of sample collection. Tests for Total Residual Chlorine need be conducted only when an effluent has been chlorinated or residual chlorine is believed to be present for any other reason.

Comments:

ATTACHMENT D

EPA - New England

Reassessment of Technically Based Industrial Discharge Limits

Under 40 CFR §122.21(j)(4), all Publicly Owned Treatment Works (POTWs) with approved Industrial Pretreatment Programs (IPP's) shall provide the following information to the Department: a written evaluation of the need to revise local industrial discharge limits under 40 CFR §403.5(c)(1).

Below is a form designed by the U.S. Environmental Protection Agency (EPA - New England) to assist POTWs with approved IPP's in evaluating whether their existing Technically Based Local Limits (TBLLs) need to be recalculated. The form allows the permittee and EPA to evaluate and compare pertinent information used in previous TBLLs calculations against present conditions at the POTW.

Please read direction below before filling out form.

ITEM I.

* In Column (1), list what your POTW's influent flow rate was when your existing TBLLs were calculated. In Column (2), list your POTW's present influent flow rate. Your current flow rate should be calculated using the POTW's average daily flow rate from the previous 12 months.

* In Column (1) list what your POTW's SIU flow rate was when your existing TBLLs were calculated. In Column (2), list your POTW's present SIU flow rate.

* In Column (1), list the dilution ratio and/or 7Q10 value used in your old/expired NPDES/MEPDES permit. In Column (2), list the dilution ratio presently being used in your new/reissued MEPDES permit.

  The 7Q10 value is the lowest seven-day average flow rate, in the river, over a ten-year period. The dilution ratio used by the Department in your new MEPDES permit can be found in your MEPDES permit "Fact Sheet."

* In Column (1), list the safety factor, if any, that was used when the existing TBLLs were calculated.

* In Column (1), note how the bio-solids were managed when the existing TBLLs were calculated. In Column (2), note how the POTW is presently disposing of its biosolids and how the POTW will be disposing of its biosolids in the future.

ITEM II.

* List the existing TBLLs as they appear in your current Sewer Use Ordinance (SUO).

ITEM III.

* Identify how the existing TBLLs are allocated to your industrial community. Some pollutants may be allocated differently than others, if so please explain.

ITEM IV.

* Since the existing TBLLs were calculated, identify the following in detail:

  (1) has the POTW experienced any upsets, inhibition, interference or pass-through as a result of an industrial discharge.

  (2) is the POTW presently violating any of its current NPDES permit limitations - include toxicity.

ITEM V.

* Using current sampling data, list in Column (1) the average and maximum amount of pollutants (in pounds per day) received in the POTW's influent. Current sampling data is defined as data obtained over the last 24-month period.

  All influent data collected and analyzed must be in accordance with 40 CFR §136. Sampling data collected should be analyzed using the lowest possible detection method(s), e.g. graphite furnace.

* Based on your existing TBLLs, as presented in Item II, list in Column (2) each Maximum Allowable Headworks Loading (MAHL) value corresponding to each of the local limits derived from an applicable environmental criteria or standard, e.g. water quality, sludge, MEPDES, inhibition, etc. For each pollutant, the MAIHL equals the calculated Maximum Allowable HeadworkS Loading (MAHL) minus the POTW's domestic loading source(s). For more information, please see p.,3-28 in EPA's *Guidance Manual on the Development and Implementation of Local Limits Under the Pretreatment Program, 12/87.*

Item VI.

* Using current sampling data, list in Column (1) the average and maximum amount of pollutants (in micrograms per liter) present your POTW's effluent. Current sampling data is defined as data obtained during the last 24-month period.

(Item VI. continued)

All effluent data must be collected and analyzed in accordance with 40 CFR §136. Sampling data collected should be analyzed using the lowest possible detection method(s), e.g. graphite furnace.

* List in Column (2A) the Water Quality Standards (WQS)(in micrograms per liter) when the TBLLs were calculated, please note hardness value used. Hardness should be expressed in milligram per liter of Calcium Carbonate.

  List in Column (2B) the current WQS's or "Chronic Gold Book" values for each pollutant multiplied by the dilution ratio used in your new/reissued MEPDES permit. For example, with a dilution ratio of 25:1 at a hardness of 25 mg/l - Calcium Carbonate (copper's chronic WQS equals 6.54 ug/l) the chronic MEPDES permit limit for copper would equal 156.25 ug/l.

ITEM VII.

* In Column (1), list all pollutants (in micrograms per liter) limited in your new/reissued MEPDES permit. In Column (2), list all pollutants limited in your old/expired NPDES permit.

ITEM VIII.

* Using current sampling data, list in Column (1) the average and maximum amount of pollutants in your POTW's biosolids. Current data is defined as data obtained during the last 24-month period. Results are to be expressed as total dry weight.

  All biosolids data must be collected and analyzed in accordance with 40 CFR §136.

  In Column (2A), list current State and/or Federal sludge standards that your facility's biosolids must comply with. Also note how your POTW currently manages the disposal of its biosolids. If your POTW is planning on managing its biosolids differently, list in Column (2B) your new biosolids criteria and method of disposal.

In general, please be sure the units reported are correct and all pertinent information is included in your evaluation. If you have any questions, please contact your pretreatment representative at the Department.

REASSESSMENT OF TECHNICALLY BASED LOCAL LIMITS (TBLLs)

POTW Name & Address: _____

NPDES PERMIT #: _____

Date EPA Approved current TBLLs: _____

Date EPA approved current Sewer Use Ordinance: _____

ITEM I.

In Column (1) list the conditions that existed when your current TBLLs were calculated. In Column (2), list current conditions or expected conditions at your POTW.

	Column (1) EXISTING TBLLs	Column (2) PRESENT CONDITIONS
POTW Flow (MGD)		
SIU Flow (MGD)		
Dilution Ratio or 7Q10 (from NPDES Permit)		
Safety Factor	_____	N/A
Biosolids Disposal Method(s)		

ITEM II.

EXISTING TBLLs

POLLUTANT	NUMERICAL LIMIT (mg/l) or (lb/day)	POLLUTANT	NUMERICAL LIMIT (mg/l) or (lb/day)
---------	----------	---------	----------
---------	----------	---------	----------
---------	----------	---------	----------
---------	----------	---------	----------
---------	----------	---------	----------
---------	----------	---------	----------
---------	----------	---------	----------
---------	----------	---------	----------

ITEM III.

Note how the existing TBLLs, listed in Item II. are allocated to the Significant Industrial Users (SIU's), i.e. uniform concentration, contributory flow, mass proportioning, other. Please specify by circling.

ITEM IV.

Has your POTW experienced any upsets, inhibition, interference or pass-through from industrial sources since your existing TBLLs were calculated?

If yes, explain. _____

_____

Has your POTW violated any of its NPDES permit limits and/or toxicity test requirements?

If yes, explain. _____

_____

ITEM V.

Using current POTW influent sampling data fill in Column (1). In Column (2), list your Maximum Allowable Headworks Loading (MAHL) values used to derive your TBLLs listed in Item II. In addition, please note the Environmental Criteria for which each MAHL value was established, i.e. water quality, sludge, NPDES etc.

	Column (1)		Column (2)	
Pollutant	Influent Data Analyses		MAHL Values	Criteria
	Maximum (lb/day)	Average (lb/day)	(lb/day)	
Arsenic	----------	---------	---------	---------
Cadmium	----------	---------	---------	---------
Chromium	----------	---------	---------	---------
Copper	----------	---------	---------	---------
Cyanide	----------	---------	---------	---------
Lead	----------	---------	---------	---------
Mercury	----------	---------	---------	---------
Nickel	----------	---------	---------	---------
Silver	----------	---------	---------	---------
Zinc	----------	---------	---------	---------
Other (List)				
-------	----------	---------	---------	---------
-------	----------	---------	---------	---------
-------	----------	---------	---------	---------

ITEM VI.

Using current POTW effluent sampling data, fill in Column (1). In Column (2A) list what the Water Quality Standards (Gold Book Criteria) were at the time your existing TBLLs were developed. List in Column (2B) current Gold Book values multiplied by the dilution ratio used in your new/reissued MEPDES permit.

	Column (1) Effluent Data Analyses		Columns (2A) (2B) Water Quality Criteria (Gold Book)	
	Maximum (ug/l)	Average (ug/l)	From TBLLs (ug/l)	Today (ug/l)
Pollutant				
Arsenic				
*Cadmium				
*Chromium				
*Copper				
Cyanide				
*Lead				
Mercury				
*Nickel				
Silver				
*Zinc				
Other (List)				

*Hardness Dependent (mg/l - CaCO3)

ITEM VII.

In Column (1), identify all pollutants limited in your new/reissued NPDES permit. In Column (2), identify all pollutants that were limited in your old/expired NPDES permit.

Column (1) NEW PERMIT		Column (2) OLD PERMIT	
Pollutants	Limitations (ug/l)	Pollutants	Limitations (ug/l)

----------	----------	----------	----------
----------	----------	----------	----------
----------	----------	----------	----------
----------	----------	----------	----------
----------	----------	----------	----------

ITEM VIII.

Using current POTW biosolids data, fill in Column (1). In Column (2A), list the biosolids criteria that was used at the time your existing TBLLs were calculated. If your POTW is planing on managing its biosolids differently, list in Column (2B) what your new biosolids criteria would be and method of disposal.

Pollutant	Column (1) Biosolids Data Analyses Average (mg/kg)	Columns (2A) Biosolids Criteria From TBLLs (mg/kg)	(2B) New (mg/kg)
Arsenic	---------	---------	---------
Cadmium	---------	---------	---------
Chromium	---------	---------	---------
Copper	---------	---------	---------
Cyanide	---------	---------	---------
Lead	---------	---------	---------
Mercury	---------	---------	---------
Nickel	---------	---------	---------
Silver	---------	---------	---------
Zinc	---------	---------	---------
Molybdenum	---------	---------	---------
Selenium	---------	---------	---------
Other (List)			
---------	---------	---------	---------
---------	---------	---------	---------
---------	---------	---------	---------

ATTACHMENT E

MEPDES PERMIT REQUIREMENT
FOR
INDUSTRIAL PRETREATMENT ANNUAL REPORT

1/ A narrative description **(paragraph)** of program effectiveness including the following:
- ***present and proposed changes*** to the program
  - Funding
  - Staffing
  - Ordinances
  - Regulations
  - Statutory authority
  - Other

Our pretreatment program is very effective as indicated by the SIU compliance rate and the reduction in pollutant loading to the POTW.

The program is adequately funded and staffed to provide for annual training and completion of our regulatory responsibilities.

No changes have been made, or are proposed, to _____'s Sewer Use Ordinance. The SUO provides adequate statutory authority to enforce in Local, State and Federal courts.

2/ The **date** of the latest adoption of Local Limits and a statement as to whether the municipality is under a State or Federal compliance schedule that includes steps to be taken to revise Local Limits.

If yes, Compliance Schedule; if no, schedule not needed.

_____'s Local Limits were last adopted (by local authority) on _____ and _____ is under no State or Federal compliance schedule that includes steps to be taken to revise Local Limits.

3/ A description of actions taken to reduce the incidence of violations by SIU's;
Example: Inspections - Notifications - Information/Education

4/ A description of monitoring, sewer inspections and evaluations which were done during the past year to detect Interference and Pass Through, specifying parameters and frequencies;

Example: Evaluations/investigations as a result of Monitoring, Sewer Inspections, and Evaluations, Influent - Effluent results, Spills, Dumps, Toxicity, or Unusual events.

5/ A detailed description of all Interference and Pass Through that occurred during the past year; **[statement of: Event, Parameter, Violation, Cause, IU, POTW action, IU action, Result (see NOV #).**

_____ *experienced no events of Interference or Pass-Through in this reporting period. If "Yes" then describe.*

6/ A thorough description of all investigations into Interference and Pass-Through during the past year;
A paragraph: Violation, Problem, Steps to resolve, Result.

(same as 5/ or describe investigations.)

7/ An updated **list** of all industrial users by category (40 CFR 403.8(f)(2)(i), *indicating compliance or non-compliance* with the following:

- baseline monitoring reporting requirements for newly promulgated industries
- compliance status reporting requirements for newly promulgated industries
- periodic (semi-annual) monitoring reporting requirements
- categorical standards, and
- local limits

Example:

SIU	***New Promulgated BMR/Compliance Y/N)***	***Cat Limits Compliance (Y/N)***	***Local Limits Compliance (Y/N)***	***Semi-annual Reports Compliance (Y/N)***

8/ A summary of compliance and enforcement activities during the preceding year including a:

- **list** of SIU's inspected by the POTW (dates, compliance status),
- **list** of SIU's sampled by the POTW (dates, compliance status),

Example:
SIU Inspected Sampled/self Sampled/POTW Compliance Y/N

- **list** of SIU's to which compliance schedules were issued,
  [SIU] - Violation - Compliance - Schedule
  N/A or schedule plus Progress Reporting Dates]

- **summary list** of NOV's written to SIU's by name
  [statement],
- **summary list** of AO's written to SIU's by name
  [statement],
- **list** of criminal and/or civil suits filed by SIU,
  [usually a simple statement]
- **list** of penalty amounts obtained (by SIU) **[a statement].**

NOTE: Some items in numbers 9 & 10 may be combined in a chart, or charts. Be sure that any charts are logical, not cluttered, and don't contain an unreasonable amount of information.

Any violations should be shown separately, in summary, for each item.

9/ List of violating industries required to be published in a local newspaper (40 CFR 403.8(f)(2)(vii). **[Statement]**

10/ A **summary** of all pollutant analytical results for:
- Influent **[Annual average - show violations]**
- Effluent **[Annual average - show violations]**
- Sludge **[Annual average- show violations]**
- Toxicity/Bioassay **[Annual Average - show violations]**

- **comparison** of influent sampling results versus threshold inhibitory concentrations for the POTW's wastewater treatment system.
- **comparison** of effluent sampling results versus water quality standards, considering the permitted dilution factor of the POTW.

NOTE: The sampling program shall be as described below OR any similar sampling program described in the NPDES permit. - At a minimum, annual sampling and analysis of/ the influent and effluent of the POTW's wastewater treatment plant shall be conducted on the following pollutants:

Example:

	Influent	***Inhibition***	***Effluent***	***AWC***	
				Acute	***Chronic***
- **Total Cadmium**					
- **Total Chromium**					
- **Total Copper**					
- **Total Lead**					
- **Total Mercury** (Methods 1669 & 1631)					
- **Total Nickel**					
- **Total Silver**					
- **Total Zinc**					
- **Total Cyanide**					
- **Total Arsenic**					

The sampling program shall consist of one 24-hour flow-proportioned composite that is representative of the flow received by the POTW.

