AUTHORIZATION TO DISCHARGE UNDER CLEAN WATER ACT SECTION 301 (h)
MODIFIED NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

In compliance with the provisions of the Federal Clean Water Act, as amended, (33 U.S.C. §1251 et seq.; the "CWA"), and Title 38 Maine Revised Statutes § 414-A et seq.,

City of Eastport –ME0102148

is authorized to discharge from a facility located at

Quoddy Village Wastewater Treatment Facility
Vanasse Road
Eastport, Maine

to receiving water named

Passamaquoddy Bay (Western Passage), Class SB

in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This NPDES permit shall become effective on the date of signature by the Director of the EPA Office of Ecosystem Protection.

This Waste Discharge License (WDL) shall become effective on the date of signature by the Commissioner of the Maine Department of Environmental Protection.

Both the NPDES permit and WDL and the authorization to discharge to the waters of the United States shall expire concurrently at midnight, five (5) years from the date of signature by the Director of the EPA Office of Ecosystem Protection.

This permit supersedes the NPDES permit/WDL issued on August 13, 2002. This permit consists of the *Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits* (last revised July 1, 2002), *EPA NPDES Part II Standard Conditions (January 2007)* copies attached, and the attached Special Conditions, including effluent limitations and monitoring requirements.

Signed this 12th day of November, 2008

SIGNATURE ON FILE

Stephen S. Perkins, Director
Office of Ecosystems Protection
Environmental Protection Agency
Boston, Massachusetts

Signed this 18th day of November, 2008

SIGNATURE ON FILE

David P. Littell, Commissioner
Maine Department of Environmental Protection
Augusta, Maine

IN THE MATTER OF

CITY OF EASTPORT	)	PROTECTION AND
EASTPORT, WASHINGTON COUNTY, ME.	)	IMPROVEMENT OF WATERS
PUBLICLY OWNED TREATMENT WORKS	)	
ME0102148 **QUODDY PLANT**	)	WASTE DISCHARGE LICENSE
W008131-5L-E-R **APPROVAL**	)	**RENEWAL**

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, Section 1251, et seq., and 38 M.R.S.A., Section 414-A et seq., and applicable regulations, the U.S. Environmental Protection Agency (EPA hereinafter) and the Maine Department of Environmental Protection (Department hereinafter) have considered the application of the CITY OF EASTPORT (City hereinafter), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The City has applied for renewal of a combined Section 301(h) Modified National Pollutant Discharge Elimination System (NPDES) permit #ME0102148 and Maine Waste Discharge License (WDL) #W008131-5L-C-R, that was issued on August 13, 2002 and expired on August 13, 2007. The permit/license (permit hereinafter) approved the discharge of up to a monthly average flow of 0.05 million gallons per day (MGD) of primary treated sanitary wastewater to Passamaquoddy Bay (Western Passage), Class SB, in Eastport, Maine.

PERMIT SUMMARY

This permitting action is similar to the previous permitting action in that it carries forward;

1. The monthly average flow limitation of 0.05 MGD.

2. The monthly average technology based requirements to achieve a minimum of 30% removal of biochemical oxygen demand (BOD) and a minimum of 50% removal for total suspended solids (TSS).

3. The monthly average technology based mass limitations for BOD and TSS.

4. The monthly average technology based concentration limits for BOD and TSS.

5. The daily maximum concentration reporting requirement for settleable solids.

6. The year-round monthly average (geometric mean) and daily maximum water quality based concentration limits of 15 colonies/100 ml and 50 colonies/100 ml for fecal coliform bacteria.

7. The daily maximum technology based concentration limit of 1.0 mg/L for total residual chlorine.

8. The technology based pH range limitation of 6.0 -9.0 standard units but reducing the monitoring frequency from 1/Day to 1/Week.

PERMIT SUMMARY (cont'd)

This permitting action is different than the previous permitting action in that it is;

9. Eliminating the monthly average concentration reporting requirement for settleable solids and reducing the monitoring frequency to 1/Week.

CONCLUSIONS

BASED on the findings in the Fact Sheet dated August 19, 2008, and subject to the Conditions listed below, the USEPA and the Department make the following conclusions:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.

2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.

3. The provisions of the State's antidegradation policy, 38 MRSA Section 464(4)(F), will be met, in that:

   (a) Existing receiving water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;

   (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;

   (c) The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;

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

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

4. The discharge will be subject to effluent limitations that require application of best practicable treatment.

ACTION

THEREFORE, the Department and EPA APPROVE the above noted application of the CITY OF EASTPORT, to discharge up to a monthly average of 0.05 MGD of primary treated wastewaters from its Quoddy wastewater treatment facility to Passamaquoddy Bay, Class SB, in Eastport, 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 Special Conditions on the following pages.

3. This Maine waste discharge license expires five (5) years from the date of signature below.

DONE AND DATED AT AUGUSTA, MAINE, THIS _____DAY OF _____, 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: August 21, 2007.

Date of application acceptance: September 4, 2007.

Date filed with Maine Board of Environmental Protection _____

This order prepared by GREGG WOOD, Bureau of Land & Water Quality

EastportQuoddy2007 10/1/07

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge treated primary treated sanitary wastewaters from **Outfall 001** to Passamaquoddy Bay and must monitor and limit discharges as follows:

Effluent Characteristic	**Discharge Limitations**				**Monitoring Requirement**	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow *[50050]*	50,000 gpd *[07]*	---	---	---	Continuous *[99/99]*	Recorder *[RC]*
BOD *[00310]*	85 lbs/day *[26]*	Report lbs/day *[26]*	203 mg/L *[19]*	Report, mg/L *[19]*	1/Week *[01/07]*	Composite *[24]*
BOD % Removal **(1)** *[50076]*	---	---	30 % *[23]*	---	1/Month *[01/30]*	Calculate*[CA]*
TSS *[00530]*	60 lbs/day *[26]*	Report lbs/day *[26]*	145 mg/L *[19]*	Report, mg/L *[19]*	1/Week *[01/07]*	Composite *[24]*
TSS % Removal **(1)** *[81011]*	---	---	50 % *[23]*	---	1/Month *[01/30]*	Calculate*[CA]*
Settleable Solids *[00545]*	---	---	---	Report (ml/L) *[25]*	1/Week *[01/07]*	Grab *[GR]*
Fecal Coliform Bacteria *(Year-round) [31615]*	---	---	15/100 ml**(2)** *[30]*	50/100ml *[30]*	1/Week *[01/07]*	Grab *[GR]*
Total Residual Chlorine *[50060]* **(3)**	---	---	---	1.0 mg/L *[19]*	1/Day *[01/01]*	Grab *[GR]*
pH (Std. Units) *[00400]*	The pH shall not be less than 6.0 or greater than 9.0 at any time.				1/Week *[01/07]*	Grab *[GR]*

The italicized numeric values bracketed in the table above are code numbers that Department personnel use to code the monthly Discharge Monitoring Reports (DMRs).

