March 10, 2008

Mr. Michael Broadbent
Superintendent
Richmond Utilities District
P.O. Box 189
Richmond, Maine 04357

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100587
Maine Waste Discharge License (WDL) Application #W002616-5L-E-R
FINAL MEPDES Permit Renewal

Dear Mr. Broadbent:

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: Denise Behr, DEP
Lori Mitchell, DEP
Sandy Lao, USEPA
File #2616

IN THE MATTER OF

RICHMOND UTILITIES DISTRICT	)	MAINE POLLUTANT DISCHARGE
RICHMOND, KENNEBEC COUNTY	)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS	)	AND
#ME0100587	)	WASTE DISCHARGE LICENSE
#W002616-5L-E-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 Maine Department of Environmental Protection (Department) has considered the application of the RICHMOND UTILITIES DISTRICT (RUD), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The RUD has applied to the Department for a renewal of Waste Discharge License (WDL) #W002616-5L-D-R / Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100587, which was issued on February 25, 2003, and is scheduled to expire on February 25, 2008. The 2/25/03 MEPDES permit authorized the monthly average discharge of up to 0.300 million gallons per day (MGD) of secondary treated municipal wastewater from a publicly owned treatment works (POTW) to the Kennebec River, Class C, in Richmond, Maine. It is noted that the 121st Maine Legislature amended the Maine Water Classification Program in September of 2003, thereby upgrading the Kennebec River at the point of discharge from Class C to Class B waters. This change in Maine law is reflected in certain limitations established in this permit.

On January 20, 2004, the Department administratively modified the 2/25/03 permit to clarify that the applicable period for bacteria limits was May 15 – September 30 of each year.

On April 10, 2006, the Department amended the 2/25/03 permit by establishing a waiver from whole effluent toxicity (WET), analytical chemistry and priority pollutant testing requirements pursuant to *Surface Water Toxics Control Program*, 06-096 CMR 530 (effective October 9, 2005).

PERMIT SUMMARY

This permitting action is similar to the 2/25/03 permitting action, 1/20/04 administrative modification, and 4/10/06 permit amendment in that it is:

1. Carrying forward the daily maximum discharge flow reporting requirement;

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

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

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

5. Carrying forward the seasonal, monthly average and daily maximum concentration limitations for *Escherichia coli* bacteria for Class C waters through June 30, 2009;

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

7. Carrying forward an annual certification statement requirement, Special Condition J, *Surface Water Toxics Control Program Statement for Reduced/Waived Toxics Testing*; and

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

This permitting action is different from the 2/25/03 permitting action, 1/20/04 administrative modification, and 4/10/06 permit amendment in that it is:

1. Revising the monthly average discharge flow limit from 0.300 MGD to 0.320 MGD based on the current design criteria for the treatment plant;

2. Revising the monthly average, weekly average and daily maximum technology-based mass limits for BOD_5 and TSS based on the increase in the discharge flow limit;

3. Revising the seasonal, monthly average and daily maximum concentration limitations for *E. coli* bacteria (beginning on July 1, 2009 through a Schedule of Compliance) for Class B waters based on a change in receiving water classification; and

4. Specifying that BOD_5 and TSS percent removal shall be reported on monthly Discharge Monitoring Reports.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated March 10, 2008, 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 RICHMOND UTILITIES DISTRICT to discharge a monthly average flow of up to 0.320 million gallons per day of secondary treated municipal wastewater to the Kennebec River, Class B, in Richmond, 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 12th DAY OF March, 2008.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:_____
DAVID P. LITTELL, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: November 26, 2007
Date of application acceptance: December 5, 2007

Date filed with Board of Environmental Protection: _____.