The composite shall consist of accurately flow-proportioned grab samples taken over a discharge day if the samples are collected manually, or shall consist of a minimum of 48 accurately flow-proportioned samples if an automatic sampler is used. Sampling and preservation shall be according to 40 CFR part 136.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
MAINE WASTE DISCHARGE LICENSE

FACT SHEET

DATE: **DECEMBER 4, 2007**

PERMIT NUMBER: **#ME0101443**
WASTE DISCHARGE LICENSE: **#W000678-5M-H-R**

NAME AND ADDRESS OF APPLICANT:

TOWN OF HARTLAND
21 ACADEMY STREET
HARTLAND, MAINE 04943

COUNTY: **SOMERSET**

NAME AND ADDRESS WHERE DISCHARGE(S) OCCUR(S):

TOWN OF HARTLAND
162 PITTSFIELD AVENUE
HARTLAND, MAINE 04943

RECEIVING WATER/CLASSIFICATION: **WEST BRANCH OF THE SEBASTICOOK RIVER CLASS C**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **MS. PEGGY MORGAN**
TOWN MANAGER
(207) 938-4401

1. APPLICATION SUMMARY

Application: The Town of Hartland (Town) has applied to the Department of Environmental Protection (Department) for a renewal of Waste Discharge License (WDL) #W000678-5M-G-M / Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0101443, which was issued on November 7, 2002, and expired on November 7, 2007. The 11/7/02 MEPDES permit authorized the monthly average discharge of up to 1.5 million gallons per day (MGD) of secondary treated sanitary and tannery process waste waters from a publicly owned treatment works (POTW) to the West Branch of the Sebasticook River, Class C, in Hartland, Maine.

On June 15, 2004, the Department administratively modified the 11/7/02 permit to reduce the minimum monitoring frequency requirement for total phosphorous from once per week to once per month during the period of June 1 – September 30 of each year.

On April 10, 2006, the Department amended the 11/7/02 permit to incorporate the testing requirements of the *Surface Water Toxics Control Program*, 06-096 CMR 530 (effective October 9, 2005).

2. PERMIT SUMMARY

a. Terms and Conditions: **This permitting action is similar to the 11/7/02 permitting action, 6/15/04 administrative modification, and 4/10/06 amendment in that it is:**

1. Carrying forward the monthly average discharge flow limit of 1.5 MGD and the daily maximum discharge flow reporting requirement;

2. Carrying forward the monthly average and daily maximum water quality-based concentration and mass limitations for biochemical oxygen demand (BOD_5);

3. Carrying forward the monthly average and daily maximum water quality-based concentration and mass limitations for total suspended solids (TSS);

4. Carrying forward the daily maximum, technology-based concentration limitation of 0.3 ml/L for settleable solids;

5. Carrying forward the seasonal monthly average and daily maximum concentration limits for *Escherichia coli* bacteria;

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

7. Carrying forward the daily maximum technology-based concentration limit for oil and grease (O&G);

8. Carrying forward the seasonal monthly average and weekly average total phosphorous (total-P) concentration reporting requirements;

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

10. Carrying forward the chronic water quality limit of 5.5% for the water flea based on the results of facility testing;

11. Carrying forward authorization to receive and introduce into the treatment process a daily maximum of up to 5,000 gallons per day of septage (Special Condition M of this permit);

12. Carrying forward conditions and requirements for an Industrial Pretreatment Program (Special Condition N of this permit); and

13. Carrying forward the minimum monitoring frequency requirements for all monitored parameters, except total chromium, settleable solids and total-P.

PERMIT SUMMARY (cont'd)

This permitting action is different from the 11/7/02 permitting action, 6/15/04 administrative modification, and 4/10/06 amendment in that it is:

1. Establishing reporting requirements for the 30-day average percent removal rates for BOD_5 and TSS;

2. Establishing a technology-based daily maximum mass limit and monthly average concentration and mass limits for O&G;

3. Eliminating the acute and chronic water quality limits of 5.5% for the brook trout based on the results of facility testing;

4. Eliminating the water quality-based monthly average concentration and mass limits for total arsenic based on the results of facility testing;

5. Establishing water quality-based monthly average concentration and mass limits for 2,4,6-trichlorophenol, total aluminum, B-BHC, Bis (2-ethylhexyl) phthalate, chlorodibromomethane, chloroform, total copper, and dichlorobromomethane based on the results of facility testing;

6. Establishing water quality-based monthly average and daily maximum concentration and mass limits for total copper and total zinc based on the results of facility testing;

7. Revising the seasonal, water quality-based monthly average concentration an mass limits for ammonia based on the results of facility testing and revised ambient water quality criteria;

8. Revising the water quality-based monthly average concentration and mass limits for total chromium based on the results of facility testing and revised ambient water quality criteria;

9. Establishing seasonal daily maximum concentration and mass reporting requirements for total-P;

10. Establishing Special Condition I, *Toxicity Reduction Evaluation (TRE)*, for an exceedence of 2,4,6-trichlorophenol and total zinc;

11. Establishing Special Condition J, *Surface Waters Toxics Control Program Statement for Reduced Toxics Testing*, an annual notification requirement for reduced surveillance level toxics testing;

12. Establishing Special Condition O, *Fish Advisory Program*; and

2. PERMIT SUMMARY (cont'd)

13. Establishing a minimum monitoring frequency requirements for dichlorobromomethane and total zinc, and revising the minimum monitoring frequency requirements for total chromium, settleable solids and total-P.

b. History: This section provides a summary of significant licensing/permitting actions and milestones that have been completed for the Hartland Pollution Control Facility.

December 10, 1986 – The Board of Environmental Protection issued Water Level Order #L-013195-36-A-N, which required a minimum flow of 40 cfs from Great Moose Lake.

October 1, 1991 – The United States Environmental Protection Agency (USEPA) issued National Pollutant Discharge Elimination System (NPDES) renewal permit #ME0101443 to the Town for a five-year term, The 10/1/91 NPDES permit superseded the previous NPDES permit issued to the Town on June 29, 1984.

October 16, 2000 – The Town of Hartland and the Department finalized a document entitled, Great Moose Lake Water Level Management Plan. The purpose of the plan was to explain how the Town of Hartland is to operate the Morgan Dam and monitor the lake levels and minimum flow releases to comply with the Board of Environmental Protection's December 10, 1986 water level order for Great Moose Lake. The 10/16/00 management plan required the town to install a primary water level staff gauge on the concrete abutment wall on the south side of the dam whereby water levels are monitored and recorded 1/ Week between April 1 and September 30 and 1/2Weeks between October 1 and March 30 to ensure compliance with the water level management plan. A permanent record of all water level readings are to kept at the town office.

May 23, 2000 – Pursuant to *Certain deposits and discharges prohibited*, 38 M.R.S.A. § 420 and *Waste discharge licenses*, 38 M.R.S.A. § 413 and *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001), the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL #W000678-5M-E-R by establishing interim monthly average and daily maximum effluent concentration limits of 8.1 parts per trillion (ppt) and 12.1 ppt, respectively, and a minimum monitoring frequency requirement of four (4) 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 38 M.R.S.A. § 413 and 06-096 CMR 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)

January 12, 2001 – The Department received authorization from the USEPA to administer the NPDES permit program in Maine, excluding areas of special interest to Maine Indian Tribes. From this point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) program, and MEPDES permit #ME0101443 has been utilized for this facility.

November 7, 2002 – The Department issued WDL #W000678-5M-G-M / MEPDES permit #ME0101443 to the Town for a five-year term. The 11/7/02 permit superseded WDL #W000678-5M-E-R issued on December 22, 1999 and WDL #W000678-47-A-R issued on June 27, 1984 (earliest Order on file with the Department), as well as the 10/1/91 NPDES permit issued by the USEPA.

June 15, 2004 – The Department administratively modified the 11/7/02 permit to reduce the minimum monitoring frequency requirement for total phosphorous from once per week to once per month during the period of June 1 – September 30 of each year.

April 10, 2006 – The Department amended the 11/7/02 permit to incorporate testing requirements of 06-096 CMR 530.

October 16, 2007 – The Town submitted a timely and complete General Application to the Department for renewal of the 11/7/02 MEPDES permit. The application was accepted for processing on October 17, 2007, and was assigned WDL #W000678-5M-H-R / MEPDES #ME0101443.

c. Source Description: The Hartland Pollution Control Facility (HPCF) began operations in 1977 and currently serves a population of approximately 1,300 people in the Town of Hartland. The sanitary sewer collection system consists of approximately twelve (12) miles of pipe with three (3) pump stations. There are no combined sewer overflow (CSO) points in the collection system. The collection system is both combined (40%) and separated (60%). The treatment facility receives sanitary waste waters generated by residential, commercial and one significant industrial entity (Irving Tanning Company) in the Town of Hartland.

Based on a news release article dated August 13, 2007, and posted on Prime Tanning Company, Inc.'s website (http://www.primetanning.com/), Prime Tanning Company, Inc., which is a tannery headquartered in Berwick, Maine, has announced the signing of a letter of intent to merge Prime Tanning Company, Inc. and Irving Tanning Company, which is a tannery headquartered in Hartland, Maine. The new company will be called Prime Tanning Company. Irving Tanning Company is a leather tanning facility which processes previously tanned hides and skins into finished leather by a retan-wet finishing process. Irving Tanning Company previously processed unhaired and tanned splits at the Harland facility, but no longer processes these materials. The extent to which the merger between Prime Tanning Company, Inc. and Irving Tanning Company will affect long-term production at the Berwick and Hartland facilities has not yet been communicated to the Department.

2. PERMIT SUMMARY (cont'd)

Irving Tanning Company has provided the Town with an estimated long-term average raw material combined figure 268,000 lbs. of sides and splits per day. The estimate is based on the merger with Prime Tanning Company, Inc. increasing sides production to a capacity of 6,200 sides/day (136,400 lbs./day) and production startup of 5,980 splits/day (131,600 lbs./day). Current and future production at the Hartland facility is significantly lower than the facility's production capability of 462,000 lbs./day.

All process waste waters from Irving Tanning Company are monitored and conveyed to the HPCF after pretreatment at Irving Tanning Company, which consists of screening, chemical addition, and pH adjustment.

The HPCF also receives landfill leachate from Hartland's secure sludge landfill. Leachate from Hartland's secure sludge landfill is directed to a leachate lagoon and then through a pipeline to Irving Tanning Company's pretreatment facility. Leachate and process waste waters are combined and treated at the pretreatment facility. Once treated, it is pumped to the HPCF for additional treatment. The Town provided landfill leachate flow data for the period of January 2006 through August 2007 as part of its 10/17/07 application. The average landfill leachate flow has ranged from 0.0081 MGD to 0.0677 MGD with an arithmetic mean of 0.027 MGD during said period.

The facility has applied for and is authorized to receive and introduce into the treatment process up to 5,000 gallons per day of septage (up to a monthly total of 152,100 gallons) from local septage haulers. On October 22, 2007, the Town submitted an updated Septage Management Plan as an addendum to their 10/17/07 renewal application. The Septage Management Plan has been reviewed and approved by the Department. The septage plan is consistent with the requirements of *Standards for the Addition of Septage to Waste Water Treatment Facilities*, 06-096 CMR 555 (last amended January 29, 1989). Also see Special Condition M, *Disposal of Septage Waste In Waste Water Treatment Facility* of this permit. Septage is dumped by private haulers into a septage receiving manhole and then flows into the influent pump station wet well.

The HPCF has a current wet weather management plan, which has been submitted to the Department for review and was last revised on May 30, 2003.

The Town provided the following language in their 10/17/07 application:

> *The Hartland Pollution Control Facility has served the Town of Hartland and the Irving Tanning Company well over the past 28 years. However, the Town recognizes that age is starting to take its toll on the facility and there are a number of facility modifications and pieces of equipment that need to be replaced to maintain wastewater treatment process reliability. An evaluation conducted by Wright-Pierce in 1997 that identified a number facility process, structure and equipment improvements.*

2. PERMIT SUMMARY (cont'd)

In 2004 the Town of Hartland obtained CDBG and EDA funds to make specific process and equipment improvements at the HPCF. Wright-Pierce prepared contract documents, technical specifications and drawing for the "Town of Hartland Pollution Control Facility Improvements". The Project was publicly bid February 2005 in accordance with CDBG and EDA requirements.

The improvements included: removing, replacing and installing four new pneumatic sludge press feed pumps, piping modifications and platform with supports; removing, replacing and installing two lime addition feed pumps and piping; installing new chemical feed pumps and piping; replace felts on two sludge plate and frame dewatering presses; removing, replacing and constructing new chemical storage area building and exterior doorway; removing, replacing and installing new chemical storage tanks and piping; removing, replacing and installing new air compressors for sludge plate press and sludge pumps; ; removing, replacing and installing new drives for one set of primary and secondary clarifier; refurbishing/rebuilding/replacing one set of primary and secondary clarifier bridges, scraper mechanisms and electrical; removing and replacing sludge conditioning tank platform and supports; down sizing an existing centrifuge blower and replace control valve; refurbishing existing primary clarifier flow splitting structure concrete and slid gate; remove and replace existing HPCF building exterior doors; remove and replace existing garage/dewater room HVAC; and remove and replace existing emergency generator and transfer switch.

Wright-Pierce received a telephone message from MEDEP's Carl Marsano on 1/28/05 stating that the "HPCF Improvement" contract documents, specifications and drawings submitted to the Department were fine, and that no changes were required.

A map created by the Department showing the location of the treatment facility, the Irving Tannery Company, and the receiving water is included as Fact Sheet Attachment A.

d. Wastewater Treatment: The HPCF is a secondary activated sludge treatment facility providing primary treatment, secondary treatment and clarification, disinfection and dechlorination. Sludge generated as a result of the treatment process is dewatered on-site and disposed of at a town-owned secure sludge landfill.

HPCF's primary treatment process includes influent screening through a communitor and bar rack located at the headworks (wet well) of the plant. Influent is pumped into the two primary clarifiers using an automated, computerized system. The Town may add aluminum chloride and anionic polymer solutions to the influent in order to enhance the removal efficiency of solids in the primary settling process.

2. PERMIT SUMMARY (cont'd)

Primary effluent flows from the clarifiers to one of two aeration ponds. Phosphoric acid is typically added prior to the secondary system for nutrient control. The detention time within the activated sludge aeration system is 3-5 days depending on incoming flow rates and Irving Tanning's production schedules.

The mixed liquor from the pond flows into two secondary clarifies where a polymer may be added to further improve effluent clarity and quality. Solids collected in the bottom of the clarifiers are returned to the aeration ponds or wasted to the primary clarifiers for removal and subsequent dewatering and disposal.

The effluent receives seasonal disinfection using a sodium hypochlorite solution and is then dechlorinated within the combined chlorination/dechlorination chamber at the facility. The effluent flow is recorded as it passes through a parshall flume prior to being discharged into the West Branch of the Sebasticook River.