SPECIAL CONDITIONS

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

Footnotes

Sampling – Sampling to demonstrate compliance with this permit shall be conducted after the last treatment process and shall be representative of normal operating conditions. All sampling 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, (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.

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 or as specified by other approved test methods. If a non-detect analytical test result is below the respective RL, the concentration result shall be reported as <Y where Y is the 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 and EPA. 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.

1. **Percent removal** - The permittee shall achieve at least 30% removal for BOD and 50% removal for TSS. For the purposes of calculating a monthly average percent removal, the permittee shall use an assumed influent concentration of 290 mg/L for both BOD and TSS.

2. **Fecal coliform bacteria** – Limitations and monitoring requirements are in effect on a year-round basis to protect the health, safety and welfare of the public. The monthly average limitation is a geometric mean limitation and results shall be reported as such.

3. **Total residual chlorine (TRC)** – Limitations and monitoring requirements for TRC are in effect whenever elemental chlorine or chlorine based compounds are utilized for disinfection or cleaning.

SPECIAL CONDITIONS

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent shall not contain a visible oil sheen, foam or floating solids at any time or 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 uses 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 uses 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

Disinfection shall be used to reduce the concentration of bacteria to or below the level specified in Special Condition A, *Effluent Limitations and Monitoring Requirements*, of this permit. If chlorination and dechlorination are used as the means of disinfection, an approved chlorine disinfection system must be utilized. The total residual chlorine in the effluent shall at no time cause any demonstrable harm to aquatic or marine life in the receiving waters. The final effluent concentration of total residual chlorine, prior to dechlorination if present, must at all times be maintained at a concentration greater than test method detection limits in order to provide effective reduction of bacteria to levels at or below those specified in Special Condition A, "*Effluent Limitation and Monitoring Requirements*."

D. TREATMENT PLANT OPERATOR

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

E. UNAUTHORIZED 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 September 4, 2007;

2) the terms and conditions of this permit; and

3) only from Outfall #001. 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. MONITORING AND REPORTING

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

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

Signed and dated originals of these, and all other reports required herein, shall be submitted to the Director at the following address:

Environmental Protection Agency
Water Technical Unit (SEW)
P.O. Box 8127
Boston, Massachusetts 02114

G. NOTIFICATION REQUIREMENT

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

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

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

   a The quality or quantity of wastewater introduced to the wastewater collection and treatment system; and

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

H. OPERATIONS AND MAINTENANCE 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.

I. WET WEATHER FLOW MANAGEMENT PLAN

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

The plan shall include operating procedures for a range of intensities, address solids handling procedures (including setage and other high strength wastes if applicable) and provide written operating and maintenance procedures during the events.

The permittee shall annually review its plan and record necessary changes to keep the plan up to date.

J. SEPTIC TANK MAINTENANCE

To ensure that the individual septic tanks are providing best practicable treatment and achieving desired percent removal levels for BOD_5 and TSS, the permittee will be required to maintain a revolving inspection and maintenance schedule for pumping out the solids in all the septic tanks.

The permittee will be responsible for maintaining a log that documents the date of inspections, comments as to the solids contents and scum layers observed during each inspection as well as the quantity of septage removed from each septic tank should pumping be deemed necessary. The logs must be kept current and available to the Department and EPA for inspection during business hours. Tanks should be inspected at least annually and solids removed at least every three years or when sludge/scum/solid accumulations reach one-third (1/3) of the volume of the working liquid capacity of the tank.

The permittee shall comply with all existing federal and state laws and regulations that apply to sewage sludge use and disposal practices and with the CWA Section 405(d) technical standards.

The permittee shall comply with the more stringent of either the state or federal (40 CFR Part 503) requirements.

The requirements and technical standards of 40 CFR Part 503 apply to facilities which perform one or more of the following use or disposal practices.

a. Land application - the use of sewage sludge to condition or fertilize the soil

b. Surface disposal - the placement of sewage sludge in a sludge only landfill

c. Sewage sludge incineration in a sludge only incinerator

The 40 CFR Part 503 conditions do not apply to facilities which place sludge within a municipal solid waste landfill. These conditions also do not apply to facilities which do not dispose of sewage sludge during the life of the permit but rather treat the sludge (e.g., lagoons- reed beds), or are otherwise excluded under 40 CFR 503.6.

The permittee shall use and comply with the attached compliance guidance document to determine appropriate conditions. Appropriate conditions contain the following elements.

General requirements
Pollutant limitations
Operational Standards (pathogen reduction requirements and vector attraction reduction requirements)
Management practices
Record keeping
Monitoring
Reporting

Depending upon the quality of material produced by a facility, all conditions may not apply to the facility.

The permittee shall monitor the pollutant concentrations, pathogen reduction and vector attraction reduction at the following frequency. This frequency is based upon the volume of sewage sludge generated at the facility in dry metric tons per year:

less than 290	1/ year
290 to less than1500	1 /quarter
1500 to less than 15000	6 /year
15000 +	1 /month

The permittee shall sample the sewage sludge using the procedures detailed in 40 CFR 503.8.

The permittee shall submit an annual report containing the information specified in the guidance by February 19. Reports shall be submitted to the address contained in the reporting section of the permit. Sludge monitoring is not required by the permittee when the permittee is not responsible for the ultimate sludge disposal. The permittee must be assured that any third party contractor is in compliance with appropriate regulatory requirements. In such case, the permittee is required only to submit an annual report by February 19 containing the following information:

- Name and address of contractor responsible for sludge disposal
- Quantity of sludge in dry metric tons removed from the facility by the sludge contractor

K. CHAPTER 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:

1. 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;

2. Changes in the operation of the treatment works that may increase the toxicity of the discharge; and

3. 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.

L. RE-OPENER CLAUSE

Upon evaluation of test results required by the Special Conditions of this permitting action, additional site specific information or any other pertinent information or test result obtained during the term of this permit, the Department and EPA 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 the monitoring requirements and/or limitations based on new information.

M. SEVERABILITY

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

N. SCHEDULES

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

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

On or before December 1, 2009, ***[PCS Code 00701]***, the permittee shall submit to the Maine Department of Environmental Protection for review and approval, a public education program designed to minimize the entrance of non-industrial toxic pollutants and pesticides into the collection system and wastewater treatment facility.

On or before December 31, 2009, ***[PCS Code 53399]****,* the permittee shall provide written notice to the Maine Department of Environmental Protection, that the approved public education program has been implemented.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

AND

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Prepared Jointly by the Maine Department of Environmental Protection and the U.S. Environmental Protection Agency – New England Office

Date: **August 19, 2008**

PERMIT NUMBER: **ME0102148**
LICENSE NUMBER: **W008131-5L-E-R**

NAME AND ADDRESS OF APPLICANT:

CITY OF EASTPORT
78 High Street
Eastport, Maine 04631

COUNTY: **Washington County**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

Quoddy Village Waste Water Treatment Facility
Vanasse Road
Eastport, Maine 04631

RECEIVING WATER/CLASSIFICATION:

Passamaquoddy Bay (Western Passage)
Class SB

COGNIZANT OFFICIAL AND TELEPHONE NUMBER:

Mr. James Barnes
Chief Operator
(207) 853-2332

1. APPLICATION SUMMARY

a. Application - The City has applied for renewal of a combined Section 301(h) Modified National Pollutant Discharge Elimination System (NPDES) permit #ME0102148 and Maine Waste Discharge License (WDL) #W008131-5L-C-R, that was issued on August 13, 2002 and expired on August 13, 2007. The permit/license (permit hereinafter) approved the discharge of up to monthly average flow of 0.05 million gallons per day (MGD) of primary treated sanitary waste water to Passamaquoddy Bay, Class SB, in Eastport, Maine See Attachment A of this Fact Sheet for a location map.