This Order prepared by William F. Hinkel, BUREAU OF LAND & WATER QUALITY
#ME0100587 / #W002616-5L-E-R March 10, 2008

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge **secondary treated municipal wastewater via Outfall #001A** to the Kennebec River. 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]*	0.320 MGD *[03]*	---	Report MGD *[03]*	---	---	---	Continuous *[99/99]*	Recorder *[RC]*
BOD_5 *[00310]*	80 lbs./day *[26]*	120 lbs./day *[26]*	133 lbs./day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	1/Week *[01/07]*	24-Hour Composite *[24]*
BOD_5 Percent Removal [(2)] *[81010]*	---	---	---	85% *[23]*	---	---	---	---
TSS *[00530]*	80 lbs./day *[26]*	120 lbs./day *[26]*	133 lbs./day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	1/Week *[01/07]*	24-Hour Composite *[24]*
TSS Percent Removal[(2)] *[81011]*	---	---	---	85% *[23]*	---	---	---	---
Settleable Solids *[00545]*	---	---	---	---	---	0.3 ml/L *[25]*	5/Week *[05/07]*	Grab *[GR]*
E. coli* Bacteria[(3)] *[31633]* (May 15 – Sept. 30) *Through June 30, 2009	---	---	---	142/100 ml[(4)] *[13]*	---	949/100 ml *[13]*	1/Week *[01/07]*	Grab *[GR]*
E. coli* Bacteria[(3)] *[31633]* (May 15 – Sept. 30) *Beginning July 1, 2009 and lasting through permit expiration	---	---	---	64/100 ml[(4)] *[13]*	---	427/100 ml *[13]*	1/Week *[01/07]*	Grab *[GR]*
Total Residual Chlorine[(5)] *[50060]*	---	---	---	---	---	1.0 mg/L *[19]*	5/Week *[05/07]*	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 6 and 7 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. 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.

   All mercury sampling, including that 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.

2. **Percent Removal –** The treatment facility shall maintain a minimum of 85 percent removal of both biochemical oxygen demand (BOD_5) and total suspended solids (TSS) for all flows receiving secondary treatment during all months that the facility discharges. The percent removal shall be calculated based on influent and effluent concentration values. The percent removal shall be waived when the monthly average influent concentration is less than 200 mg/L, and the permittee shall enter "NODI-9" on the monthly Discharge Monitoring Report (DMR) when this occurs.

3. **Bacteria Limits –** *E. coli* bacteria limits and monitoring requirements are seasonal and apply between May 15 and September 30 of each year. See Special Condition J, *Schedule of Compliance – E. coli Bacteria*, for additional information on the effective dates of the limitations. The Department reserves the right to impose year-round bacteria limitations to protect the health, safety and welfare of the public.

SPECIAL CONDITIONS

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

FOOTNOTES:

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 total residual chlorine (TRC) is only required when elemental chlorine or chlorine-based compounds are in use for effluent disinfection. For instances when the chlorine or chlorine-based compounds have not been used for effluent disinfection for an entire reporting period, the permittee shall report "NODI-9" on the monthly DMR.

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.

SPECIAL CONDITIONS

D. TREATMENT PLANT OPERATOR

The treatment facility must be operated by a person holding a minimum of a **Grade II** certificate (or Registered Maine Professional Engineer) pursuant to *Sewerage Treatment Operators*, 32 M.R.S.A. §§ 4171-4182 and *Regulations for Wastewater Operator Certification*, 06-096 CMR 531 (effective May 8, 2006). 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 December 5, 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.

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
Bureau of Land and Water Quality
Division of Water Quality Management
Compliance Inspector
17 State House Station
Augusta, Maine 04333-0017

SPECIAL CONDITIONS

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.

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

SPECIAL CONDITIONS

J. SCHEDULE OF COMPLIANCE – *E. COLI* BACTERIA

Beginning upon issuance of this permit and lasting through June 30, 2009 (during the applicable season of May 15-September 30 of each year), monthly average and daily maximum *E. coli* limits of 142 colonies/100 mL and 949 colonies/100 mL, respectively, are in effect. Pursuant to *Classification of major river basins*, 38 M.R.S.A. § 467(4)(A)(13) and *Conditions of licenses*, 38 M.R.S.A. § 414-A(2), beginning July 1, 2009 and lasting through permit expiration (during the applicable season of May 15-September 30 of each year), monthly average and daily maximum *E. coli* limits of 64 colonies/100 mL and 427 colonies/100 mL, respectively, are in effect.

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.

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.