Final effluent is conveyed for discharge to the West Branch of the Sebasticook River at Hartland via a 14-inch diameter outfall pipe fitted with a 50-foot, 200-port diffuser. The diffuser consists of a perforated pipe with 1.5-inch diameter perforations positioned 13 inches on-center. The Department's Division of Environmental Assessment has determined that the effluent does achieve complete and rapid mixing with the receiving waters.

A schematic of the treatment process is included as Attachment B of this fact sheet.

3. CONDITIONS OF PERMIT

Conditions of licenses, 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 06-096 CMR 530 require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective October 9, 2005), and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

4. RECEIVING WATER QUALITY STANDARDS

Classification of major river basins, 38 M.R.S.A., § 467(4)(H)(2)(b) classifies the West Branch of the "Sebasticook River, West Branch main stem, from the outlet of Great Moose Lake to its confluence with the East Branch, including all impoundments", which includes the river at the point of discharge, as Class C waters. *Standards for classification of fresh surface waters*, 38 M.R.S.A., § 465(3) describes the standards for Class C waters.

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2006 Integrated Water Quality Monitoring and Assessment Report, (Report) prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists a 12.5-mile reach of the West Branch of the Sebasticook River, which includes the reach immediately below the Town's point of discharge, (Hydrologic Unit Code #ME0103000307 / Waterbody ID #330R) as, "Category 5-A: Rivers and Streams Impaired by Pollutants Other Than Those Listed in 5-B Through 5-D (TMDL Required)." Impairment in this context refers to a fish consumption advisory due to the presence of dioxin (including 2,3,7,8-TCDD) and polychlorinated biphenyls (PCBs). The Reports specifies that a total maximum daily load (TMDL) is scheduled for calendar year 2011.

With regard to dioxin in the West Branch of the Sebasticook River, the Department's *Dioxin Monitoring Program 2006 Report* ,which contains the findings from the 2006 Dioxin Monitoring Program provides the following results and discussion:

> [The Maine Center for Disease Control and Prevention] *has issued Fish Consumption Advisories for the Androscoggin, Kennebec, Penobscot, Sebasticook, and Salmon Falls Rivers, due to dioxins or a combination of dioxins and dioxin-like coplanar PCBs.*
>
> *Historical discharges of dioxin have been documented on both the East and West Branches of the Sebasticook River.*
>
> *West Branch at Palmyra (SWP) A total of 5 largemouth bass were collected from the river near the US Route 2 bridge about 3-4 miles below the discharge from the Town of Hartland, whose effluent is about 85% effluent from Irving Tanning Company (Appendix 5).*
>
> *TCDD concentrations were elevated slightly above those of historical reference stations unimpacted by point source discharges (Appendix 6).*
>
> *There is no declining trend due to the wide variation among the years, but concentrations in 2006 were also much lower than in previous years (Figure 18). These results document a current or historical local source of dioxin to this reach of the river, most likely the Irving Tanning discharge. Although the only effluent sample result reported (1996) showed no detectable amount of dioxin in effluent (Appendix 4), low solubility and high bioconcentration of dioxin make effluent data less meaningful than sludge data. Sludge data from 1989 show measurable levels of TCDF (Appendix 3), but more recent data in 2000 show concentrations below reasonably low detection levels. If these*

5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

recent data are representative of reduced discharges, concentrations in fish should decrease in time, the length of which will be determined by how much residual dioxin remains in the system. Because the West Branch is heavily fished, continued monitoring is warranted.

As a result of the fish consumption advisory, Special Condition O of this permit requires the permittee to participate in the State's most current fish advisory program.

The Report lists all of Maine's fresh waters as, "Category 5-C: 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 Report states, "Maine has a fish consumption advisory for fish taken from all freshwaters due to mercury. Many waters, and many fish from any given water, do not exceed the action level for mercury. However, because it is impossible for someone consuming a fish to know whether the mercury level exceeds the action level, the Maine Department of Human Services decided to establish a statewide advisory for all freshwater fish that recommends limits on consumption. Maine has already instituted statewide programs for removal and reduction of mercury sources. The State of Maine is participating in the development of regional scale TMDLs for the control of mercury." Pursuant to 38 M.R.S.A. § 420(1-B)(B), "a facility is not in violation of the ambient criteria for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413 subsection 11." The Department has established interim monthly average and daily maximum mercury concentration limits and reporting requirements for this facility pursuant to 06-096 CMR 519.

The Department has no information at this time that the discharge from the Town of Hartland, as permitted, will cause or contribute to the failure of the receiving water to meet the designated uses of its ascribed classification.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

a. Applicability of National Effluent Guidelines: The USEPA has promulgated national effluent guidelines for the Leather Tanning and Finishing Point Source Category at 40 CFR Part 425. Based on a signed, written Industrial Wastewater Discharge Permit between the Town and Irving Tannery Company, dated November 4, 2003, Irving Tannery Company is permitted by the Town to discharge a monthly average flow of up to 1.07 MGD (approximately 71% of the facility's design criterion); monthly average and daily maximum biochemical oxygen demand (BOD_5) loadings of 9,179 lbs./day (approximately 61% of the facility's design criterion) and 10,635 lbs./day, respectively; and a monthly average total suspended solids (TSS) loading of 15,984 lbs./day (approximately 107% of the facility's design criterion) to the HPCF. Based on a septage TSS influent loading of 834 lbs./day, calendar year 1990 domestic TSS influent loading of 271 lbs./day, and a facility design influent TSS loading of 15,000 lbs/day, the Town has indicated that it will reduce the TSS

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

loading allocation for Irving Tanning Company from a monthly average of 15,984 lbs./day to 13,895 lbs./day.

Based on the significant industrial loadings contributed to the HPCF, this permitting action is carrying forward the Department's and USEPA's previous determinations to apply the guidelines at 40 CFR Part 425 to the discharge from the HPCF. Specifically, 40 CFR Part 425.41 Subpart D - *Retan-Wet Finish-Sides Subcategory* and 40 CFR Part 425.91 Subpart I, *Retan-Wet Finish-Splits Subcategory*, apply to the discharge from the Town. The applicable subparts of 40 CFR Part 425 establish effluent guideline limitations for BOD_5, TSS, oil and grease, total chromium, and pH, which are being utilized in this permitting action to calculate technology-based effluent limitation thresholds.

b. Flow: The previous permitting action established, and this permitting action is carrying forward, a monthly average discharge flow limitation of 1.5 MGD based on the design capacity of the facility, and a daily maximum discharge flow reporting requirement to assist in compliance evaluations.

A summary of the discharge flow data as reported on the Discharge Monitoring Reports (DMRs) submitted to the Department for the period October 2002 through August 2007 is as follows:

Discharge Flow	Minimum	Maximum	Arithmetic Mean	# DMRs
Monthly Average	0.04 MGD	0.85 MGD	0.50 MGD	60
Daily Maximum	0.35 MGD	2.05 MGD	0.91 MGD	58

c. Dilution Factors: Dilution factors associated with the permitted discharge flow of 1.5 MGD from the facility and a regulated flow of 40 cfs in the West Branch of the Sebasticook River (minimum flow of 40 cfs from Great Moose Pond pursuant to Water Level Order #L-013195-36-A-N) were derived in accordance with 06-096 CMR 530(4)(A) and were calculated as follows:

Acute: 1Q10 = 40 cfs $\Rightarrow \frac{(40\text{ cfs})(0.6464) + 1.5\text{ MGD}}{1.5\text{ MGD}} = 18.2{:}1$

Chronic: 7Q10 = 40 cfs $\Rightarrow \frac{(40\text{ cfs})(0.6464) + 1.5\text{ MGD}}{1.5\text{ MGD}} = 18.2{:}1$

Harmonic Mean[1] = 74.2 cfs $\Rightarrow \frac{(74.2\text{ cfs})(0.6464) + 1.5\text{ MGD}}{1.5\text{ MGD}} = 33.0{:}1$

[1] The harmonic mean flow rate of 74.2 cfs was determined by prorating the USGS flow gage located in the Sebasticook River in Pittsfield, Maine.

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

The Department's Division of Environmental Assessment (DEA) has determined that mixing of the effluent with the receiving water is complete and rapid and recommends that acute evaluations be based on the full 1Q10 value rather than the default stream design flow of ¼ of the 1Q10 in accordance with 06-096 CMR 530(4)(B)(1).

d. Biochemical Oxygen Demand (BOD_5): The previous permitting action carried forward from the 12/22/99 WDL water quality-based monthly average concentration and mass limits of 66 mg/L and 660 lbs./day, respectively, and daily maximum concentration and mass limits of 132 mg/L and 1,320 lbs./day, respectively for BOD_5. These limitations were based on a desktop model conducted by the Department's Division of Environmental Assessment (DEA) in 1981, which the DEA stated is still applicable in 2007.

Effluent Guidelines and Standards, 06-096 CMR 525(3)(III) (effective January 12, 2001) specifies secondary treatment requirements as monthly average and weekly average technology-based concentration limits of 30 mg/L and 45 mg/L, respectively, for BOD_5. The Department has established a daily maximum concentration limit of 50 mg/L based on best professional judgment (BPJ) of best practicable treatment (BPT) for secondary treated municipal wastewater.

06-096 CMR 525(3)(IV)(b) provides special considerations for industrial wastes and allows for the values of BOD_5 to be adjusted upwards (from the secondary treatment standards specified above) provided 1) the limits are not greater than the limits that would be applied to the industrial category if it discharged directly into navigable waters; and 2) the flow of pollutant loadings introduced by the industrial category exceeds 10% of the design flow or loadings of the POTW.

Based on the allowable flow and pollutant loadings specified in the Industrial Wastewater Discharge Permit (*i.e.*, pretreatment agreement) between the Town and Irving Tanning Company, the industrial loadings to the HPCF are greater than 10% of the HPCF design criteria. Therefore, the Department is making a best professional judgment determination that the effluent limitations for both BOD_5 and TSS may be adjusted upwards from the monthly average and weekly average secondary treatment standards of 30 mg/L and 45 mg/L, respectively.

For comparison purposes, effluent limitations for BOD_5 and TSS based on the secondary treatment requirements may be calculated as follows:

Monthly Average Mass Limit: (30 mg/L)(8.34 lbs./gallon)(1.5 MGD) = 375 lbs./day
Weekly Average Mass Limit: (45 mg/L)(8.34 lbs./day)(1.5 MGD) = 563 lbs./day
Daily Maximum Mass Limit: (50 mg/L)(8.34 lbs./day)(1.5 MGD) = 626 lbs./day

This permitting action must establish the more stringent of either the water quality-based effluent limitations established in the previous permitting action or the sum of allowable technology-based effluent loadings based on the effluent guideline limitations promulgated at 40 CFR Part 425.41 and 40 CFR Part 425.91. It is noted that separate allocations for the

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

municipal portion and landfill leachate portion have not been included in the following calculations as they are not significant sources compared to the tannery contribution.

40 CFR Part 425.41 Subpart D - *Retan-Wet Finish-Sides Subcategory* establishes monthly average and daily maximum BPT-based effluent guideline limitations for BOD_5 in terms of 4.0 pounds per 1,000 pounds (lbs./1,000 lbs.) of raw material and 8.9 lbs./1,000 lbs. of raw material, respectively.

40 CFR Part 425.91 Subpart I - *Retan-Wet Finish-Splits Subcategory* establishes monthly average and daily maximum BPT-based effluent guideline limitations for BOD_5 in terms of 2.6 lbs./1,000 lbs. of raw material and 5.8 lbs./1,000 lbs. of raw material, respectively.

With a projected, long-term average raw **sides** figure of 136,400 lbs./day, and a projected, long-term average raw **splits** figure of 131,600 lbs./day, technology-based effluent thresholds for BOD_5 may be calculated as the sum of allowable loadings for each subpart as follows:

Mass Calculations:
(Long-term Average Raw Materials, lbs./day)(Effluent Guideline, lbs. lbs./1,000 lbs.)

Retan-Wet Finish-Sides Subcategory

Monthly Average: (136,400 lbs./day)(4.0 lbs./1,000 lbs.) = 546 lbs./day
Daily Maximum: (136,400 lbs./day)(8.9 lbs./1,000 lbs.) = 1,214 lbs./day

Retan-Wet Finish-Splits Subcategory

Monthly Average: (131,600 lbs./day)(2.6 lbs./1,000 lbs.) = 342 lbs./day
Daily Maximum: (131,600 lbs./day)(5.8 lbs./1,000 lbs.) = 763 lbs./day

Sum of Allowable Loadings (BPT-Based Effluent Thresholds)

Monthly Average: 546 lbs./day + 342 lbs./day = 888 lbs./day
Daily Maximum: 1,214 lbs./day + 763 lbs./day = 1,977 lbs./day

Waste Discharge License Conditions, 06-096 CMR 523(6)(f)(2) states that "*...pollutants limited in terms of mass additionally may be limited in terms of other units of measurement and the permit shall require the permittee to comply with both limitations.*" To ensure best practicable treatment is being applied to the discharge from the HPCF at all times, the Department has made a best professional judgment determination that establishing monthly average and daily maximum technology-based concentrations limits for BOD_5 and TSS is appropriate.

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

BPT-based effluent concentration thresholds for BOD_5 may be derived by back-calculating values from the BPT-based effluent mass thresholds as follows:

Monthly Average: $\frac{888 \text{ lbs./day}}{(1.5 \text{ MGD})(8.34 \text{ lbs./gallon})} = 71 \text{ mg/L}$

Daily Maximum: $\frac{1{,}977 \text{ lbs./day}}{(1.5 \text{ MGD})(8.34 \text{ lbs./gallon})} = 158 \text{ mg/L}$

A summary of: 1) previous permit limits; 2) secondary treatment limits; 3) effluent guideline limitations (EGL); and 4) water quality-based limits for BOD_5 are as follows:

BOD_5	Previous Permit Limits	Secondary Treatment Limits	EGL Limits	Water Quality-Based Thresholds
Monthly Average	660 lbs./day	375 lbs./day	888 lbs./day	660 lbs./day
	66 mg/L	30 mg/L	71 mg/L	66 mg/L
Weekly Average	---	563 lbs./day	---	---
	---	45 mg/L	---	---
Daily Maximum	1,320 lbs./day	626 lbs./day	1,977 lbs./day	1,320 lbs./day
	132 mg/L	50 mg/L	158 mg/L	132 mg/L

A summary of effluent BOD_5 data submitted to the Department for the period of January 2004 through August 2007 (number of Discharge Monitoring Reports = 43) is as follows:

BOD_5	Minimum	Maximum	Arithmetic Mean
Monthly Average	16 lbs./day	145 lbs./day	54 lbs./day
	2 mg/L	38 mg/L	11 mg/L
Daily Maximum	23 lbs./day	480 lbs./day	109 lbs./day
	2 mg/L	58 mg/L	18 mg/L

It is noted that production at the Irving Tanning Company for the last several years has been significantly lower than projected production.