1. APPLICATION SUMMARY

b. Source Description: Sanitary waste waters received at the treatment facility are generated by residences and commercial entities in the Quoddy Village area of the City of Eastport. The waste water collection system in Quoddy consists of 14,400 linear feet of force main and gravity sewers with no combined sewer overflow (CSO) points in the system. Each household's waste water flows to the sewer system via City owned and maintained septic tanks. Two households require septic tank effluent pump stations, which collect effluent from City owned and maintained septic tanks at individual homes. The collection system includes only new sewers that have passed leakage tests. There are approximately 105 residential connections to the treatment facilities. The facility does not receive any flows from industrial sources.

c. Waste Water Treatment: The facility provides a primary level of treatment by individual on-lot septic tanks. The collection system network conveys the effluent from each residence to a treatment plant which consists of an influent pump station, two chemical addition manholes, a storage tank, and effluent pump station, effluent flow metering, and a sampling manhole. The treated effluent is discharged to Passamaquoddy Bay during high tide periods.

Septic tank effluent flows, by gravity to the influent pump station. The waste water is then pumped through the first chemical addition manhole where chlorine, in the form of sodium hypochlorite, is added and is then discharged to a 38,000 gallon storage tank. The waste water is pumped from the storage tank during high tide periods, through the access port for the second chemical addition manhole where sodium bisulfite is added to dechlorinate the waste water, and discharged by means of a gravity sewer outfall. The effluent pumps are controlled by a float switch in the outfall manhole. See Attachment B of this Fact Sheet for a schematic of the waste water treatment processes.

2. PERMIT SUMMARY

a. Regulatory - On January 12, 2001, the State of Maine received authorization from the U.S. Environmental Protection Agency (EPA) to administer the NPDES program in Maine. Section 301(h) of the Clean Water Act provides a vehicle by which a permittee may request a variance from secondary treatment requirements. Issuance of a permit granting such a variance may only be issued by the EPA as authorization to do so was not granted to the State of Maine on January 12, 2001. See section 2(c) of this Fact Sheet. In addition, pursuant to Maine law, anyone discharging pollutants to waters of the State must obtain a license to do so. Therefore, this document serves as a combination modified NPDES permit and a Maine WDL to satisfy both federal and State requirements. The EPA has authorized the Maine Department of Environmental Protection (Department) to take the lead role in drafting the permit/license.

b. Terms and conditions - This permitting action is similar to the previous permitting action in that it carries forward;

This permitting action is similar to the previous permitting action in that it carries forward;

1. The monthly average flow limitation of 0.05 MGD.

2. The monthly average technology based requirements to achieve a minimum of 30% removal of biochemical oxygen demand (BOD) and a minimum of 50% removal for total suspended solids (TSS).

3. The monthly average technology based mass limitations for BOD and TSS.

4. The monthly average technology based concentration limits for BOD and TSS.

5. The daily maximum concentration reporting requirement for settleable solids.

6. The year-round monthly average (geometric mean) and daily maximum water quality based concentration limits of 15 colonies/100 ml and 50 colonies/100 ml for fecal coliform bacteria.

7. The daily maximum technology based concentration limit of 1.0 mg/L for total residual chlorine.

8. The technology based pH range limitation of 6.0 -9.0 standard units but reducing the monitoring frequency from 1/Day to 1/Week.

This permitting action is different than the previous permitting action in that it is;

9. Eliminating the monthly average concentration reporting requirement for settleable solids and reducing the monitoring frequency to 1/Week.

c. History: The most recent permitting/licensing actions include the following:

March 24, 1982 – The Department issued WDL #2598 authorizing the discharge of untreated municipal wastewater to Passamaquoddy Bay until a waste water treatment facility was constructed.

May 9, 1985 – The EPA approved the City of Eastport's variance request from secondary treatment requirements.

December 18, 1985 – The Department issued a section 401 (of the Clean Water Act) water quality certification of the EPA public notice draft NPDES permit #ME0100200 for the discharge from the yet to be constructed waste water treatment facility.

December 31, 1985 – The EPA issued NPDES permit #ME0100200 for five-year term.

April 6, 1987 – The Department issued WDL renewal # W002598-45-A-R authorizing the discharge of 0.34 MGD of primary treated waste water from the City's main waste water treatment facility and 0.05 MGD of primary treated waste water from the Quoddy Village waste water treatment facility.

August 26, 1988 – The EPA issued a modification of the 12/31/85 NPDES permit. The modification increased the permit flow limit for the main plant from 0.34 MGD to
0.82 MGD and authorized the discharged of untreated waste water from new CSO outfalls #027 - #030.

May 1992 – The Quoddy Village waste water treatment facility became operational.

June 11, 1992 – The City of Eastport submitted an application to the EPA to renew NPDES permit #ME0100200 for the Quoddy Village discharge.

November 1, 1995 – The Department issued WDL renewal #W002598-46-B-R for a five-year term. The WDL authorized the discharge of primary treated municipal waste water from both the main plant (0.82 MGD) and the Quoddy Village plant (0.05 MGD) to Passamaquoddy Bay.

March 26, 1999 – The Department unilaterally modified the disinfection system for the Quoddy Village facility based on a requested by the Maine DMR dated March 23, 1999. The seasonal disinfection season (May 10 – September 30) was modified to year-round.

January 12, 2001 – The Department received authorization from the EPA to administer the NPDES program in Maine. Because the permit was being issued under a variance from secondary treatment requirements under the CWA, the modified 301(h) NPDES permit must be issued by EPA.

August 13, 2002 – The Department and EPA issued a combined WDL and NPDES permit (#W008131-5L-C-R and ME0102148) authorizing the discharge of up to
0.05 MGD of primary treated waste water from the permittee's facility for a five-year term. It is noted the permitting of the main plant and the Quoddy Village facility were separated at this point in time. The main plant maintained the original NPDES number of #ME0100200 and State WDL of #W002598 and the Quoddy Village facility was assigned a new NPDES number, #ME0102148 and WDL #W008131.

August 21, 2007 – The City of Eastport submitted an application to the Department and EPA for renewal of the August 13, 2002 license/permit for the Quoddy Village facility. The Department accepted the application for processing on September 4, 2007.