SPECIAL CONDITIONS

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

N. SEVERABILITY

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
MAINE WASTE DISCHARGE LICENSE

FACT SHEET

DATE: **MARCH 10, 2008**

PERMIT NUMBER: **#ME0100587**
WASTE DISCHARGE LICENSE: **#W002616-5L-E-R**

NAME AND ADDRESS OF APPLICANT:

RICHMOND UTILITIES DISTRICT
P.O. BOX 189
RICHMOND, MAINE 04357

COUNTY: **KENNEBEC**

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

RICHMOND UTILITIES DISTRICT
15 WATER STREET
RICHMOND, MAINE 04357

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

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **MR. MICHAEL BROADBENT**
SUPERINTENDENT
(207) 737-2024

1. APPLICATION SUMMARY

Application: The Richmond Utilities District (RUD) has applied to the Maine Department of Environmental Protection (Department) for renewal of Waste Discharge License (WDL) #W002616-5L-D-R / Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100587, which was issued on February 25, 2003, and is scheduled to expire on February 25, 2008. The 2/25/03 MEPDES permit authorized the monthly average discharge of up to 0.300 million gallons per day (MGD) of secondary treated municipal wastewater from a publicly owned treatment works (POTW) to Kennebec River, Class C, in Richmond, Maine. It is noted that the 121st Maine Legislature amended the Maine Water Classification Program in September of 2003 thereby upgrading the Kennebec River at the point of discharge from Class C to Class B waters. This change in Maine law is reflect in certain limitations established in this permit.

1. APPLICATION SUMMARY (cont'd)

On January 20, 2004, the Department administratively modified the 2/25/03 permit to clarify that the applicable period for bacteria limits was May 15 – September 30 of each year.

On April 10, 2006, the Department amended the 2/25/03 permit by establishing a waiver from whole effluent toxicity (WET), analytical chemistry and priority pollutant testing requirements pursuant to *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 2/25/03 permitting action, 1/20/04 administrative modification, and 4/10/06 permit amendment in that it is:**

1. Carrying forward the daily maximum discharge flow reporting requirement;

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

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

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

5. Carrying forward the seasonal, monthly average and daily maximum concentration limitations for *Escherichia coli* bacteria for Class C waters through June 30, 2009;

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

7. Carrying forward an annual certification statement requirement, Special Condition J, *Surface Water Toxics Control Program Statement for Reduced/Waived Toxics Testing*; and

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

This permitting action is different from the 2/25/03 permitting action, 1/20/04 administrative modification, and 4/10/06 permit amendment in that it is:

1. Revising the monthly average discharge flow limit from 0.300 MGD to 0.320 MGD based on the current design criteria for the treatment plant;

2. Revising the monthly average, weekly average and daily maximum technology-based mass limits for BOD_5 and TSS based on the increase in the discharge flow limit;

2. PERMIT SUMMARY (cont'd)

3. Revising the seasonal, monthly average and daily maximum concentration limitations for *E. coli* bacteria (beginning on July 1, 2009 through a Schedule of Compliance) for Class B waters based on a change in receiving water classification; and

4. Specifying that BOD_5 and TSS percent removal shall be reported on monthly Discharge Monitoring Reports.

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

December 26, 1984 – The U.S. Environmental Protection Agency (USEPA) issued National Pollutant Discharge Elimination System (NPDES) permit #ME0100587 to the RUD for a five-year term. The 12/26/84 NPDES permit superseded the NPDES permit issued to the RUD on April 12, 1979.

May 25, 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 #W002616-59-C-R by establishing interim monthly average and daily maximum effluent concentration limits of 10.5 parts per trillion (ppt) and 15.7 ppt, respectively, and a minimum monitoring frequency requirement of 2 tests per year for mercury. It is noted the limitations have not been incorporated into Special Condition A, *Effluent Limitations And Monitoring Requirements*, of this permit as limitations and monitoring frequencies are regulated separately through 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.

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 that point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System program.

February 25, 2003 – The Department issued WDL #W002616-5L-D-R / MEPDES permit #ME0100587 to the RUD for a five-year term. The 2/25/03 permit superseded WDL #W002616-59-C-R issued on April 14, 1998, WDL #W002616-59-B-R issued on March 29, 1991, and WDL #W002616-45-A-N issued on April 1, 1985.