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

This permitting action is carrying forward the water quality-based monthly average and daily maximum concentration and mass effluent limitations for BOD_5 as they are more stringent than the technology-based (EGL) thresholds. Due to the recent merger between Prime Tanning Company, Inc. and Irving Tanning Company and uncertainty regarding changes in production at the Hartland facility during the effective term of this permit, the Department reserves the right to reopen this permit in accordance with Special Condition P to revise effluent limitations for BOD_5 as necessary based on new information.

This permitting action is establishing a 30-day average percent removal reporting requirement for BOD_5 to assist in evaluating treatment system performance.

This permitting action is carrying forward the minimum monitoring frequency requirement for BOD_5 of three time per week consistent with Department guidance for POTWs permitted to discharge between 1.5 and 5.0 MGD.

e. Total Suspended Solids (TSS): The previous permitting action carried forward from the 12/22/99 WDL water quality-based monthly average concentration and mass limits of 103 mg/L and 1,028 lbs./day, respectively, and daily maximum concentration and mass limits of 224 mg/L and 2,238 lbs./day, respectively for TSS. These limitations were based on a desktop model conducted by the Department's Division of Environmental Assessment (DEA) in 1981, which the DEA stated is still applicable in 2007:

Review Section 6(d) of this fact sheet, *Biochemical Oxygen Demand (BOD_5)*, for additional discussion related to TSS limitations.

40 CFR Part 425.41 Subpart D - *Retan-Wet Finish-Sides Subcategory* establishes monthly average and daily maximum best practicable treatment (BPT)-based effluent guideline limitations for TSS in terms of 5.8 lbs./1,000 lbs. of raw material and 12.8 lbs./1,000 lbs. of raw material, respectively.

40 CFR Part 425.91 Subpart I - *Retan-Wet Finish-Splits Subcategory* establishes monthly average and daily maximum BPT-based effluent guideline limitations for TSS in terms of 3.8 lbs./1,000 lbs. of raw material and 8.3 lbs./1,000 lbs. of raw material, respectively.

With a projected, long-term average raw **sides** figure of 136,400 lbs./day, and a projected, long-term average raw **splits** figure of 131,600 lbs./day, technology-based effluent thresholds for BOD_5 may be calculated as the sum of allowable loadings for each subpart as follows. It is noted that separate allocations for the municipal portion and landfill leachate portion have not been included in the following calculations as they are not significant sources compared to the tannery contribution.

Retan-Wet Finish-Sides Subcategory

Monthly Average: (136,400 lbs./day)(5.8 lbs./1,000 lbs.) = 791 lbs./day
Daily Maximum: (136,400 lbs./day)(12.8 lbs./1,000 lbs.) = 1,746 lbs./day

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

Retan-Wet Finish-Splits Subcategory

Monthly Average: (131,600 lbs./day)(3.8 lbs./1,000 lbs.) = 500 lbs./day
Daily Maximum: (131,600 lbs./day)(8.3 lbs./1,000 lbs.) = 1,092 lbs./day

Sum of Allowable Loadings (BPT-Based Effluent Limitation Thresholds)

Monthly Average: 791 lbs./day + 500 lbs./day = 1,291 lbs./day
Daily Maximum: 1,746 lbs./day + 1,092 lbs./day = 2,838 lbs./day

BPT-based effluent concentration thresholds for TSS may be derived by back-calculating values from the BPT-based effluent mass thresholds as follows:

Monthly Average: $\frac{1{,}291 \text{ lbs./day}}{(1.5 \text{ MGD})(8.34 \text{ lbs./gallon})} = 103 \text{ mg/L}$

Daily Maximum: $\frac{2{,}838 \text{ lbs./day}}{(1.5 \text{ MGD})(8.34 \text{ lbs./gallon})} = 227 \text{ mg/L}$

A summary of: 1) previous permit limits; 2) secondary treatment limits; 3) effluent guideline limitations (EGL); and 4) water quality-based limits for TSS are as follows:

TSS	Previous Permit Limits	Secondary Treatment Limits	EGL Limits	Water Quality-Based Thresholds
Monthly Average	1,028 lbs./day	375 lbs./day	1,291 lbs./day	1,028 lbs./day
	103 mg/L	30 mg/L	103 mg/L	103 mg/L
Weekly Average	---	563 lbs./day	---	---
	---	45 mg/L	---	---
Daily Maximum	2,238 lbs./day	626 lbs./day	1,092 lbs./day	2,238 lbs./day
	224 mg/L	50 mg/L	227 mg/L	224 mg/L

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

A summary of effluent TSS data submitted to the Department for the period of January 2004 through August 2007 (number of Discharge Monitoring Reports = 44) is as follows:

TSS	Minimum	Maximum	Arithmetic Mean
Monthly Average	25 lbs./day	325 lbs./day	101 lbs./day
	6 mg/L	104 mg/L	23 mg/L
Daily Maximum	25 lbs./day	1,385 lbs./day	101 lbs./day
	15 mg/L	180 mg/L	49 mg/L

It is noted that production at the Irving Tanning Company for the last several years has been significantly lower than projected production.

This permitting action is carrying forward the water quality-based monthly average and daily maximum concentration and mass effluent limitations for TSS as they are more stringent than the technology-based (EGL) thresholds. Due to the recent merger between Prime Tanning Company, Inc. and Irving Tanning Company and uncertainty regarding changes in production at the Hartland facility during the effective term of this permit, the Department reserves the right to reopen this permit in accordance with Special Condition P to revise effluent limitations for TSS as necessary based on new information.

This permitting action is establishing a 30-day average percent removal reporting requirement for TSS to assist in evaluating treatment system performance.

This permitting action is carrying forward the minimum monitoring frequency requirement for TSS of three time per week consistent with Department guidance for POTWs permitted to discharge between 1.5 and 5.0 MGD.

f. 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) for secondary treated wastewater.

A review of the daily maximum settleable solids data as reported on the Discharge Monitoring Reports submitted to the Department for the period October 2002 through August 2007 indicates the daily maximum settleable solids concentration discharge has been <0.1 ml/L or below 100% of the time during said reporting period (# DMRs = 59).

In consideration of the results on file with the Department, this permitting action is revising the minimum monitoring frequency requirement for settleable solids from once per day to five times per week.

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

g. *Escherichia coli* Bacteria: The pervious permitting action established seasonal (May 15 through September 30) monthly average and daily maximum concentration limits for *E. coli* bacteria of 142 colonies/100 ml (geometric mean) and 949 colonies/100 ml (instantaneous level), respectively, which were based on the State of Maine Water Classification Program criteria for Class C waters, which are being carried forward in this permitting action.

A summary of effluent *E. coli* bacteria data for the applicable bacteria season from May 2002 through September 2006 is as follows:

***E. coli* Bacteria**	**Minimum**	**Maximum**	**Arithmetic Mean**	**# DMRs**
Monthly Average	1 col/100 ml	19 col/100 ml	4.6 col/100 ml	25
Daily Maximum	2 col/100 ml	>400 col/100 ml	62.8 col/100 ml	25

This permitting action is carrying forward the minimum monitoring frequency requirement for *E. coli* bacteria of three times per week consistent with Department guidance for POTWs permitted to discharge between 1.5 and 5.0 MGD.

Although *E. coli* bacteria limits are seasonal and apply between May 15 and September 30 of each year, the Department reserves the right to impose year-round bacteria limits if deemed necessary to protect the health, safety and welfare of the public.

h. Total Residual Chlorine (TRC): The previous permitting action established technology-based monthly average and daily maximum a concentration limits of 0.1 mg/L and 0.3 mg/L, respectively, for TRC. Limitations on TRC are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. Department licensing/permitting actions impose the more stringent of either a water quality-based or BPT based limit. End-of-pipe acute and chronic water quality based concentration thresholds may be calculated as follows:

Acute (A) Criterion	Chronic (C) Criterion	A & C Dilution Factors	Calculated Acute Threshold	Calculated Chronic Threshold
0.019 mg/L	0.011 mg/L	18.2:1 (A) 18.2:1 (C)	0.35 mg/L	0.20 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 to meet water quality based thresholds, the Department has established monthly average and daily maximum BPT-based limits of 0.1 mg/L and 0.3 mg/L, respectively, which are more stringent than the water quality-based thresholds calculated above and are being carried forward in this permitting action.

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

A summary of effluent TRC data corresponding to the applicable bacteria season from May 2002 through September 2006 is as follows:

TRC	Minimum	Maximum	Arithmetic Mean	# DMRs
Monthly Average	0.0 mg/L	0.07 mg/L	0.03 mg/L	24
Daily Maximum	0.05 mg/L	0.26 mg/L	0.13 mg/L	25

In consideration of the results on file with the Department, this permitting action is carrying forward the minimum monitoring frequency requirement for TRC of twice per day consistent with Department guidance for POTWs permitted to discharge between 1.5 and 5.0 MGD.

i. 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 06-096 CMR 525(3)(III), and is carrying forward the minimum monitoring frequency requirement of once per day consistent with Department guidance for POTWs permitted to discharge between 1.5 and 5.0 MGD.

The DMR data indicate the facility has been in compliance with the pH range limitation 100% of the time during the period of October 2002 through August 2007 (# DMRs = 59).

j. Oil and Grease (O&G): The previous permitting action established a daily maximum concentration limit of 15 mg/L for O&G. This limitation is based on Department BPJ of BPT, as this is the concentration above which oil & grease may cause a visible sheen on the surface of waterbodies.

40 CFR Part 425.41 Subpart D - *Retan-Wet Finish-Sides Subcategory* establishes monthly average and daily maximum BPT-based effluent guideline limitations for O&G of 1.7 lbs./1,000 lbs. of raw material and 3.7 lbs./1,000 lbs. of raw material, respectively.

40 CFR Part Subpart I - *Retan-Wet Finish-Splits Subcategory* establishes monthly average and daily maximum BPT-based effluent guideline limitations for O&G of 1.1 lbs./1,000 lbs. of raw material and 2.4 lbs./1,000 lbs. of raw material, respectively.

A summary of effluent O&G data submitted to the Department for the period of October 2002 through August 2007 is as follows:

Oil and Grease	Minimum	Maximum	Arithmetic Mean	# DMRs
Daily Maximum	1.3 mg/L	11.5 mg/L	4.2 mg/L	60

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

The Department has determined (utilizing the production-based calculations demonstrated for BOD_5 and TSS above) that the previously established limit of 15 mg/L is more stringent than the production-based effluent limit thresholds derived from the national effluent guidelines. This permitting action is carrying forward the daily maximum concentration limit of 15 mg/L to satisfy the anti-backsliding provisions of 06-096 CMR 523(5)(l)(2). The national effluent guidelines regulate O&G on both a daily maximum and monthly average basis. 06-096 CMR 523(4)(a) states, "In addition to conditions required in all permits (Sections 2 and 3 [of 06-096 CMR 523]), the Department shall establish conditions, as required on a case-by-case basis, to provide for and assure compliance with all applicable requirements of [the Clean Water Act] and regulations and State law." Since the USEPA has promulgated effluent limitation guidelines for O&G in terms of both daily maximum and monthly average limitations, this permitting action must limit the discharge in these terms as well. To satisfy the minimum effluent limitation requirements of 40 CFR Part 425, this permitting action is establishing monthly average concentration and mass limits for O&G that are equivalent to the daily maximum limits.

Pursuant to 06-096 CMR 523(6), this permitting action is establishing monthly average and daily maximum O&G mass limits as follows:

Monthly Average/Daily Maximum Mass Limitations:

(1.5 MGD)(8.34 lbs./gallon)(15 mg/L) = 188 lbs./day

This permitting action is carrying forward the minimum monitoring frequency requirement for O&G of once per month.

k. Total Phosphorus (Total-P): The previous permitting action established monthly average and weekly average effluent total phosphorous concentration and mass reporting requirements for the critical warm season of June 1 through September 30 of calendar year 2003 only at a minimum frequency of once per week. Special Condition A, Footnote #7 of the 11/7/02 permit stated that the Department would evaluate the results of the 2003 monitoring season to determine if additional monitoring or effluent limitations were appropriate. On June 15, 2004, the Department administratively modified the 11/7/02 permit to carry forward total-P monitoring at a reduced frequency of once per month during June-September of each year. The 6/15/04 administrative modification anticipated that nutrient criteria would be finalized by the fall of 2005; however, the Department has not finalized state-wide nutrient criteria as of the effective date of this permitting action.

A summary of effluent total-P data submitted to the Department for the period of July 2004 through August 2006 is as follows:

Total-P	Minimum	Maximum	Arithmetic Mean	# DMRs
	0.09 mg/L	0.55 mg/L	0.28 mg/L	11

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

Note: Monitoring since 2004 has been at a frequency of once per week; thus, the monthly average and weekly average total-P values reported by this facility are equivalent. Effluent total-P data from September 2006 through September 2007 have not been entered into the permit compliance system database.

The Department's DEA has recommended that this facility continue total-P monitoring during the critical summer season at a minimum frequency of twice per month in order to assess the impact of this discharge on receiving water quality. Therefore, this permitting action is carrying forward the monthly average and weekly average concentration and mass reporting requirements and is establishing daily maximum concentration and mass reporting requirements for total-P and is revising the minimum monitoring frequency requirement from once per month to twice per month.

h. Whole Effluent Toxicity (WET), Priority Pollutant, and Analytical Chemistry Testing: 38 M.R.S.A. § 414-A and 38 M.R.S.A. § 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. 06-096 CMR 530 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. 06-096 CMR 584 sets forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

WET, priority pollutant and analytical chemistry testing, as required by 06-096 CMR 530, is included in this permit in order to characterize the effluent. WET monitoring is required to assess and protect against impacts upon water quality and designated uses caused by the aggregate effect of the discharge on specific aquatic organisms. Acute and chronic WET tests are performed on invertebrate water flea (*Ceriodaphnia dubia*) and vertebrate brook trout (*Salvelinus fontinalis*). Chemical-specific monitoring is required to assess the levels of individual toxic pollutants in the discharge, comparing each pollutant to acute, chronic, and human health water quality criteria. Priority pollutant testing refers to the analysis for levels of priority pollutants listed in 06-096 CMR 525(4)(VI). Analytical chemistry refers to a suite of thirteen (13) chemical tests consisting of: ammonia-nitrogen, total aluminum, total cadmium, total chromium, total copper, total hardness (fresh water only), total lead, total nickel, total silver, total zinc, total arsenic, total cyanide and total residual chlorine.

06-096 CMR 530(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."* The Town discharges domestic (sanitary) and industrial process waste waters from the HPCF to surface waters and is therefore subject to the testing requirements of the toxics rule.