3. CONDITIONS OF PERMITS

Maine law, 38 M.R.S.A. Section 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, 38 M.R.S.A., Section 420 and Department rule 06-096 CMR Chapter 530, *Surface Water Toxics Control Program*, require the regulation of toxic substances not to exceed levels set forth in Department rule 06-096 CMR Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants*, and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

4. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A., Section 469 classifies the receiving waters at the point of discharge as Class SB waters. Maine law, 38 M.R.S.A., Section 465-B(2) contains the classification standards for Class SB waters.

Federal regulation 40 CFR, Part 125, Subpart G, more specifically Part 125.57(a)(2), states that discharge of pollutants in accordance with such modified requirements [301(h)] will not interfere, alone or in combination with pollutants from other sources, with the attainment or maintenance of that water quality which assures protection of public water supplies and protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife, and allows recreational activities in and on the water.

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, indicates that the Maine Department of Marine Resources (DMR) shellfish Area #59(C), Kendall Head - Eastport, is closed to the harvesting of shellfish. See Attachment C of this Fact Sheet for the delineation of Area #59. The DMR has traditionally closed shellfish harvesting areas in the vicinity of outfall pipes when lack of field data on bacteria counts in the immediate area is insufficient, inconclusive or exceeds standards set in the National Shellfish Sanitation Program of the U.S. Department of Health and Human Services. DMR issued the closure notice on February 6, 2007 based on ambient water quality sampling indicated elevated levels of bacteria. Compliance with the monthly average and daily maximum limitations for fecal coliform bacteria will ensure the Eastport facility will not cause or contribute to the closure of the shellfish harvesting area.

In the summer of 1995, the DEP and the EPA conducted a portion of the Biological Monitoring requirements (TVS sampling) and Water Quality Monitoring contained in the previous State waste discharge license and federal NPDES permit at certain 301(h) facilities. The DEP and EPA agreed that the SCUBA inspection was too dangerous as a result of the swift current in the receiving waters. The Department has made the determination that, based on the sampling to date and past effluent monitoring data, the discharge complies with 40 CFR, §125.57(a)(2). According to a document entitled "301(h) Facilities in Maine, Report of 1995 Monitoring Activities," prepared by the Department, dated July 1996 and submitted to EPA, "Water quality, sediment, and photographic information indicates that these [301(h)-type] discharges are not causing any significant impact to the receiving waters". That document concluded that no further ambient monitoring be conducted, and recommended that effluent monitoring be continued. By letter dated February 17, 1995 from EPA Regional Administrator, the EPA found there would be little risk of adverse impacts to the receiving waters from these discharges provided that the permittee perform effluent monitoring as part of the regular permit conditions.

6. WAIVER OF SECONDARY TREATMENT REQUIREMENTS

Under Section 301(b)(1)(B) of the Clean Water Act (CWA), publicly owned treatment works (POTWs) in existence on July 1, 1977 were required to meet effluent limitations based on secondary treatment, which is defined in terms of the parameters BOD, TSS and pH. National effluent limitations for these pollutants were promulgated and included in POTW permits issued under Section 402 of the CWA.

Congress subsequently amended the CWA, adding Section 301(h), which authorizes the EPA Administrator, with State concurrence, to issue NPDES permits which modify the secondary treatment requirements with respect to the discharge of pollutants from a POTW into marine waters, provided that the applicant meet several conditions.

EPA issued a 301(h) waiver to the City of Eastport on May 9, 1985 based upon the following findings:

- That the discharge will comply with the State of Maine water quality standards for dissolved oxygen and suspended solids.
- That the proposed discharge will not adversely impact public water supplies or interfere with the protection and propagation of a balanced indigenous population of marine life and will allow for recreational activities.
- That no industrial wastes are discharged into the collection system.
- That the discharge will not result in additional treatment requirements on other point and non-point sources.
- That the State of Maine concurs with the approval of the 301(h) waiver.

Federal regulation 40 CFR, Part 125, Subpart G, more specifically Part 125.57(a)(3), states that the applicant must establish a system for monitoring the impact of such discharge on a representative sample of aquatic biota, to the extent practicable, and the scope of such monitoring is limited to include only those scientific investigations which are necessary to
study the effects of the proposed discharge. EPA has made a BPJ determination that the scope of effluent limitations and monitoring requirements in Special Condition A(1) of this permit are sufficient to provide the necessary information to study the effects of the discharge on the receiving waters.
Because all of the prior 301(h) conditions have been maintained and because there has been no new or substantially increased discharge from the permittee's facility, EPA proposes, through the reissuance of the City of Eastport's permit, to carry forward the original 301(h) waiver decision.

7. ENDANGERED SPECIES ACT

Purpose: Section 7(a)(2) of the Endangered Species Act (ESA) requires federal agencies to ensure, in consultation with the Services, that actions an agency authorizes, funds or carries out are not likely to jeopardize the continued existence of federally listed endangered and threatened species, or result in the destruction or adverse modification of listed species' designated critical habitat. EPA believes that Section 7(a)(2) of the Endangered Species Act applies when EPA carries out actions approving State or Tribal water quality standards and NPDES permitting programs under the CWA.

ESA Designation: On November 17, 2000, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service listed wild Atlantic Salmon in eight Maine rivers as endangered. Those eight rivers are the Dennys, East Machias, Machias, Pleasant, Narraguagus, Ducktrap, and Sheepscot Rives and Cove Brook. Renewal of the BVC's NPDES permit would allow the continuation of the discharge of primary treated wastewaters to the coastal waters of Linekin Bay approximately eight miles from the Sheepscot River estuary.

ESA Determination: Because of the low flow volume of the discharge and because the waste waters are not known to contain pollutants at concentrations which could be toxic to aquatic life, and because the discharge is not released directly to a Maine DPS Atlantic Salmon River, EPA has determined that the action of renewal of the existing NPDES permit for the discharge of treated domestic waste water is not likely to adversely affect listed species or their critical habitat under NMFS jurisdiction.

8. EFH (ESSENTIAL FISH HABITAT) DETERMINATION

Under the 1996 Amendments (PL 104-267) to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. § 1801 et seq. (1998)), EPA is required to consult with the National Marine Fisheries Services (NMFS) if EPA's action or proposed actions that it funds, permits, or undertakes, "may adversely impact any essential fish habitat." 16 U.S.C. § 1855(b). The Amendments broadly define "essential fish habitat" as: "waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity. 16 U.S.C. § 1802 (10). Adversely impact means any impact which reduces the quality and/or quantity of EFH. 50 C.F.R. § 600.910 (a). Adverse effects may include direct (e.g., contamination or physical disruption), indirect (e.g., loss of prey, reduction in species' fecundity), site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions. Essential fish habitat is only designated for species for which federal fisheries management plans exist. 16 U.S.C. § 1855(b) (1) (A). EFH designations for New England were approved by the U.S. Department of Commerce on March 3, 1999.
National Marine Fisheries Service designation of Essential Fish Habitat for the 10 minute square that includes the Eastport (Quoddy plant) discharge (N44^{o} 56' 43", W67^{o} 01' 52")

10’ x 10’ Square Coordinates:

North	East	South	West
45° 00.0’ N	67° 00.0’ W	44° 50.0’ N	67° 10.0’ W

Square Description (i.e. habitat, landmarks, coastline markers): Waters within the square within Passamaquoddy Bay from Lubec, ME., to Eastport, ME., including Woodward Point, the southeast corner of Moose Island, Treat Island, Estes Head, Dudley Island, Burial Island, and the Friar Roads. These waters extend strictly to the Hague Line (EEZ boundary) within this square.