March 16, 2007 – The Department issued a Notice of Violation (NOV) to the RUD for violations of Maine's environmental laws, rules and the 2/25/03 WDL. Specifically, the NOV cites: 1) effluent limit violations; 2) flow limit violations; 3) failure to report non-compliance within a timely manner; 4) discharging pollutants without a license (wastewater treatment facility (wwtf) and pump station overflows/bypasses); 5) failing to modify the Operation & Maintenance plan; and 6) failing to have an alternate power supply for the Alexander Reed Rd. pump station.

2. PERMIT SUMMARY (cont'd)

September 13, 2003 – The 121st Maine Legislature amended the Maine Water Classification Program at 38 M.R.S.A. §467(4) by reclassifying the Kennebec River at the point of discharge from a Class C to a Class B waterbody.

January 20, 2004 – The Department issued a letter to the RUD thereby administratively modifying the 2/25/03 MEPDES permit to clarify that the applicable period for bacteria limits was May 15 – September 30 of each year.

April 10, 2006 – The Department amended the 2/25/03 permit to waive toxics testing pursuant to 06-096 CMR 530.

November 26, 2007 – The RUD submitted a timely and complete General Application to the Department for renewal of the 2/25/03 MEPDES permit The application was accepted for processing on December 5, 2007, and was assigned WDL # W002616-5L-E-R / MEPDES #ME0100587.

c. Source Description: The RUD was formed in 1965 and encompasses approximately 3 square miles. The waste water treatment facility receives sanitary waste water flows generated by residential and commercial users within the District's boundaries. The facility serves a population of approximately 1,700 people. Based on a report entitled, *"Sanitary Sewer Overflow – Inflow/Infiltration Master Plan,"* dated December 2007, and prepared for the RUD by Sevee & Maher Engineers, Inc., the collection system is approximately 46,200 linear feet in length, and ranges in size from 1.5 to 12-inches in diameter. There are three (3) major pump stations in the RUD's collection system. All were installed in November of 1996 and are similar in design. There are no combined sewer overflow points (CSO) associated with the collection system.

The Front Street Pump Station is a duplex submersible pump station located approximately 40 feet north of the Front Street District Water System Office. The wetwell is a 10-foot internal diameter precast concrete structure and approximately 13 feet 10 inches deep. The alarms from this pump station are sent by an automated telephone dialer system. The RUD has documented unauthorized overflow discharges from this pump station during high flows.

The Main Street Pump Station is a duplex submersible pump station located adjacent to Baker Brook on the south side of State Route 197. The wetwell is an 8-foot internal diameter precast concrete structure and approximately 14 feet deep. The alarms from this pump station light a beacon to alert operators of a problem.

The Bridge Street Pump Station is a duplex submersible pump station located adjacent to Mill Brook on the south side of Bridge Street. The wetwell is an 8-foot internal diameter precast concrete structure and approximately 13.5 feet deep. The alarms from this pump station light a beacon to alert operators of a problem. The RUD has not documented unauthorized overflow discharges from this pump station.

2. PERMIT SUMMARY (cont'd)

The facility also has one lift station located on Alexander Reed Road.

The permittee has indicated there are no significant industrial contributors to the system and is not required to adopt a formal pretreatment program pursuant to USEPA regulations. The RUD receives septage from local septage haulers from four surrounding towns. Septage is not added to the waste water treatment process but is stored in two aerated holding tanks for seasonal disposal on local sludge spreading sites licensed by the Department. The RUD accepts and introduces into the treatment system headworks domestic wastewater from recreational vehicles. Additionally, the RUD receives and introduces into the treatment works an average of 2,000 – 3,000 gallons per day of lobster processing waste waters which has an average biochemical oxygen demand concentration of 400 mg/L.