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

06-096 CMR 530(4)(C) states "*The background concentration of specific chemicals must be included in all calculations using the following procedures. The Department may publish and periodically update a list of default background concentrations for specific pollutants on a regional, watershed or statewide basis. In doing so, the Department shall use data collected from reference sites that are measured at points not significantly affected by point and non-point discharges and best calculated to accurately represent ambient water quality conditions." "The Department shall use the same general methods as those in section 4(D) to determine background concentrations. For pollutants not listed by the Department, an assumed concentration of 10% of the applicable water quality criteria must be used in calculations."* The Department has no information on the background levels of metals in the water column in the West Branch of the Sebasticook River. Therefore, a default background concentration of 10% of applicable water quality criteria is being used in the calculations of this permitting action.

06-096 CMR 530(4)(E) states "*In allocating assimilative capacity for toxic pollutants, the Department shall hold a portion of the total capacity in an unallocated reserve to allow for new or changed discharges and non-point source contributions. The unallocated reserve must be reviewed and restored as necessary at intervals of not more than five years. The water quality reserve must be not less than 15% of the total assimilative quantity."*

Therefore, the Department is reserving 15% of applicable water quality criteria used in the calculations of this permitting action.

06-096 CMR 530(4)(F) requires evaluation of toxic pollutant impacts on a watershed basis. This section of the rule states, "*Where there is more than one discharge into the same fresh or estuarine receiving water or watershed, the Department shall consider the cumulative effects of those discharges when determining the need for and establishment of the level of effluent limits. The Department shall calculate the total allowable discharge quantity for specific pollutants, less the water quality reserve and background concentration, necessary to achieve or maintain water quality criteria at all points of discharge, and in the entire watershed."* The Department is currently working to construct a computer program model to conduct this analysis. Until such time the model is complete and a multi-discharger statistical evaluation can be conducted, the Department is evaluating the impact of the Town's discharge assuming it is the only discharger to the river. Should the multi-discharger evaluation indicate there are parameters that exceed or have a reasonable potential to exceed applicable AWQC, this permit may be reopened pursuant to Special Condition P, *Reopening of Permit For Modifications*, to incorporate additional limitations and or revise monitoring requirements.

This permit provides for reconsideration of effluent limits and monitoring schedules after evaluation of toxicity testing results. The monitoring schedule includes consideration of results currently on file, the nature of the wastewater, existing treatment, and receiving water characteristics.

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

The previous permitting action established: 1) acute no observed effect level (A-NOEL) and chronic no observed effect level (C-NOEL) limits of 5.5% for the brook trout based on an August 22, 2002 statistical evaluation of WET data on file with the Department which indicated the test result from February 15, 1998 exceeded the critical chronic ambient water quality threshold of 5.5% (mathematical inverse of the chronic dilution factor of 18.2:1) and demonstrated a reasonable potential (RP) to exceed the critical acute ambient water quality threshold of 5.5% (mathematical inverse of the acute dilution factor of 18.2:1); and 2) established a C-NOEL limit of 5.5% for the water flea based on the 8/22/02 evaluation, which indicted four test results demonstrated a RP to exceed the critical chronic ambient water quality threshold of 5.5%. As required by the toxics rule in effect on 11/2/02, Chapter 530.5, the previous permitting action established Special Condition J, *Toxicity Reduction Evaluation (TRE)*, to identify source(s) and action items to be implemented by the Town to mitigate or eliminate exceedences of the ambient water quality criteria associated with the brook trout. In a letter from the Department to the Town, dated December 4, 2002, the Department acknowledged receipt of the Town's TRE plan, dated November 22, 2002, and notified the Town that the proposed plan satisfied the requirements of Special Condition J of the 11/2/02 permit.

On October 9, 2005, a new Department rule, 06-096 CMR 530, became effective and replaced the previous toxics rule, Chapter 530.5. On April 10, 2006, the Department amended WDL#W000678-5M-G-M by issuing a Surface Waters Toxics Control Program fact sheet for this facility and establishing or revising test frequencies to be consistent with 06-096 CMR 530 requirements and provisions for reduced testing. With regard to whole effluent toxicity, the 4/10/06 fact sheet established reduced surveillance level WET testing for the water flea (based on a statistical evaluation of the most recent 60 months of data on file with the Department as of April 2006, which indicated there was no RP for the water flea) and routine (default) testing for the brook trout (based on a RP test result from 5/1/01).

06-096 CMR 530(2)(A) specifies dischargers subject to the requirements of the rule are as follows, "All licensed dischargers of industrial process wastewater or domestic wastes discharging to surface waters of the State...." 06-096 CMR 530(2)(B) categorizes dischargers subject to the toxics rule into one of four levels (Levels I through IV). Level I dischargers are "Those dischargers having a chronic dilution factor of less than 20 to1." The chronic dilution factor associated with the discharge from the Town is 18.2:1; therefore, this facility is considered a Level I facility for purposes of toxics testing.

06-096 CMR 530(2)(D) specifies default WET, priority pollutant, and analytical chemistry test schedules for Level I dischargers as follows:

Screening level testing – Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter.

Level	WET Testing	Priority pollutant testing	Analytical chemistry
I	4 per year	1 per year	4 per year

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

Surveillance level testing – Beginning upon issuance of the permit and lasting until 12 months prior to permit expiration.

Level	WET Testing	Priority pollutant testing	Analytical chemistry
I	2 per year	None required	4 per year

WET Evaluation

06-096 CMR 530(3)(E) states:

> *For effluent monitoring data and the variability of the pollutant in the effluent, the Department shall apply the statistical approach in Section 3.3.2 and Table 3-2 of USEPA's "Technical Support Document for Water Quality-Based Toxics Control" (USEPA Publication 505/2-90-001, March, 1991, EPA, Office of Water, Washington, D.C.) to data to determine whether water-quality based effluent limits must be included in a waste discharge license. Where it is determined through this approach that a discharge contains pollutants or WET at levels that have a reasonable potential to cause or contribute to an exceedence of water quality criteria, appropriate water quality-based limits must be established in any licensing action.*

On October 10, 2007, the Department conducted a statistical evaluation on the most recent 60 months of WET test results on file with the Department for the Town in accordance with the statistical approach outlined above. **The 10/10/07 statistical evaluation indicates the discharge from the Hartland Pollution Control Facility has on one occasion demonstrated a reasonable potential to exceed the critical chronic ambient water quality threshold for the water flea (minimum test result of 5.5% on 9/17/2006) and does not exceed or demonstrate a reasonable potential to exceed the critical acute or chronic ambient water quality thresholds for the brook trout.** See Attachment C of this Fact Sheet for a summary of the WET test results.

06-096 CMR 530(3) states, in part,

> *The Department shall establish appropriate discharge prohibitions, effluent limits and monitoring requirements in waste discharge licenses if a discharge contains pollutants that are or may be discharged at levels that cause, have reasonable potential to cause, or contribute to an ambient excursion in excess of a numeric or narrative water quality criteria or that may impair existing or designated uses. The licensee must also control whole effluent toxicity (WET) when discharges cause, have a reasonable potential to cause, or contribute to an ambient excursion above the narrative water quality criteria.*

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

Therefore, this permitting action is carrying forward the numeric C-NOEL limit of 5.5% for the water flea. This permitting action is eliminating the numeric A-NOEL and C-NOEL limits of 5.5% for the brook trout based on the results of facility testing.

06-096 CMR 530(2)(D)(3)(b) states, in part, *"Dischargers in Level I may reduce surveillance testing to one WET or specific chemical series per year provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedence as calculated pursuant to section 3(E)."* Based on the provisions of 06-096 CMR 530 and Department best professional judgment, this permitting action is establishing reduced testing (once per year) for the brook trout. This permitting action is revising (from the 4/10/06 permit amendment) reduced surveillance level WET testing for the water flea and is establishing routine surveillance level testing (twice per year) for this test organism. This permitting action is carrying forward the required screening level (once per calendar quarter) WET testing for the water flea and brook trout.

06-096 CMR 530(2)(D)(4) 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."

The 4/10/06 fact sheet discussed above specified that the facility must comply with this annual notification statement to continue waived surveillance level testing. This permitting action is formally establishing the notification requirement in this permitting action as Special Condition J, *Surface Waters Toxics Control Program Statement For Reduced Toxics Testing*, pursuant to 06-096 CMR 530(2)(D)(4). This permit provides for reconsideration of testing requirements, including the imposition of certain testing, in consideration of the nature of the wastewater discharged, existing wastewater treatment, receiving water characteristics, and results of testing.

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

Priority Pollutant Evaluation

The previous permitting action established water quality-based effluent limitations for ammonia (as N) and total arsenic based on an August 22, 2002 statistical evaluation which indicated the discharge exhibited a reasonable potential (RP) to exceed the chronic ambient water quality criterion (AWQC) for ammonia and exceeded the human health-based (water and organisms) AWQC for inorganic arsenic. Additional discussion regarding ammonia and arsenic limits is provided in this subsection below. The previous permitting action did not require the Town to submit a toxicity reduction evaluation (TRE) plan for the arsenic exceedence, and is silent on this requirement of the Department's rules.

With regard to priority pollutants, the 4/10/06 fact sheet established accelerated testing for 2,4,6-trichlorophenol, aluminum, ammonia, Bis (2-ethylhexyl) phthalate, B-BHC, chlorodibromomethane, chloroform, chromium, and copper based on a determination of reasonable potential as of April 2006.

On October 10, 2007, the Department conducted a statistical evaluation on the most recent 60 months of chemical-specific tests results on file with the Department for the Town in accordance with the statistical approach outlined above. The results of the statistical evaluation were compared to 06-096 CMR 584 and the Ambient Water Quality Criteria stated in Appendix A. The 10/10/07 statistical evaluation of effluent data indicates the Hartland Pollution Control Facility:

- had one (1) test result that exceeds the human health-based (water and organism) ambient water quality criterion (AWQC) threshold for 2,4,6-trichlorophenol (based on a test result of 103 µg/L reported for 8/3/2003);

- had two (2) test results that demonstrate reasonable potential (RP) to exceed the chronic AWQC threshold for aluminum (maximum test result of 1,335 µg/L reported for 2/22/2006);

- had one (1) test result that demonstrates RP to exceed the chronic AWQC threshold for ammonia (maximum test result of 51,000 µg/L reported for 3/31/2005);

- had one (1) test result that demonstrates RP to exceed the human health-based AWQC threshold for B-BHC (test result of 0.4 µg/L reported for 8/3/2003);

- had one (1) test result that demonstrates RP to exceed the human health-based AWQC threshold for Bis (2-ethylhexyl) phthalate (test result of 16 µg/L reported for 8/3/2003);

- had one (1) test result that demonstrates RP to exceed the human health-based AWQC threshold for chlorodibromomethane (test result of 9 µg/L reported for 8/3/2003);

- had two (2) test results that demonstrate RP to exceed the human health-based AWQC threshold for chloroform (maximum test result of 230 µg/L reported for 8/3/2003);

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

- had nineteen (19) test results that demonstrate RP to exceed the chronic AWQC threshold for chromium (maximum test result of 750 µg/L reported for 3/2007);

- had two (2) test results that demonstrate RP to exceed both the acute and the chronic AWQC thresholds for copper (maximum test result of 55.4 µg/L reported for 10/11/2004);

- had one (1) test result that demonstrates RP to exceed the human health-based AWQC threshold for dichlorobromomethane (test result of 22 µg/L reported for 5/16/2004); and

- had one (1) test result that exceeds the acute and chronic AWQC threshold for total zinc (based on a test result of 29,000 µg/L reported for 9/17/2006).

The discharge does not exceed or demonstrate a reasonable potential to exceed the critical AWQC for any other parameters tested. It is noted that the 10/10/07 statistical evaluation indicates the discharge demonstrates RP for the human health-based AWQC threshold for inorganic arsenic. However, all tests results are below the Department's minimum reporting level of 5.0 µg/L. 06-096 CMR 530(3)(F)(1) states, *"When a test result for a specific chemical is reported as not found in concentrations at a detection level specified by the Department pursuant to section 2(C)(6), the compound must be considered to be not present for the purposes of determining exceedences of water quality criteria."* Therefore, the Department is applying this provision of Department rules to make a best professional judgment determination that the discharge does not exhibit RP for arsenic. Therefore, this permitting action is eliminating the water quality-based monthly average concentration and mass limits of 0.9 µg/L and 0.007 lbs./day, respectively for total arsenic.

See Attachment D of this Fact Sheet for a summary of chemical-specific test dates and test results.

06-096 CMR 530(3) states, *"the Department shall establish appropriate discharge prohibitions, effluent limits and monitoring requirements in waste discharge licenses if a discharge contains pollutants that are or may be discharged at levels that cause, have reasonable potential to cause, or contribute to an ambient excursion in excess of a numeric or narrative water quality criteria or that may impair existing or designated uses."*

Based on the applicable AWQC, acute (18.2:1), chronic (18.2:1) and harmonic mean (33.0:1) dilution factors associated with the discharge, and a permitted discharge flow limit of 1.5 MGD, water quality-based effluent limitations for 2,4,6-trichlorophenol, aluminum, ammonia, B-BHC, Bis (2-ethylhexyl) phthalate, chlorodibromomethane, chloroform, chromium, copper, dichlorobromomethane and zinc may be calculated using the following formulas:

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

Concentration Formula =

(Dilution Factor)[(0.75)(criterion)] + (0.25)(criterion)

Mass Formula =

$$\frac{\text{(Conc. Limit, µg/L)(8.34 lbs./gallon)(flow limit, MGD)}}{\text{1000 µg/mg}}$$

06-096 CMR 530(3)(D)(1) states, *"for specific chemicals, effluent limits must be expressed in total quantity that may be discharged and in effluent concentration. In establishing concentration, the Department may increase allowable values to reflect actual flows that are lower than permitted flows and/or provide opportunities for flow reductions and pollution prevention provided water quality criteria are not exceeded."* The arithmetic mean of 0.51 MGD for the monthly average discharge flow as discussed in Section 6 b. of this fact sheet is three times lower than the design capacity of 1.5 MGD. Based on the provisions of 06-096 CMR 530 and Department best professional judgment, the water quality-based concentration thresholds for the ten parameters listed above are being increased by a factor of 1.5 so as not to penalize the permittee for operating at flows less than the permitted flow and to promote water conservation at this facility and at Irving Tannery Company.

1. Monthly Average Concentration and Mass Limits for **2,4,6-Trichlorophenol**:

Monthly Average Conc. = (33.0)[(0.75)(0.93 µg/L)] + (0.25)(0.93 µg/L)
= 23.0 + 0.24
= 23.2 µg/L x 1.5
= **34.8 µg/L**

Monthly Average Mass = $\frac{\text{(23.2 µg/L)(8.34 lbs./gallon)(1.5 MGD)}}{\text{1000 µg/mg}}$ = **0.29 lbs./day**

Taking into consideration the test results on file, this permitting action is carrying forward from the 4/10/2006 permit amendment the minimum monitoring frequency requirement of once per year for 2,4,6-trichlorophenol.