Species and Life Stage Designation

Species	Eggs	Larvae	Juveniles	Adults
Atlantic Salmon (*Salmo salar)*			X	X
Atlantic cod *(Gadus morhua)*		X	X	S
haddock *(Melanogrammus aeglefinus)*				
pollock *(Pollachius virens)*		X	X	X
whiting *(Merluccius bilinearis)*			X	X
offshore hake *(Merluccius albidus)*				
red hake *(Urophycis chuss)*			X	X
white hake *(Urophycis tenuis)*			X	X
redfish *(Sebastes fasciatus)*	n/a			
witch flounder *(Glyptocephalus cynoglossus)*				
winter flounder *(Pleuronectes americanus)*	X	X	X	X

8. EFH (ESSENTIAL FISH HABITAT) DETERMINATION

Species and Life Stage Designation

yellowtail flounder *(Pleuronectes ferruginea)*	X	X		
windowpane flounder *(Scopthalmus aquosus)*	X	X	X	X
American plaice *(Hippoglossoides platessoides)*	X	X	X	X
ocean pout *(Macrozoarces americanus)*	X	X	X	X
Atlantic halibut *(Hippoglossus hippoglossus)*	X	X	X	X
Atlantic sea scallop *(Placopecten magellanicus)*	X	X	X	X
Atlantic sea herring *(Clupea harengus)*		X	X	X
monkfish *(Lophius americanus)*				
bluefish *(Pomatomus saltatrix)*				
long finned squid *(Loligo pealei)*	n/a	n/a		
short finned squid *(Illex illecebrosus)*	n/a	n/a		
Atlantic butterfish *(Peprillus triacanthus)*				
Atlantic mackerel *(Scomber scombrus)*			X	X
summer flounder *(Paralicthys dentatus)*				
scup *(Stenotomus chrysops)*	n/a	n/a		
black sea bass *(Centropristus striata)*	n/a			
surf clam *(Spisula solidissima)*	n/a	n/a		
ocean quahog *(Artica islandica)*	n/a	n/a		
spiny dogfish *(Squalus acanthias)*	n/a	n/a		
tilefish *(Lopholatilus chamaeleonticeps)*				
bluefin tuna *(Thunnus thynnus)*				

Due to the low volume of the discharge and the lack of toxic potential of the wastewater discharged, EPA believes that renewal of the Eastport permit is unlikely to adversely impact the above-designated Essential Fish Habitat. EPA has, therefore, not requested an EFH consultation with the National Marine Fisheries Service in regard to the renewal of this permit

9. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

a. Flow – The previous permit contained a monthly average flow limitation of 0.05 million gallons per day (MGD). The limitation is being carried forward in this permitting action but is being expressed as 50,000 gallons per day (gpd) rather than MGD. The limit was proposed by the permittee in 1992 when it submitted the application to the EPA for the renewal of the 12/31/85 NPDES permit. Federal regulations found at 40 CFR §122.45(b)(i) require that effluent limitations be calculated based on deign flow which is found in the Permit Application. A review of the DMR data for the period April 2005 - March 2007 inclusively, indicates the monthly average flow discharged has ranged from 0.015 MGD (15,000 gpd) to 0.05 MGD (50,000 gpd) with an arithmetic mean of 0.027 MGD (27,000 gpd).

b. Dilution Factors: Department Regulation Chapter 530 *Surface Water Toxics Control Program*, §4(a)(2) states:

(1) *For estuaries where tidal flow is dominant and marine discharges, dilution factors are calculated as follows. These methods may be supplemented with additional information such as current studies or dye studies.*

(a) For discharges to the ocean, dilution must be calculated as near-field or initial dilution, or that dilution available as the effluent plume rises from the point of discharge to its trapping level, at mean low water level and slack tide for the acute exposure analysis, and at mean tide for the chronic exposure analysis using appropriate models determined by the Department such as MERGE, CORMIX or another predictive model.

(b) For discharges to estuaries, dilution must be calculated using a method such as MERGE, CORMIX or another predictive model determined by the Department to be appropriate for the site conditions.

(c) In the case of discharges to estuaries where tidal flow is dominant and marine waters, the human health criteria must be analyzed using a dilution equal to three times the chronic dilution factor.

Using plan and profile information of the outfall the CORMIX model and taking into consideration the discharge is a tidally timed discharge, the Department has determined the dilution factors for the discharge of 0.05 MGD from the waste water treatment facility are as follows:

Acute = 202:1 Chronic = 202:1 Harmonic mean = 606:1[(1)]

(1) Pursuant to Department rule Chapter 530, "*Surface Water Toxics Control Program*", §4(2)(c), the harmonic mean dilution factor is approximated by multiplying the chronic dilution factor by a factor of three (3).

b. Biochemical oxygen demand (BOD) and total suspended solids (TSS) - Federal regulations state that primary or equivalent treatment means treatment by screening, sedimentation, and skimming adequate to remove at least thirty percent (30%) of the BOD and 30% of the TSS material in the treatment works influent. The Department and EPA consider a thirty percent (30%) removal of BOD and a fifty percent (50%) removal of TSS from the influent loading as a best professional judgment (BPJ) determination of best practicable treatment (BPT) for primary facilities. These percent removal requirements were established in the previous permitting action and are being carried forward in this permitting action as the percent removal is the foundation for the permitting of 301h facilities.

The previous permit established monthly average technology based mass and concentration limits for BOD and TSS with a monitoring frequency of 1/Week. The limitations were calculated based on an assumed influent concentration of 290 mg/L for each parameter and a 30% removal for BOD and a 50% removal for TSS. This assumed value is based on the EPA Design Manual, Onsite Wastewater Treatment and Disposal Systems, dated October 1980, table 4-3 entitled "Characteristics of Typical Residential Wastewater" high range of values for BOD5 and TSS. Derivation of the limits is as follows:

BOD: 290 mg/L – [(290 mg/L)(0.30)] = 203 mg/L
(203 mg/L)(8.34)(0.05 MGD) = 84 lbs/day

A review of the DMR data for the period April 2005 – March 2007 inclusively, indicates the monthly average effluent concentration of BOD discharged has ranged from 99 mg/L to 147 mg/L with an arithmetic mean of 123 mg/L. As for the monthly average mass of BOD discharged, the DMR data indicates the range has been from 10 lbs/day to 147 lbs/day with an arithmetic mean of 123 lbs/day. Monthly percent removal rates for BOD for this time period range from 50% - 67% with an arithmetic mean of 57%.