A map showing the location of the treatment facility and receiving water is included as Attachment A of this fact sheet.

d. Waste Water Treatment: The facility provides a secondary level of treatment via an oxidation ditch operated in an extended aeration mode. The facility was upgraded in 1990 and the monthly average design criteria for flow was upgrade from 0.300 MGD to 0.320 MGD, however this increase in plant flow was not incorporated into previous permits/licenses. This change is being incorporated into this permitting action. Flows entering the treatment facility receive treatment via a manually cleaned bar screen, an aerated grit chamber, one oxidation ditch (240,000 gallons) with two brush aerators and two circular clarifiers, each 25 feet in diameter and 12 feet deep. Flows from the secondary clarifiers are conveyed to a chlorine contact chamber measuring 60 feet long and 3 feet wide (total volume of 164,000 gallons with a detention time of 72 minutes) where the treated waste water is seasonally disinfected with sodium hypochlorite prior to discharge to the Kennebec River. The waste water treatment facility does not have a back-up power source to provide secondary treatment during a prolonged power outage, but is capable of providing a primary level of treatment and disinfection.

The treatment plant contains an emergency overflow channel. The overflow channel is separated from the influent channel by a 2-foot long weir plate. When the water level in the influent channel rises above the elevation of the weir which separates the channels, an overflow enters the overflow channel and flows by gravity directly to the chlorine contact tank. The sewage that enters the overflow channel is metered by a magnetic flow meter.

The outfall pipe for the discharge extends out into a tidally influenced section of the Kennebec River approximately two feet beyond the cribbing on the west bank of the river. The pipe is one foot below the mean low water level and six feet below the mean high water level for the river.

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)(A)(13) classifies the Kennebec River at the point of discharge as Class B waters. It is noted again that the river has been upgraded from Class C to Class B since issuance of the previous permit. *Standards for classification of fresh surface waters*, 38 M.R.S.A. § 465(3) describes the standards for Class B waters.

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2006 Integrated Water Quality Monitoring and Assessment Report, prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists a 30.53-mile reach of the Kennebec River (ADB Assessment Unit ID #ME0103000312_340R_01) as, *"Category 4-B: Rivers and Streams Impaired by Pollutants – Pollution Control Requirements Reasonably Expected to Result in Attainment."* The Department's Division of Environmental Assessment has identified that with new dioxin sources removed, the waterbody is anticipated to attain its designated standards by calendar year 2020. The river segment is also listed in *"Category 5-D: River and Streams Impaired by Legacy Pollutants*" due to fish tissues containing PCBs from historical loadings. 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, *"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 mercury limits for this facility.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

a. Flow: The previous permitting action established a monthly average flow limitation of 0.300 MGD based on the design capacity of the facility, and a daily maximum discharge flow reporting requirement. Based on the RUD's March 2007 Operation and Maintenance Manual, the principal design criterion for average daily flow is 0.320 MGD. Therefore, this permitting action is revising the monthly average discharge flow limit to 0.320 MGD consistent with the design criteria for the treatment plant.

A summary of discharge flow data as reported on the monthly Discharge Monitoring Reports (DMRs) for the period of April 2003 through August 2007 is as follows:

Discharge Flow	Minimum	Maximum	Arithmetic Mean	# DMRs
Monthly Average	0.0265 MGD	0.493 MGD	0.201 MGD	53
Daily Maximum	0.2331 MGD	1.924 MGD	0.631 MGD	53

b. Dilution Factors: Dilution factors associated with the permitted discharge flow of 0.320 MGD from the facility were derived in accordance with 06-096 CMR 530(4)(A) and were calculated as follows [1]:

Modified Acute: ¼ 1Q10 = 528 cfs $\Rightarrow \frac{(528 \text{ cfs})(0.6464) + (0.320 \text{ MGD})}{(0.320 \text{ MGD})} = 1{,}068{:}1$

Acute: 1Q10 = 2,111 cfs $\Rightarrow \frac{(2{,}111 \text{ cfs})(0.6464) + (0.320 \text{ MGD})}{(0.320 \text{ MGD})} = 4{,}265{:}1$

Chronic: 7Q10 = 2,560 cfs $\Rightarrow \frac{(2{,}560 \text{ cfs})(0.6464) + (0.320 \text{ MGD})}{(0.320 \text{ MGD})} = 5{,}172{:}1$

Harmonic Mean = 5,956 cfs $\Rightarrow \frac{(5{,}956 \text{ cfs})(0.6464) + (0.320 \text{ MGD})}{(0.320 \text{ MGD})} = 12{,}032{:}1$

[1] The 1Q10 and 7Q10 flows are based on a calendar year 2000 modeling report. The harmonic mean flow is based on a calendar year 1991 study and drainage area ratio.