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

2. Monthly Average Concentration and Mass Limits for **Total Aluminum**:

Monthly Average Conc. $= (18.2)[(0.75)(87\ \mu g/L)] + (0.25)(87\ \mu g/L)$
$= 1{,}188 + 22$
$= 1{,}210\ \mu g/L \times 1.5$
$= 1{,}815\ \mu g/L \approx$ **1.8 mg/L**

Monthly Average Mass $= \frac{(1{,}210\ \mu g/L)(8.34\ lbs./gallon)(1.5\ MGD)}{1000\ \mu g/mg} =$ **15.1 lbs./day**

Taking into consideration the test results on file, this permitting action is carrying forward from the 4/10/2006 permit amendment the minimum monitoring frequency requirement of once per calendar quarter for total aluminum.

3. Monthly Average Concentration and Mass Limits for **Ammonia (as N)**:

The previous permitting action established separate warm season (June 1 - October 31) and cool season (November 1 - May 31) monthly average concentration and mass limitations for total ammonia (as N) as follows:

Effective Period	Monthly Average	Monthly Average
Jun 1-Sept 30	280 lbs./day	34 mg/L
Oct 1-May 31	614 lbs./day	74 mg/L

The warm season ammonia AWQC was based on a pH of 7.0 SU and a temperature of 25°C. The cool season ammonia AWQC was based on a pH of 7.0 SU and a temperature of 10°C. These criteria are also being utilized in this permitting action to determine water quality-based effluent limits for ammonia.

It is noted that 06-096 CMR 584 has revised the ammonia criteria since issuance of the previous permit based on new information regarding ammonia toxicity. As a result, the calculated water quality-based effluent limits below are less stringent than the previous limits and the Department is making a best professional judgment determination that establishing less stringent limits for ammonia in this permitting action based on new information regarding ammonia toxicity satisfies the anti-backsliding requirements of 06-096 CMR 523.

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

Warm Season (June 1 - October 31) Chronic AWQC for Ammonia = 3,007 µg/L

Monthly Average Conc. = (18.2)[(0.75)(3,007 µg/L)] + (0.25)(3,007 µg/L)
= 41,046 + 752
= 41,798 µg/L x 1.5
= 62,697 µg/L ≈ **62.7 mg/L**

Monthly Average Mass = $\frac{(41{,}798\ \mu g/L)(8.34\ lbs./gallon)(1.5\ MGD)}{1000\ \mu g/mg}$ = **523 lbs./day**

Cool Season (November 1 – May 31) Chronic AWQC for Ammonia = 5,910 µg/L

Monthly Average Conc. = (18.2)[(0.75)(5,910 µg/L)] + (0.25)(5,910 µg/L)
= 80,672 + 1,478
= 82,150 µg/L x 1.5
= 123,225 µg/L ≈ **123 mg/L**

Monthly Average Mass = $\frac{(82{,}150\ \mu g/L)(8.34\ lbs./gallon)(1.5\ MGD)}{1000\ \mu g/mg}$ = **1,028 lbs./day**

Taking into consideration the test results on file, this permitting action is carrying forward from the previous permitting action and the 4/10/2006 permit amendment the minimum monitoring frequency requirement of twice per month for ammonia.

4. Monthly Average Concentration and Mass Limits for **B-BHC**:

Monthly Average Conc. = (33.0)[(0.75)(0.006 µg/L)] + (0.25)(0.006 µg/L)
= 0.15 + 0.002
= 0.15 µg/L x 1.5
= **0.23 µg/L**

Monthly Average Mass = $\frac{(0.15\ \mu g/L)(8.34\ lbs./gallon)(1.5\ MGD)}{1000\ \mu g/mg}$ = **0.002 lbs./day**

Taking into consideration the test results on file, this permitting action is carrying forward from the 4/10/2006 permit amendment the minimum monitoring frequency requirement of once per year for B-BHC.

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

5. Monthly Average Concentration and Mass Limits for **Bis (2-ethylhexyl) phthalate**:

Monthly Average Conc. = (33.0)[(0.75)(0.8 µg/L)] + (0.25)(0.8 µg/L)
= 19.8 + 0.2
= 20.0 µg/L x 1.5
= **30.0 µg/L**

Monthly Average Mass = $\frac{(20.0\ \mu g/L)(8.34\ lbs./gallon)(1.5\ MGD)}{1000\ \mu g/mg}$ = **0.25 lbs./day**

Taking into consideration the test results on file, this permitting action is carrying forward from the 4/10/2006 permit amendment the minimum monitoring frequency requirement of once per year for Bis (2-ethylhexyl) phthalate.

6. Monthly Average Concentration and Mass Limits for **Chlorodibromomethane**:

Monthly Average Conc. = (33.0)[(0.75)(0.4 µg/L)] + (0.25)(0.4 µg/L)
= 9.9 + 0.1
= 10.0 µg/L x 1.5
= **15.0 µg/L**

Monthly Average Mass = $\frac{(10.0\ \mu g/L)(8.34\ lbs./gallon)(1.5\ MGD)}{1000\ \mu g/mg}$ = **0.13 lbs./day**

Taking into consideration the test results on file, this permitting action is carrying forward from the 4/10/2006 permit amendment the minimum monitoring frequency requirement of once per year for chlorodibromomethane.

7. Monthly Average Concentration and Mass Limits for **Chloroform**:

Monthly Average Conc. = (33.0)[(0.75)(5.4 µg/L)] + (0.25)(5.4 µg/L)
= 133.7 + 1.4
= 135.1 µg/L x 1.5
= **202.7 µg/L**

Monthly Average Mass = $\frac{(135.1\ \mu g/L)(8.34\ lbs./gallon)(1.5\ MGD)}{1000\ \mu g/mg}$ = **1.7 lbs./day**

Taking into consideration the test results on file, this permitting action is carrying forward from the 4/10/2006 permit amendment the minimum monitoring frequency requirement of once per year for chloroform.

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

8. Monthly Average and Daily Maximum Concentration and Mass Limits for **Total Chromium**:

40 CFR Part 425.41 Subpart D - *Retan-Wet Finish-Sides Subcategory*. establishes monthly average and daily maximum BPT-based effluent guideline limitations for total chromium of 0.08 lbs./1,000 lbs. of raw material and 0.23 lbs./1,000 lbs. of raw material, respectively.

40 CFR Part 425.91 Subpart I - *Retan-Wet Finish-Splits Subcategory* establishes monthly average and daily maximum BPT-based effluent guideline limitations for total chromium of 0.05 lbs./1,000 lbs. of raw material and 0.15 lbs./1,000 lbs. of raw material, respectively.

Since the USEPA has promulgated effluent limitation guidelines for total chromium in terms of both daily maximum and monthly average limitations, this permitting action must limit the discharge in these terms as well.

A summary of the effluent limitations established in the previous permitting action and the applicable water quality-based thresholds for total chromium is as follows:

Total Chromium	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum
Previous Permit	12.6 lbs./day	34 lbs./day	1.5 mg/L	3.4 mg/L
Water Quality-Based Thresholds	4.0 lbs./day	84.0 lbs./day	0.48 mg/L	10.1 mg/L

Monthly Average Conc. $= (18.2)[(0.75)(23.1\ \mu g/L)] + (0.25)(23.1\ \mu g/L)$
$= 315.3 + 5.8$
$= 321.1\ \mu g/L \times 1.5$
$= \mathbf{482\ \mu g/L \approx 0.48\ mg/L}$

Daily Maximum Conc. $= (18.2)[(0.75)(483.0\ \mu g/L)] + (0.25)(483.0\ \mu g/L)$
$= 6{,}593 + 121$
$= 6{,}714\ \mu g/L \times 1.5$
$= 10{,}071\ \mu g/L \approx 10.1\ mg/L$

Monthly Avg. Mass $= \dfrac{(321.1\ \mu g/L)(8.34\ lbs./gallon)(1.5\ MGD)}{1000\ \mu g/mg} = \mathbf{4.0\ lbs./day}$

Daily Max. Mass $= \dfrac{(6{,}714\ \mu g/L)(8.34\ lbs./gallon)(1.5\ MGD)}{1000\ \mu g/mg} = 84.0\ lbs./day$

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

The Department has determined (utilizing the production-based calculations demonstrated for BOD_5 and TSS above) that the previously established limits and the water-quality-based thresholds for total chromium are more stringent than the production-based effluent limit thresholds derived from the national effluent guidelines. Thus, this permitting action is establishing the more stringent of either the previous permit limit or the calculated water quality-based threshold for total chromium.

In the case of chromium for the HPCF, the monthly average water quality-based concentration and mass limit of 0.48 mg/L and 4.0 lbs./day , respectively, are more stringent than the previous permit limits and the technology-based thresholds and are therefore being established in this permitting action. **The previous daily maximum concentration and mass limits of 3.4 mg/L and 34 lbs./day, respectively, are more stringent than either the water quality-based or technology-based thresholds and are therefore being carried forward in this permitting action.** The fact sheet associated with the 11/7/02 permit states, *"The NPDES permit issued by the EPA on September 30, 1991 and subsequently modified on March 13, 1992 contained both monthly average and daily maximum mass and concentration limits for total chromium. The Fact Sheet of the 9/30/91 NPDES permit indicates the [daily maximum total chromium] limits were carried forward from the June 29, 1984 NPDES permit and were derived based on a review of the facility's past performance record."*

Taking into consideration the test results on file, this permitting action is carrying forward from the 4/10/2006 permit amendment the minimum monitoring frequency requirement of once per calendar quarter for total chromium.

9. Monthly Average and Daily Maximum Concentration and Mass Limits for **Total Copper**:

Monthly Average Conc. $= (18.2)[(0.75)(2.36\ \mu g/L)] + (0.25)(2.36\ \mu g/L)$
$= 32.2 + 0.59$
$= 32.8\ \mu g/L \times 1.5$
$=$ **49.2 µg/L**

Daily Maximum Conc. $= (18.2)[(0.75)(3.07\ \mu g/L)] + (0.25)(3.07\ \mu g/L)$
$= 41.9 + 0.77$
$= 42.7\ \mu g/L \times 1.5$
$=$ **64.1 µg/L**

Monthly Average Mass $= \frac{(32.8\ \mu g/L)(8.34\ lbs./gallon)(1.5\ MGD)}{1000\ \mu g/mg} =$ **0.41 lbs./day**

Daily Max. Mass $= \frac{(42.7\ \mu g/L)(8.34\ lbs./gallon)(0.05\ MGD)}{1000\ \mu g/mg} =$ **0.53 lbs./day**

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

Taking into consideration the test results on file, this permitting action is carrying forward from the 4/10/2006 permit amendment the minimum monitoring frequency requirement of once per year for total copper.

10. Monthly Average Concentration and Mass Limits for **Dichlorobromomethane**:

Monthly Average Conc. = (33.0)[(0.75)(0.53 µg/L)] + (0.25)(0.53 µg/L)
= 13.1 + 0.13
= 13.2 µg/L x 1.5
= **19.8 µg/L**

Monthly Average Mass = $\frac{(13.2\ \mu g/L)(8.34\ lbs./gallon)(1.5\ MGD)}{1000\ \mu g/mg}$ = **0.17 lbs./day**

Taking into consideration the test results on file, this permitting action is establishing a minimum monitoring frequency requirement of once per year for dichlorobromomethane.

11. Monthly Average and Daily Maximum Concentration and Mass Limits for **Total Zinc**:

Note: The acute and chronic AWQC for total zinc are equivalent. The acute and chronic dilution factors associated with the discharge are equivalent. Therefore, the monthly average and daily maximum concentration and mass limitations for total zinc are equivalent.

Monthly Average and Daily Maximum Concentration
= (18.2)[(0.75)(30.6 µg/L)] + (0.25)(30.6 µg/L)
= 417.7 + 7.7
= 425.4 µg/L x 1.5
= **638.1 µg/L**

Monthly Average and Daily Maximum Mass
= $\frac{(425.4\ \mu g/L)(8.34\ lbs./gallon)(1.5\ MGD)}{1000\ \mu g/mg}$ = **5.3 lbs./day**

Taking into consideration the test results on file, this permitting action is establishing a minimum monitoring frequency requirement of once per year for total zinc.

7. PRETREATMENT

The permittee is required to administer a pretreatment program based on the authority granted under Federal regulations 40 CFR Part 122.44(j), 40 CFR Part 403, section 307 of the Federal Water Pollution Control Act (Clean Water Act), and *Pretreatment Program*, 06-096 CMR 528 (effective January 12, 2001). The permittee's pretreatment program received USEPA approval on July 19, 1985, and as a result, appropriate pretreatment program requirements were incorporated into the previous National Pollutant Discharge Elimination System (NPDES) permit that were consistent with that approval and federal pretreatment regulations in effect when the permit was issued. The State of Maine has been authorized by the USEPA to administer the federal pretreatment program as part of receiving authorization to administer the NPDES program.

Upon issuance of this permit, the permittee is obligated to modify (if applicable) its pretreatment program to be consistent with current federal regulations and State rules. Those activities that the permittee must address include, but are not limited to, the following: (1) develop and enforce Department-approved specific effluent limits (technically-based local limits - last approved by the USEPA on May 13, 1999; (2) revise the local sewer-use ordinance or regulation, as appropriate, to be consistent with federal regulations and State rules; (3) develop an enforcement response plan; (4) implement a slug control evaluation program; (5) track significant non-compliance for industrial users; and (6) establish a definition of and track significant industrial users. These requirements are necessary to ensure continued compliance with the POTWs MEPDES permit and its sludge use or disposal practices.

In addition to the requirements described above, this permit requires that **within 180 days prior to the expiration date of this permit,** the permittee shall submit to the Department in writing, a description of proposed changes to permittee's pretreatment program deemed necessary to assure conformity with current federal and State pretreatment regulations and rules, respectively. These requirements are included in the permit to ensure that the pretreatment program is consistent and up-to-date with all pretreatment requirements in effect. **By July 1 of each calendar year,** the permittee must submit a pretreatment annual report detailing the activities of the program for the twelve-month period ending 60 days prior to the due date.

8. DISPOSAL OF SEPTAGE WASTE IN WASTE WATER TREATMENT FACILITY

This permitting action is carrying forward authorization to receive and introduce into the treatment process or solids handling or treatment plant process a daily maximum of up to 5,000 gallons per day of septage wastes (up to a monthly total of 152,100 gallons) consistent with the requirements of 06-096 CMR 555 and based on the Town's written septage management plan submitted to the Department on October 22, 2007 as an addendum to their 10/17/07 general application.

9. 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 water body to meet standards for Class C classification.

10. PUBLIC COMMENTS

Public notice of this application was made in the *Rolling Thunder Express* newspaper on or about October 15, 2007. 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 *Application Processing Procedures for Waste Discharge Licenses,* 06-096 CMR 522 (effective January 12, 2001).