TSS: 290 mg/L – [(290 mg/L)(0.50)] = 145 mg/L
(145 mg/L)(8.34)(0.05 MGD) = 60 lbs/day

A review of the DMR data for the period calendar years April 2005 – March 2007 inclusively, indicates the monthly average effluent concentration of TSS discharged has ranged from 5 mg/L to 29 mg/L with an arithmetic mean of 14 mg/L. As for the monthly average mass of TSS discharged, the DMR data indicates the range has been from

1 lbs/day to 11 lbs/day with an arithmetic mean of 4 lbs/day. Monthly percent removal rates for TSS for this time period range from 81% - 98% with an arithmetic mean of 93%.

The technology based mass and concentration limitations and monitoring requirements for BOD & TSS are being carried forward in this permitting action and are based on a BPJ determination by the Department and EPA given the size and type of treatment.

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

c. Settleable solids – The previous permitting action established monthly average and daily maximum concentration reporting requirements for settleable solids with a 1/Day monitoring frequency. A review of the DMR data for the period April 2005 – March 2007 indicates the monthly average and daily maximum concentrations have been reported as <0.1 ml/L for all 24 months. Based on the historic data results, the Department and EPA are making a BPJ determination to reduce the monitoring frequency to 1/Week to be consistent with the monitoring frequencies for BOD and TSS.

d. Fecal coliform bacteria – The previous permitting action established monthly average (geometric mean) and daily maximum limits of 15 colonies/100 ml and 50 colonies/100 ml respectively, that are consistent with limitations in the National Shellfish Sanitation Program. The Fact Sheet of the previous permitting action indicated the limitations were in effect on a year-round basis at the request of the Maine Department of Marine Resources (DMR). The numeric limitations are being carried forward in this permitting action along with a monitoring frequency of 1/Week.

A review of the DMR data for the period calendar years April 2005 – March 2007 inclusively indicates the monthly average (geometric mean) fecal coliform bacteria levels discharged have ranged from 1.4 – 4 colonies/100 mL with an arithmetic mean of 4 colonies/100 mL and the daily maximum levels have ranged from <4 – 24 colonies/100 mL with an arithmetic mean of 4 colonies/100 mL.

e. Total residual chlorine(TRC) – The previous permitting action established a technology based daily maximum limitation of 1.0 mg/L with monitoring frequency of 1/Day. Limits on total residual chlorine are specified to ensure attainment of the in-stream water quality criteria for chlorine and that BPT technology is utilized to abate the discharge of chlorine. Permits issued by this Department impose the more stringent of the calculated water quality based or BPT based limits. The Department has established a daily maximum best practicable treatment (BPT) limitation of 1.0 mg/L for facilities that disinfect their effluent with elemental chlorine or chlorine based compounds unless the calculated acute water quality based threshold is lower than 1.0 mg/L.

For facilities that need to de-chlorinate the discharge to meet water quality based thresholds, the Department has established daily maximum and monthly average best practicable treatment limits of
0.3 mg/L and 0.1 mg/L respectively.

Water quality based thresholds for TRC can be calculated as follows:

Parameter	Acute Criteria	Chronic Criteria	Acute Dilution	Chronic Dilution	Acute Limit	Chronic Limit
Chlorine	0.013 mg/L	0.0075 mg/L	202:1	202:1	2.6 mg/L	1.5 mg/L

Example calculation: Acute – 0.013 mg/L (202) = 2.6 mg/L

Being that the acute water quality based daily maximum threshold calculated on the previous page is less stringent than the BPT limit of 1.0 mg/L, the technology based limit of 1.0 mg/L is being carried forward in this permitting action along with the monitoring frequency of 1/Day.

A review of the DMR data for the period April 2005 – March 2007 indicates the daily maximum TRC discharged has ranged from 0.01 mg/L to 0.03 mg/L with an arithmetic mean of 0.01 mg/L.

g. pH – The previous permitting action establishing a BPT pH range limit of 6.0 – 9.0 standard units pursuant to Department rule, Chapter 525(3)(III)(c), along with a monitoring frequency of 1/Day. A review of the DMR data for the period April 2005 –March 2007 indicates the pH range limitation has never been exceeded. Therefore, this permitting action is reducing the monitoring frequency 1/Week based on the historical data and compliance record.

h. Mercury: Pursuant to Maine law, 38 M.R.S.A. §420 and Department rule, 06-096 CMR Chapter 519, *Interim Effluent Limitations and Controls for the Discharge of Mercury*,§1(A)(3), the Department exempted Eastport's Quoddy facility from conducting mercury testing. The exemption was granted as the Main Plant was required to conduct testing and interim limits were established for said facility.

i. Whole Effluent Toxicity (WET) & Chemical-Specific Testing: Maine law, 38 M.R.S.A., Sections 414-A and 420, prohibit the discharge of effluents containing substances in amounts that would cause the surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the USEPA. Department Rules, 06-096 CMR Chapter 530, *Surface Water Toxics Control Program*, and Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants* set 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 Chapter 530, is included in this permit in order to fully characterize the effluent. This permit also 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.

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 and vertebrate species. Priority pollutant and analytical chemistry testing 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 as established in Chapter 584.

Chapter 530 establishes four categories of testing requirements based predominately on the chronic dilution factor. The categories are as follows:

1) Level I – chronic dilution factor of <20:1.
2) Level II – chronic dilution factor of $\geq$20:1 but <100:1.
3) Level III – chronic dilution factor $\geq$100:1 but <500:1 or >500:1 and Q $\geq$1.0 MGD
4) Level IV – chronic dilution >500:1 and Q $\leq$1.0 MGD

Department rule Chapter 530 (2)(D) specifies the criteria to be used in determining the minimum monitoring frequency requirements for WET, priority pollutant and analytical chemistry testing. Based on the Chapter 530 criteria, the Eastport facility falls into the Level IV frequency category as the facility has a chronic dilution factor $\geq$100:1 but <500:1 and has a flow limitation of $\leq$1.0 MGD. Chapter 530(2)(D)(1) specifies that surveillance and screening level testing requirements are as follows:

Screening level testing

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

Surveillance level testing

Level	WET Testing	Priority pollutant testing	Analytical chemistry
IV	1 per year*	None required *	1 per year*

Chapter 530(2)(D)(1) states that;

**These routine testing requirements for Level IV are waived, except that the Department shall require an individual discharger to conduct testing under the following conditions.*

(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.

Additionally, new or substantially changed dischargers assigned to Level IV must conduct testing during the first two years of the discharge. Further testing is waived provided the testing done does not indicate any reasonable potential for exceedence as calculated pursuant to section 3(E).

Pursuant to Department rule Chapter 530, on April 10, 2006, the Department issued a permit modification to the Department waiving all WET, analytical chemistry and priority pollutant testing. This permitting action is carrying forward said waiver.

Chapter 530 (2)(D) states:

(4) 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.

Special Condition K, *Chapter 530 (2)(D)(4) Certification,* of this permitting action requires the permittee to file an annual certification with the Department.