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

06-096 CMR 530(4)(B)(1) states,

> *Analyses using numerical acute criteria for aquatic life must be based on 1/4 of the 1Q10 stream design flow to prevent substantial acute toxicity within any mixing zone and to ensure a zone of passage of at least 3/4 of the cross-sectional area of any stream as required by Chapter 581. Where it can be demonstrated that a discharge achieves rapid and complete mixing with the receiving water by way of an efficient diffuser or other effective method, analyses may use a greater proportion of the stream design flow, up to and including all of it, as long as the required zone of passage is maintained.*

The Department's Division of Environmental Assessment has not determined that the discharge from RUD receives complete and rapid mixing with the receiving waters; therefore, the Department is utilizing the default ¼ 1Q10 stream design flow in acute evaluations.

c. Biochemical Oxygen Demand (BOD_5) and Total Suspended Solids (TSS): The previous permitting action established, and this permitting action is carrying forward, monthly average and weekly average technology-based concentration limits of 30 mg/L and 45 mg/L, respectively, for BOD_5 and TSS based on the secondary treatment requirements specified at *Effluent Guidelines and Standards*, 06-096 CMR 525(3)(III) (effective January 12, 2001), and a daily maximum concentration limit of 50 mg/L, which is based on BPJ of BPT for secondary treated municipal wastewater. This permitting action is revising the technology-based monthly average, weekly average and daily maximum mass limits from 75 lbs./day, 113 lbs./day, and 125 lbs./day, respectively, to 80 lbs./day, 120 lbs./day, and 133 lbs./day, respectively, based on the increase in the discharge flow limitation as discussed above. The mass limits were derived as follows:

Monthly Average Mass: (30 mg/L)(8.34 lbs./gallon)(0.320 MGD) = 80 lbs./day
Weekly Average Mass: (45 mg/L)(8.34 lbs./gallon)(0.320 MGD) = 120 lbs./day
Daily Maximum Mass: (50 mg/L)(8.34 lbs./gallon)(0.320 MGD) = 133 lbs./day

This permitting action is carrying forward a 30-day average percent removal requirement of 85 percent for BOD_5 and TSS as required pursuant to 06-096 CMR 525(3)(III)(a&b)(3). This permitting action requires the permittee to report monthly percent removal on the Discharge Monitoring Report.

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

A summary of BOD_5 data as reported on the monthly DMRs for the period of April 2003 through August 2007 is as follows:

BOD_5	Minimum	Maximum	Arithmetic Mean	# DMRs
Monthly Average	2 lbs./day	56 lbs./day	11 lbs./day	53
	2 mg/L	21 mg/L	7 mg/L	53
Weekly Average	3 lbs./day	185 lbs./day	20 lbs./day	53
	2 mg/L	71 mg/L	11 mg/L	53
Daily Maximum	3 lbs./day	185 lbs./day	26 lbs./day	53
	2 mg/L	71 mg/L	12 mg/L	53

A summary of TSS data as reported on the monthly DMRs for the period of April 2003 through August 2007 is as follows:

TSS	Minimum	Maximum	Arithmetic Mean	# DMRs
Monthly Average	3 lbs./day	37 lbs./day	16 lbs./day	53
	4 mg/L	28 mg/L	11 mg/L	53
Weekly Average	5 lbs./day	89 lbs./day	23 lbs./day	53
	4 mg/L	60 mg/L	16 mg/L	53
Daily Maximum	3 lbs./day	126 lbs./day	33 lbs./day	53
	5 mg/L	60 mg/L	19 mg/L	53

This permitting action is carrying forward the minimum monitoring frequency requirement of once per week for BOD_5 and TSS based on best professional judgment.

d. Settleable Solids – The previous permitting established, and this permitting action carrying forward, a daily maximum concentration limit of 0.3 ml/L, which is considered a best practicable treatment limitation (BPT) for secondary treated wastewater.