11. DEPARTMENT CONTACTS

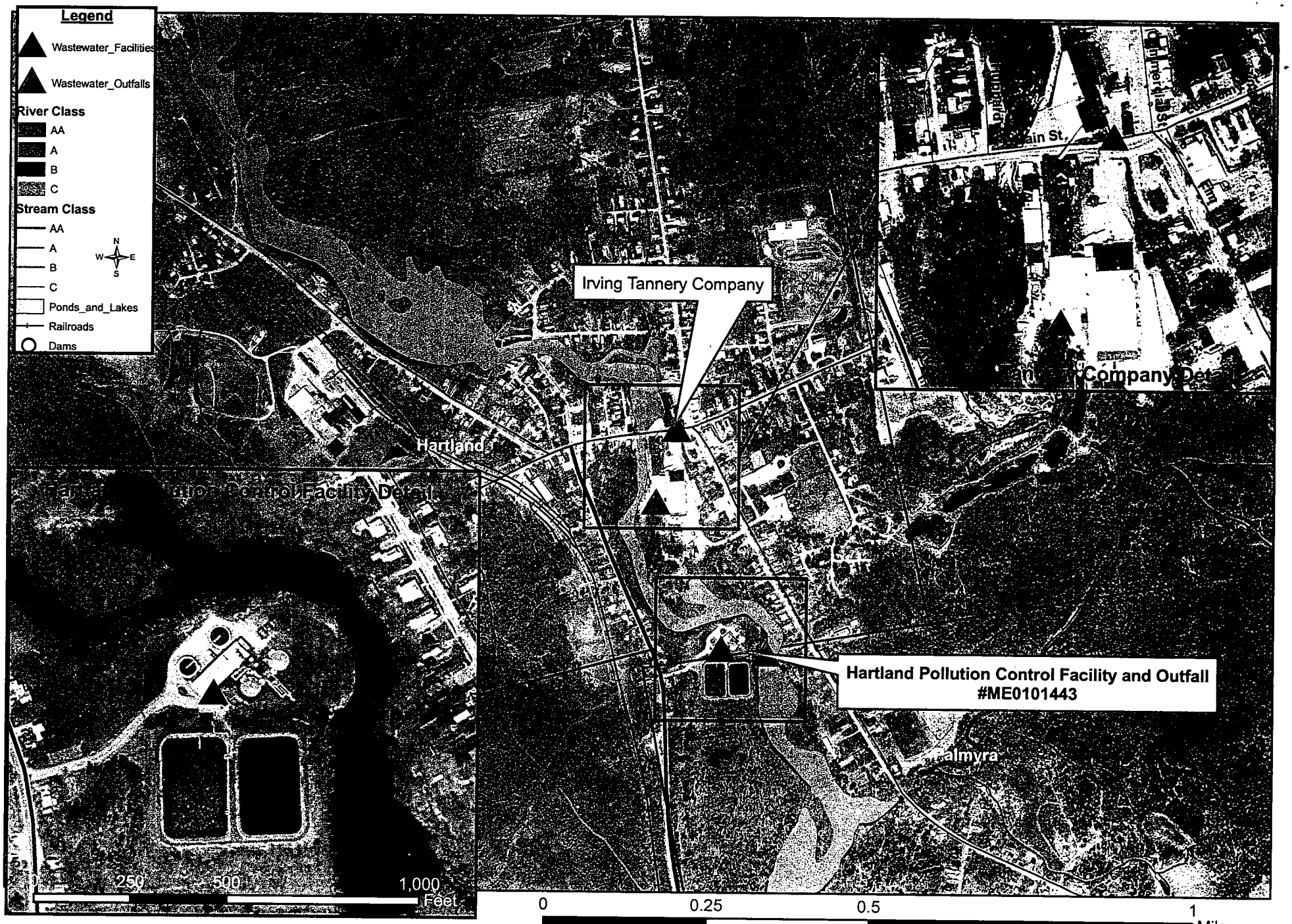
Additional information concerning this permitting action may be obtained from, and written comments sent to:

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) 287-3435
e-mail: bill.hinkel@maine.gov

12. RESPONSE TO COMMENTS

During the period of October 30, 2007, through December 3, 2007, the Department solicited comments on the proposed draft Maine Pollutant Discharge Elimination System Permit to be issued to the Town for the proposed discharge. The Department did not receive significant comments on the draft permit. Therefore, a Response to Comments was not prepared.

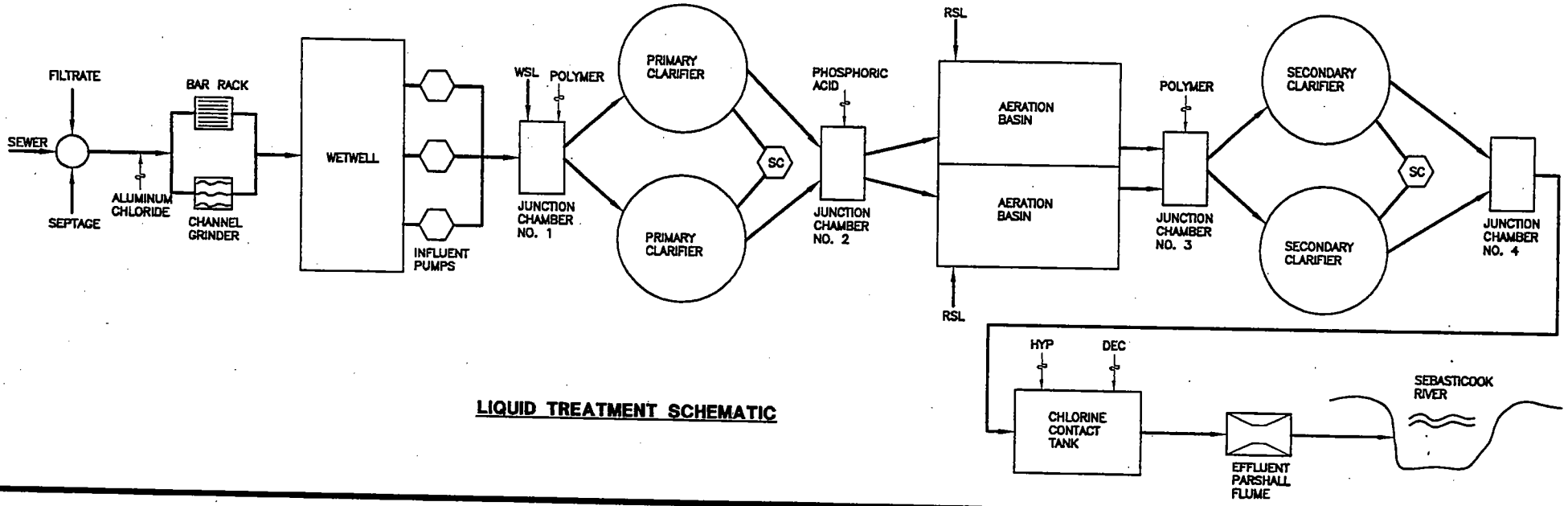
ATTACHMENT A



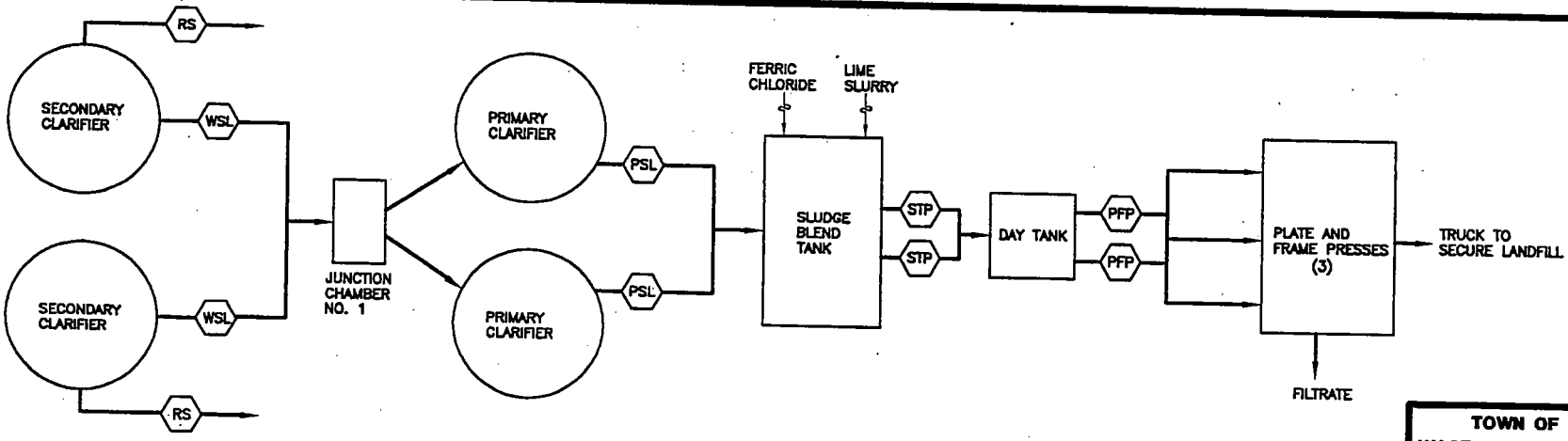
Hartland Pollution Control Facility at Hartland, Maine

Map created by Maine DEP
May 25, 2007

ATTACHMENT B



LIQUID TREATMENT SCHEMATIC



SOLIDS TREATMENT SCHEMATIC

TOWN OF HARTLAND, ME
WASTEWATER TREATMENT FACILITY

PROJ NO:	10201A
DATE:	MAY 2003
SCALE:	NTS

Wright-Pierce

FIGURE: 2

ATTACHMENT C

Species	Test	Test Result %	Sample Date
TROUT	A_NOEL	50	11/07/2000
TROUT	C_NOEL	50	11/07/2000
WATER FLEA	A_NOEL	50	11/07/2000
WATER FLEA	C_NOEL	25	11/07/2000
TROUT	A_NOEL	50	02/06/2001
TROUT	C_NOEL	8	02/06/2001
WATER FLEA	A_NOEL	50	02/06/2001
WATER FLEA	C_NOEL	8	02/06/2001
TROUT	A_NOEL	50	05/01/2001
TROUT	C_NOEL	5.5	05/01/2001
WATER FLEA	A_NOEL	50	05/01/2001
WATER FLEA	C_NOEL	50	05/01/2001
TROUT	A_NOEL	50	08/07/2001
TROUT	C_NOEL	50	08/07/2001
WATER FLEA	A_NOEL	50	08/07/2001
WATER FLEA	C_NOEL	50	08/07/2001
TROUT	A_NOEL	50	11/07/2001
TROUT	C_NOEL	50	11/07/2001
WATER FLEA	A_NOEL	50	11/07/2001
WATER FLEA	C_NOEL	50	11/07/2001
TROUT	A_NOEL	50	02/05/2002
TROUT	C_NOEL	8	02/05/2002
WATER FLEA	A_NOEL	50	02/05/2002
WATER FLEA	C_NOEL	50	02/05/2002
TROUT	A_NOEL	50	05/01/2002
TROUT	C_NOEL	50	05/01/2002
WATER FLEA	A_NOEL	50	05/01/2002
WATER FLEA	C_NOEL	50	05/01/2002
TROUT	A_NOEL	50	08/13/2002
TROUT	C_NOEL	50	08/13/2002
WATER FLEA	A_NOEL	50	08/13/2002
WATER FLEA	C_NOEL	50	08/13/2002
TROUT	A_NOEL	50	01/21/2003
TROUT	C_NOEL	50	01/21/2003
WATER FLEA	A_NOEL	50	01/21/2003
WATER FLEA	C_NOEL	50	01/21/2003
TROUT	A_NOEL	100	08/03/2003
TROUT	C_NOEL	100	08/03/2003
TROUT	LC50	>100	08/03/2003
WATER FLEA	A_NOEL	60	08/03/2003
WATER FLEA	C_NOEL	50	08/03/2003
WATER FLEA	LC50	>100	08/03/2003

Species	Test	Test Result %	Sample Date
TROUT	A_NOEL	100	05/16/2004
TROUT	C_NOEL	100	05/16/2004
TROUT	LC50	>100	05/16/2004
WATER FLEA	A_NOEL	100	05/16/2004
WATER FLEA	C_NOEL	100	05/16/2004
WATER FLEA	LC50	>100	05/16/2004
TROUT	A_NOEL	100	10/11/2004
TROUT	C_NOEL	100	10/11/2004
TROUT	LC50	>100	10/11/2004
WATER FLEA	A_NOEL	100	10/11/2004
WATER FLEA	C_NOEL	50	10/11/2004
WATER FLEA	LC50	>100	10/11/2004
TROUT	A_NOEL	55	01/09/2005
TROUT	C_NOEL	21	01/09/2005
TROUT	LC50	70.7	01/09/2005
WATER FLEA	A_NOEL	100	01/09/2005
WATER FLEA	C_NOEL	50	01/09/2005
WATER FLEA	LC50	>100	01/09/2005
TROUT	A_NOEL	>100	10/30/2005
TROUT	C_NOEL	100	10/30/2005
TROUT	LC50	>100	10/30/2005
WATER FLEA	A_NOEL	>100	10/30/2005
WATER FLEA	C_NOEL	50	10/30/2005
WATER FLEA	LC50	>100	10/30/2005
TROUT	A_NOEL	>100	05/07/2006
TROUT	C_NOEL	100	05/07/2006
TROUT	A_NOEL	>100	09/17/2006
TROUT	C_NOEL	100	09/17/2006
WATER FLEA	A_NOEL	>100	09/17/2006
WATER FLEA	C_NOEL	5.5	09/17/2006
TROUT	A_NOEL	23.9	03/06/2007
TROUT	C_NOEL	21	03/06/2007
WATER FLEA	A_NOEL	35.5	03/06/2007
WATER FLEA	C_NOEL	10	03/06/2007

ATTACHMENT D

Sample Date: 08/07/2001
Plant flows provided

otal Tests: 136
issing Compounds: 0
ests With High DL: 0

mon.(MGD)= 0.410
day(MGD)= 0.619

M = 0 V = 0 A = 0
BN = 0 P = 0 other = 0

Sample Date: 08/13/2002
Plant flows not provided

otal Tests: 135
issing Compounds: 1
ests With High DL: 0

M = 0 V = 0 A = 0
BN = 0 P = 0 other = 0

Sample Date: 08/03/2003
Plant flows provided

otal Tests: 135
ssing Compounds: 2
sts With High DL: 0

mon.(MGD)= 0.480
day(MGD)= 0.631

M = 0 V = 0 A = 0
BN = 0 P = 0 other = 0

Sample Date: 05/16/2004
Plant flows provided

tal Tests: 136
ssing Compounds: 1
sts With High DL: 0

mon.(MGD)= 0.570
day(MGD)= 0.503

M = 0 V = 0 A = 0
BN = 0 P = 0 other = 0

Sample Date: 01/09/2005
Plant flows provided

al Tests: 135
sing Compounds: 0
ts With High DL: 0

mon.(MGD)= 0.380
day(MGD)= 0.207

M = 0 V = 0 A = 0
BN = 0 P = 0 other = 0

Sample Date: 09/17/2006
Plant flows provided

Total Tests: 21
Tests With High DL: 0

mon.(MGD)= 0.330
day(MGD)= 0.170

M = 0 V = 0 A = 0
BN = 0 P = 0 other = 0

Sample Date: 03/04/2007
Plant flows provided

Total Tests: 21
Tests With High DL: 0

mon.(MGD)= 0.480
day(MGD)= 0.230

M = 0 V = 0 A = 0
BN = 0 P = 0 other = 0

PP Data for "Hits" Only

RTLAND
BASTICOOK RIVER

1,6-TRICHLOROPHENOL
= 3.0 ug/l

	Conc, ug/l	MDL	Sample Date	Date Entered
	103.000000	OK	08/03/2003	10/30/2003
<	3.000000	OK	08/07/2001	10/29/2001
<	3.000000	OK	08/13/2002	10/08/2002
<	3.000000	OK	05/16/2004	02/06/2006
<	3.000000	OK	01/09/2005	02/06/2006