It is noted however, that if future WET testing results indicates the discharge exceeds critical water quality thresholds this permit will be reopened pursuant to Special Condition M, *Reopening of Permit For Modification,* of this permit to establish applicable limitations and monitoring requirements and require the permittee to submit a toxicity reduction evaluation (TRE) pursuant to Department rule, Chapter 530(3)(c).

10. DISCHARGE IMPACT ON RECEIVING WATERS

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

11. PUBLIC COMMENTS, HEARING REQUESTS, and PROCEDURES FOR FINAL DECISIONS

Notice of the application being filed with the Department and EPA for renewal of the permit was placed in the Quoddy Times newspaper on or about August 1, 2007. Notice of the draft permit will be placed in a regional Maine newspaper for a minimum 30-day comment period during which time, written comments may be directed to both the Department and EPA at the addresses given on page 16 of this Fact Sheet. All persons, including applicants, who believe any condition of the Draft Permit is inappropriate must raise all issues and submit all available arguments and all supporting material for their arguments in full by the close of the public comment period. Any person, prior to such date, may submit a request in writing for a public hearing to consider the Draft Permit to EPA and the State Agency. Such requests shall state the nature of the issues proposed to be raised in the hearing.

A public hearing may be held if the criteria stated in 40 C.F.R. § 124.12 are met. In reaching a final decision on the Draft Permit, the EPA will respond to all significant comments and make these responses available to the public at EPA's Boston office.

Following the close of the comment period, and after any public hearings, if such hearings are held, the EPA will issue a Final Permit decision and forward a copy of the final decision to the applicant and each person who has submitted written comments or requested notice. Upon review of the public comments and receipt of Maine DEP Water Quality Certification, EPA will make a final decision whether to issue this permit. Within 30 days following the notice of the Final Permit decision, any interested person may submit a petition for review of the permit to EPA’s Environmental Appeals Board consistent with 40 C.F.R. § 124.19.

12. CONTACTS

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

Gregg Wood
Division of Water Quality Management
Bureau of Land & Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017
Phone: 207-287-7693
Email: gregg.wood@maine.gov

Doug Corb
US EPA Region I
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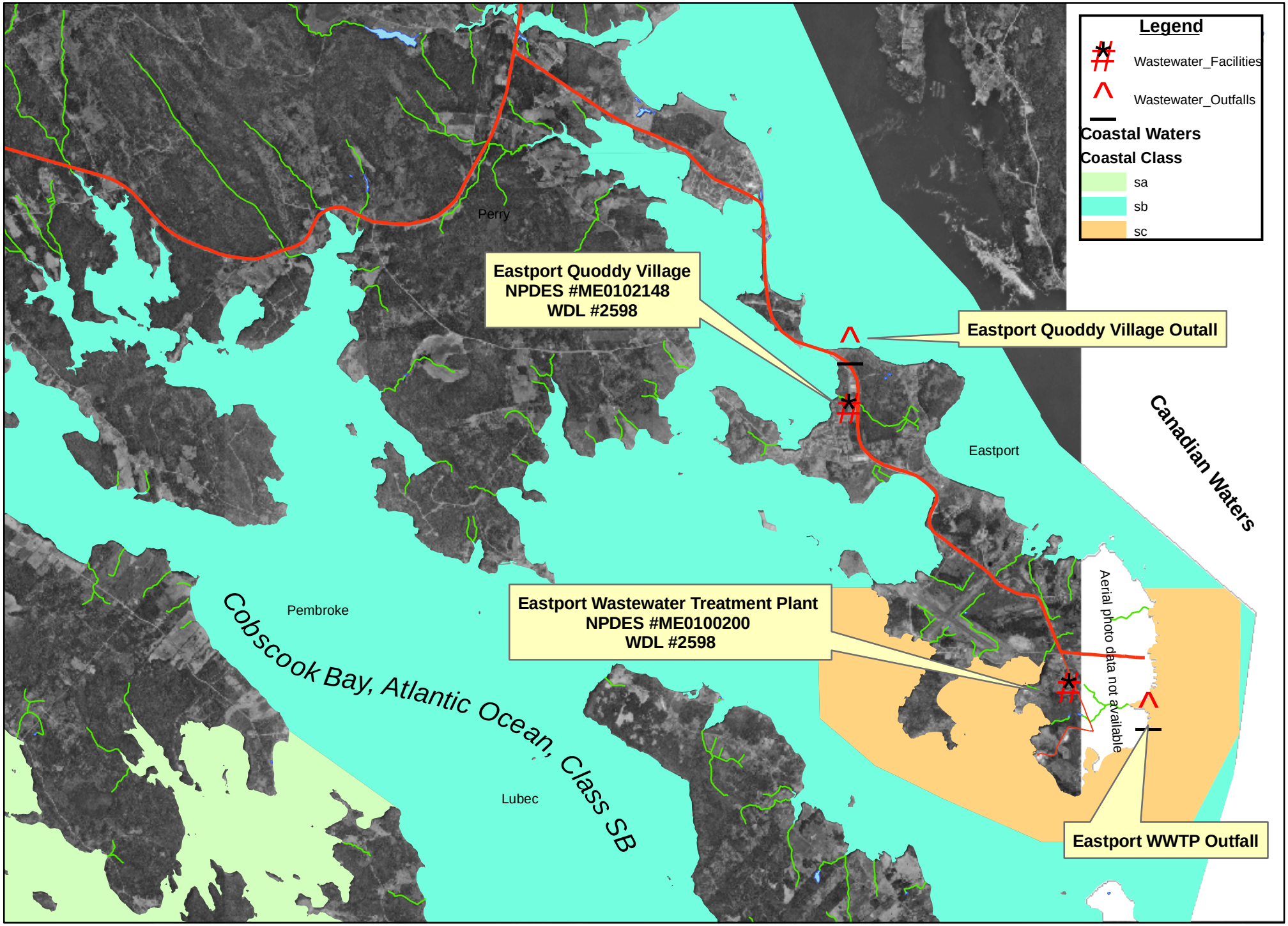
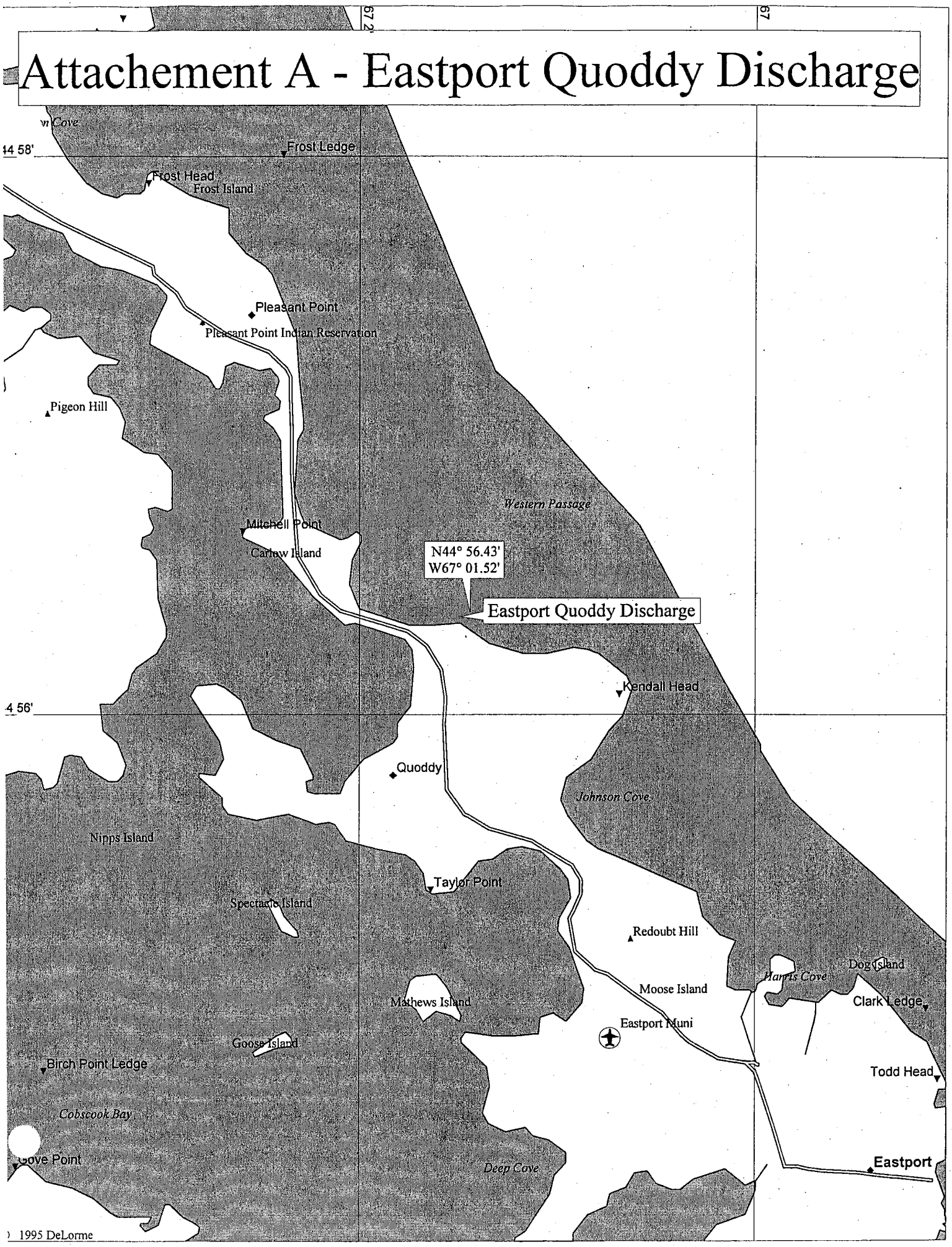
1100/CMP
Boston, MA 02114
Phone: 617-918-1565
Email: corb.doug@epa.gov