A summary of settleable solids data as reported on the monthly DMRs for the period of April 2003 through August 2007 (# DMRs = 52) indicates the daily maximum settleable solids concentration discharge has been 0.3 ml/L or below for each month, except for a 1.0 ml/L reported for the month of October 2005.

This permitting action is carrying forward the minimum monitoring frequency requirement for settleable solids based of five times per week based on best professional judgment.

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

e. *Escherichia coli* bacteria: The previous permitting action established seasonal (May 15-September 30 of each year) monthly average (geometric mean) and daily maximum (instantaneous) *E. coli* bacteria concentration limits of 142 colonies/100 ml and 949 colonies/100 ml, respectively, based on the State's Water Classification Program criteria for Class C waters. As previously noted, in 2003 the Maine Legislature upgraded the Kennebec River at the point of discharge from Class C to Class B. 38 M.R.S.A. § 467(4)(A)(13) states, the limitations for *E. coli* bacteria for existing direct discharges of wastewater to the upgraded segment of the Kennebec River as of January 1, 2003 must remain the same as the limits in effect on that date and must remain in effect until June 30, 2009 or upon renewal of the license, whichever comes later. Thereafter, license limits for *E. coli* bacteria may include a compliance schedule pursuant to *Conditions of licenses*, 38 M.R.S.A. § 414-A(2). Therefore, this permitting action is establishing a schedule of compliance (Special Condition J of the permit) for imposition of the Class B standards. The schedule specifies that the previous bacteria limits for Class C waters shall remain in effect through June 30, 2009 and, beginning July 1, 2009 and lasting through permit expiration, monthly average (geometric mean) and daily maximum (instantaneous) *E. coli* bacteria concentration limits of 64 colonies/100 ml and 427 colonies/100 ml, respectively, which are based on the State's Water Classification Program criteria for Class B, shall be in effect.

A summary of *E. coli* bacteria data as reported on the monthly DMRs for the period of May 2003 through September 2006 (applicable months only) is as follows:

***E. coli* bacteria**	**Minimum**	**Maximum**	**Arithmetic Mean**	**# DMRs**
Monthly Average	1 col/100 ml	104 col/100 ml	22 col/100 ml	19
Daily Maximum	4 col/100 ml	840 col/100 ml	228 col/100 ml	18

This permitting action is carrying forward the minimum monitoring frequency requirement of once per week for *E. coli* bacteria (during the applicable period) based on best professional judgment.

f. Total Residual Chlorine (TRC): The previous permitting action established a technology-based daily maximum concentration limit of 1.0 mg/L for TRC. Limitations on TRC are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. Department licensing/permitting actions impose the more stringent of either a water quality-based or BPT based limit.

With modified acute (¼ 1Q10) and chronic dilution factors associated with the discharge water quality-based concentration thresholds the discharge may be calculated as follows:

Acute (A) Criterion	Chronic (C) Criterion	Mod. A & C Dilution Factors	Calculated Acute Threshold	Calculated Chronic Threshold
0.019 mg/L	0.011 mg/L	1,068:1 (Mod.A) 5,172:1 (C)	20.3 mg/L	56.9 mg/L

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

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. The daily maximum BPT-based limit of 1.0 mg/L is more stringent than either calculated water quality-based threshold and is therefore being carried forward in this permitting action.

A summary of TRC data as reported on the monthly DMRs for the period of May 2003 through August 2007 (months when seasonal bacteria limits are in effect only) indicates the daily maximum TRC value reported has ranged from 0.1 mg/L to 0.8 mg/L with an arithmetic mean of 0.27 mg/L (# DMRs = 26).

This permitting action is carrying forward the minimum monitoring frequency requirement of five times per week for TRC (when using chlorine-based compounds) based on best professional judgment.

g. pH: The previous permitting action established, and this permitting action is carrying forward, a technology-based pH limit of 6.0 – 9.0 standard units, which is based on 06-096 CMR 525(3)(III).

A summary of pH data as reported on the monthly DMRs for the period of April 2003 through August 2007 (# DMRs = 53) indicates the facility has been in compliance with the pH range limitation 100% of the time during said reporting period.