MINUM
MDL

Conc, ug/l	MDL	Sample Date	Date Entered
94.000000	NS	05/01/2002	06/21/2002
116.000000	NS	02/07/2001	05/08/2001
130.000000	NS	08/07/2001	10/24/2001
130.000000	NS	08/13/2002	10/08/2002
150.000000	NS	05/07/2006	08/16/2006
228.000000	NS	10/11/2004	01/27/2006
354.000000	NS	05/16/2004	01/27/2006
413.000000	NS	08/03/2003	11/18/2003
420.000000	NS	05/01/2001	10/11/2001
490.000000	NS	11/07/2001	06/04/2002
666.000000	NS	02/05/2002	05/08/2002
711.000000	NS	09/17/2006	05/16/2007
750.000000	NS	01/09/2005	03/03/2006
1010.00000	NS	10/30/2005	01/27/2006
1288.00000	NS	03/04/2007	08/21/2007
1335.00000	NS	02/22/2006	11/08/2006

ONIA
MDL

	Conc, ug/l	MDL	Sample Date	Date Entered
	190.000000	NS	05/01/2001	10/11/2001
	1010.00000	NS	08/07/2001	10/24/2001
	1800.00000	NS	11/07/2001	06/04/2002
	2400.00000	NS	08/13/2002	10/08/2002
	2730.00000	NS	02/07/2001	05/08/2001
	3620.00000	NS	02/05/2002	05/08/2002
	20300.0000	NS	01/09/2005	03/03/2006
	36500.0000	NS	03/04/2007	08/21/2007
	39200.0000	NS	02/22/2006	11/08/2006
<	60.000000	NS	05/01/2002	06/21/2002
<	2000.00000	NS	08/03/2003	11/18/2003
<	2000.00000	NS	10/30/2005	01/27/2006
<	2000.00000	NS	10/11/2004	01/27/2006
<	2000.00000	NS	05/16/2004	01/27/2006
<	2000.00000	NS	05/07/2006	08/16/2006
<	2000.00000	NS	09/17/2006	05/16/2007

PP Data for "Hits" Only

ARTLAND
EBASTICOOK RIVER

RSENIC
)L = 5 ug/l

	Conc, ug/l	MDL	Sample Date	Date Entered
	0.620000	OK	05/16/2004	02/06/2006
	1.000000	OK	08/03/2003	10/30/2003
	1.400000	OK	01/09/2005	02/06/2006
	1.600000	OK	05/10/2006	08/16/2006
	1.800000	OK	03/04/2007	08/21/2007
	2.000000	OK	08/13/2002	10/08/2002
	2.200000	OK	02/22/2006	11/08/2006
	2.300000	OK	09/17/2006	05/16/2007
	3.000000	OK	08/07/2001	10/29/2001

BHC
)L = 0.05 ug/l

	Conc, ug/l	MDL	Sample Date	Date Entered
	0.400000	OK	08/03/2003	10/30/2003
<	0.050000	OK	08/07/2001	10/29/2001
<	0.050000	OK	08/13/2002	10/08/2002
<	0.050000	OK	05/16/2004	02/06/2006
<	0.050000	OK	01/09/2005	02/06/2006

S(2-ETHYLHEXYL)PHTHALATE
L = 3.0 ug/l

	Conc, ug/l	MDL	Sample Date	Date Entered
	3.000000	OK	05/16/2004	02/06/2006
	4.000000	OK	08/07/2001	10/29/2001
	4.000000	OK	01/09/2005	02/06/2006
	16.000000	OK	08/03/2003	10/30/2003
<	2.000000	OK	08/13/2002	10/08/2002

LORODIBROMOMETHANE
L = 3.0 ug/l

	Conc, ug/l	MDL	Sample Date	Date Entered
	2.000000	OK	05/16/2004	02/06/2006
	9.000000	OK	08/03/2003	10/30/2003
<	2.000000	OK	08/07/2001	10/29/2001
<	2.000000	OK	08/13/2002	10/08/2002
<	2.000000	OK	08/03/2003	10/30/2003
<	2.000000	OK	05/16/2004	02/06/2006
<	2.000000	OK	01/09/2005	02/06/2006

OROFORM
= 5.0 ug/l

	Conc, ug/l	MDL	Sample Date	Date Entered
	91.000000	OK	05/16/2004	02/06/2006
	230.000000	OK	08/03/2003	10/30/2003
<	2.000000	OK	08/07/2001	10/29/2001
<	2.000000	OK	08/13/2002	10/08/2002
<	2.000000	OK	01/09/2005	02/06/2006

PP Data for "Hits" Only

ıRTLAND

BASTICOOK RIVER

ROMIUM

L = 10 ug/l

Conc, ug/l	MDL	Sample Date	Date Entered
116.000000	OK	09/17/2006	05/16/2007
164.000000	OK	05/07/2006	08/16/2006
175.000000	OK	10/11/2004	01/27/2006
180.000000	OK	08/03/2003	10/30/2003
310.000000	OK	08/07/2001	10/24/2001
320.000000	OK	01/09/2005	02/06/2006
340.000000	OK	11/07/2001	06/04/2002
390.000000	OK	02/07/2001	05/08/2001
442.000000	OK	08/13/2002	10/08/2002
460.000000	OK	05/01/2001	10/11/2001
493.000000	OK	05/16/2004	01/27/2006
564.000000	OK	10/30/2005	01/27/2006
590.000000	OK	02/05/2002	05/08/2002
662.000000	OK	02/22/2006	11/08/2006
750.000000	OK	03/04/2007	08/21/2007

'PER

= 3 ug/l

Conc, ug/l	MDL	Sample Date	Date Entered
5.000000	OK	05/01/2002	06/21/2002
5.800000	OK	09/17/2006	05/16/2007
7.900000	OK	08/03/2003	10/30/2003
8.100000	OK	02/22/2006	11/08/2006
9.900000	OK	10/30/2005	01/27/2006
10.000000	OK	05/07/2006	08/16/2006
11.200000	OK	01/09/2005	02/06/2006
11.900000	OK	05/16/2004	01/27/2006
13.800000	OK	03/04/2007	08/21/2007
15.000000	OK	02/07/2001	05/08/2001
15.000000	OK	08/13/2002	10/08/2002
18.000000	OK	02/05/2002	05/08/2002
18.000000	OK	11/07/2001	06/04/2002
21.000000	OK	05/01/2001	10/11/2001
32.000000	OK	08/07/2001	10/24/2001
55.400000	OK	10/11/2004	01/27/2006

ILOROBROMOMETHANE

= 3.0 ug/l

	Conc, ug/l	MDL	Sample Date	Date Entered
	22.000000	OK	05/16/2004	02/06/2006
<	2.000000	OK	08/07/2001	10/29/2001
<	2.000000	OK	08/13/2002	10/08/2002
<	2.000000	OK	08/03/2003	10/30/2003
<	2.000000	OK	01/09/2005	02/06/2006

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

CONTENTS

A. GENERAL PROVISIONS

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

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

(a) They are not

(i) Designated as toxic or hazardous under the provisions of Sections 307 and 311, respectively, of the Federal Water Pollution Control Act; Title 38, Section 420, Maine Revised Statutes; or other applicable State Law; or
(ii) Known to be hazardous or toxic by the licensee.

(b) The discharge of such materials will not violate applicable water quality standards.

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

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

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

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

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

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

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

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

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

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

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

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

B. OPERATION AND MAINTENACE OF FACILITIES

1. General facility requirements.

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

maximize removal of pollutants unless authorization to the contrary is obtained from the Department.

(b) The permittee shall at all times maintain in good working order and operate at maximum efficiency all waste water collection, treatment and/or control facilities.

(c) All necessary waste treatment facilities will be installed and operational prior to the discharge of any wastewaters.

(d) Final plans and specifications must be submitted to the Department for review prior to the construction or modification of any treatment facilities.

(e) The permittee shall install flow measuring facilities of a design approved by the Department.

(f) The permittee must provide an outfall of a design approved by the Department which is placed in the receiving waters in such a manner that the maximum mixing and dispersion of the wastewaters will be achieved as rapidly as possible.

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

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

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

5. Bypasses.

(a) Definitions.

(i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

(ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c) and (d) of this section.

(c) Notice.

(i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph D(1)(f), below. (24-hour notice).

(d) Prohibition of bypass.

(i) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
(C) The permittee submitted notices as required under paragraph (c) of this section.

(ii) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph (d)(i) of this section.

6. Upsets.

(a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and that the permittee can identify the cause(s) of the upset;
(ii) The permitted facility was at the time being properly operated; and
(iii) The permittee submitted notice of the upset as required in paragraph D(1)(f) , below. (24 hour notice).
(iv) The permittee complied with any remedial measures required under paragraph B(4).

(d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

C. MONITORING AND RECORDS

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

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

3. Monitoring and records.

(a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(b) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.

(c) Records of monitoring information shall include:

(i) The date, exact place, and time of sampling or measurements;
(ii) The individual(s) who performed the sampling or measurements;
(iii) The date(s) analyses were performed;
(iv) The individual(s) who performed the analyses;
(v) The analytical techniques or methods used; and
(vi) The results of such analyses.

(d) Monitoring results must be conducted according to test procedures approved under 40 CFR part 136, unless other test procedures have been specified in the permit.

(e) State law provides that any person who tampers with or renders inaccurate any monitoring devices or method required by any provision of law, or any order, rule license, permit approval or decision is subject to the penalties set forth in 38 MRSA, §349.

D. REPORTING REQUIREMENTS

1. Reporting requirements.

(a) Planned changes. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

(i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or

(ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Section D(4).

(iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;

(b) Anticipated noncompliance. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(c) Transfers. This permit is not transferable to any person except upon application to and approval of the Department pursuant to 38 MRSA, § 344 and Chapters 2 and 522.

(d) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Department for reporting results of monitoring of sludge use or disposal practices.

(ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Department.

(iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.

(e) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(f) Twenty-four hour reporting.

(i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance

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

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

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit.
(B) Any upset which exceeds any effluent limitation in the permit.
(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.

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

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

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

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

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

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

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

(i) One hundred micrograms per liter (100 ug/l);
(ii) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
(iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
(iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

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

(i) Five hundred micrograms per liter (500 ug/l);
(ii) One milligram per liter (1 mg/l) for antimony;
(iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
(iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

5. Publicly owned treatment works.

(a) All POTWs must provide adequate notice to the Department of the following:

(i) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA or Chapter 528 if it were directly discharging those pollutants.
(ii) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
(iii) For purposes of this paragraph, adequate notice shall include information on (A) the quality and quantity of effluent introduced into the POTW, and (B) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

(b) When the effluent discharged by a POTW for a period of three consecutive months exceeds 80 percent of the permitted flow, the permittee shall submit to the Department a projection of loadings up to the time when the design capacity of the treatment facility will be reached, and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans.

E. OTHER REQUIREMENTS

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

(a) For municipal sources. During power failure, all wastewaters which are normally treated shall receive a minimum of primary treatment and disinfection. Unless otherwise approved, alternate power supplies shall be provided for pumping stations and treatment facilities. Alternate power supplies shall be on-site generating units or an outside power source which is separate and independent from sources used for normal operation of the wastewater facilities.

(b) For industrial and commercial sources. The permittee shall either maintain an alternative power source sufficient to operate the wastewater pumping and treatment facilities or halt, reduce or otherwise control production and or all discharges upon reduction or loss of power to the wastewater pumping or treatment facilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Maximum daily discharge limitation means the highest allowable daily discharge.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEP INFORMATION SHEET

Appealing a Commissioner's Licensing Decision

Dated: May 2004 **Contact: (207) 287-2811**

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner: (1) in an administrative process before the Board of Environmental Protection (Board); or (2) in a judicial process before Maine's Superior Court. This INFORMATION SHEET, in conjunction with consulting statutory and regulatory provisions referred to herein, can help aggrieved persons with understanding their rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

DEP's *General Laws*, 38 M.R.S.A. § 341-D(4), and its *Rules Concerning the Processing of Applications and Other Administrative Matters* (Chapter 2), 06-096 CMR 2.24 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written notice of appeal within 30 calendar days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner and the applicant a copy of the documents. All the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

The materials constituting an appeal must contain the following information at the time submitted:

1. *Aggrieved Status.* Standing to maintain an appeal requires the appellant to show they are particularly injured by the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.

5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.

6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.

7. *New or additional evidence to be offered.* The Board may allow new or additional evidence as part of an appeal only when the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or show that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2, Section 24(B)(5).

Other Considerations in Appealing a Decision to the Board

1. *Be familiar with all relevant material in the DEP record.* A license file is public information made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.

2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.

3. *The filing of an appeal does not operate as a stay to any decision.* An applicant proceeding with a project pending the outcome of an appeal runs the risk of the decision being reversed or modified as a result of the appeal.

What to Expect Once You File a Timely Appeal with the Board

The Board will formally acknowledge initiation of the appeals procedure, including the name of the DEP project manager assigned to the specific appeal, within 15 days of receiving a timely filing. The notice of appeal, all materials accepted by the Board Chair as additional evidence, and any materials submitted in response to the appeal will be sent to Board members along with a briefing and recommendation from DEP staff. Parties filing appeals and interested persons are notified in advance of the final date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision. The Board will notify parties to an appeal and interested persons of its decision.

II. Appeals to Maine Superior Court

Maine law allows aggrieved persons to appeal final Commissioner licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2.26; 5 M.R.S.A. § 11001; & MRCivP 80C. Parties to the licensing decision must file a petition for review within 30 days after receipt of notice of the Commissioner's written decision. A petition for review by any other person aggrieved must be filed within 40-days from the date the written decision is rendered. The laws cited in this paragraph and other legal procedures govern the contents and processing of a Superior Court appeal.

Additional Information

If you have questions or need additional information on the appeal process, contact the DEP's Director of Procedures and Enforcement at (207) 287-2811.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.