This permitting action is carrying forward a minimum monitoring frequency requirement of once per day for pH based on best professional judgment.

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. *Surface Water Quality Criteria for Toxic Pollutants*, 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.

06-096 CMR 530(2)(B) categorizes dischargers subject to the toxics rule into one of four levels (Levels I through IV). Level IV dischargers are *"those dischargers having a chronic dilution factor of at least 500 to 1 and a permitted flow of less than 1 million gallons per day."* The chronic dilution factor associated with the discharge from the RUD is 5,172 to 1. Therefore, the facility is considered a Level IV facility for purposes of toxics testing. 06-096 CMR 530(D)(1) states that *"routine testing requirements for Level IV are waived, except that the Department shall require an individual discharger to conduct testing under the following conditions.*

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

(a) The discharger's permit application or information available to the Department indicate that toxic compounds may be present in toxic amounts; or
(b) Previous testing conducted by the discharger or similar dischargers indicates that toxic compounds may be present in toxic amounts."

The 4/10/06 permit amendment established waived testing for this facility. Previous toxics testing conducted by this facility indicates the discharge did not exceed the critical ambient water quality standards for test organisms or chemical compounds. Therefore, this permitting action is carrying forward the toxics testing waiver pursuant to 06-096 CMR 530 and Department best professional judgment.

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."

This permitting action establishes Special Condition I, *06-096 CMR 530(2)(D)(4) Statement for Reduced/Waived Toxics Testing*, pursuant to 06-096 CMR 530(2)(D)(4). It is noted, however, that if future WET or chemical-specific testing indicates the discharge exceeds or demonstrates a reasonable potential to exceed applicable critical water quality thresholds, this permit will be reopened in accordance with Special Condition M, *Reopening of Permit For Modification*, to establish effluent limitations and revised monitoring requirements as necessary.

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

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

8. ANTIDEGRADATION

Classification of Maine waters, 38 M.R.S.A. § 464(4)(F) contains what is referred to as the State's antidegradation policy. The Department has determined that the action of revising (increasing) the mass limitations for TSS and BOD_5 based on the increase in the permitted monthly average flow limitation are appropriate and justified at this time and will not cause or contribute to the failure of the receiving waterbody to meet the standards of its assigned water quality classification. The increase in the flow limit is based on new information concerning the design criteria for the treatment plant as documented in *"Richmond Wastewater Treatment Facility, Operations and Maintenance Manual, Volume One, March, 2007"*.

9. PUBLIC COMMENTS

Public notice of this application was made in the *Times Record* newspaper on or about December 13, 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).

10. DEPARTMENT CONTACTS

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

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11. RESPONSE TO COMMENTS

During the period of February 4, 2008 through March 9, 2008, the Department solicited comments on the proposed draft Maine Pollutant Discharge Elimination System Permit to be issued to the RUD for the proposed discharge. The Department received one significant comment on the proposed draft permit from the RUD in a letter dated March 5, 2008. The Department has summarized and responded as follows.

Comment #1: The RUD requested that the Department allow the limitations for E. coli bacteria to remain at the Class C level until June 2009 as provided for in Maine law in order to provide adequate time to get use to the tighter restrictions.

Response #1: 38 M.R.S.A. § 467(4)(A)(13) states, the limitations for *E. coli* bacteria for existing direct discharges of wastewater to the upgraded segment of the Kennebec River as of January 1, 2003 must remain the same as the limits in effect on that date and must remain in effect until June 30, 2009 or upon renewal of the license, whichever comes later. Thereafter, license limits for *E. coli* bacteria may include a compliance schedule pursuant to *Conditions of licenses*, 38 M.R.S.A. § 414-A(2). Therefore, the Department has established Special Condition J, *Schedule of Compliance – E. coli Bacteria*, in the final permit for imposition of the Class B bacteria standards. The schedule specifies that the previous bacteria limits for Class C waters shall remain in effect through June 30, 2009 and, beginning July 1, 2009 and lasting through permit expiration, monthly average and daily maximum *E. coli* bacteria concentration limits of 64 colonies/100 ml and 427 colonies/100 ml, respectively, which are based on the State's Water Classification Program criteria for Class B, shall be in effect.