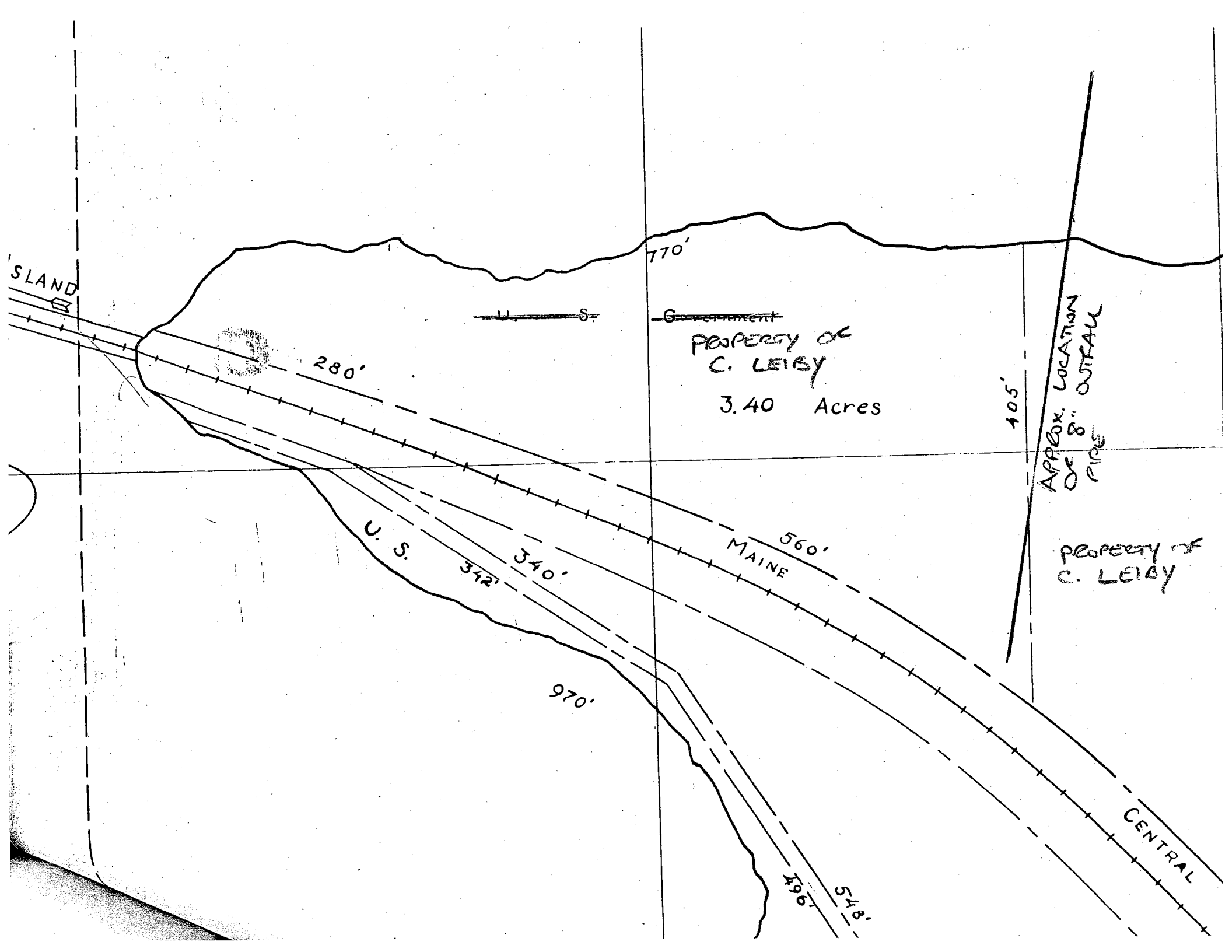


Eastport Quoddy Village and Main Plant at Eastport, Maine

Map created by Maine DEP
March 8, 2007

Attachement A - Eastport Quoddy Discharge

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U. S. Government
PROPERTY OF
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OF 8" OUTFALL
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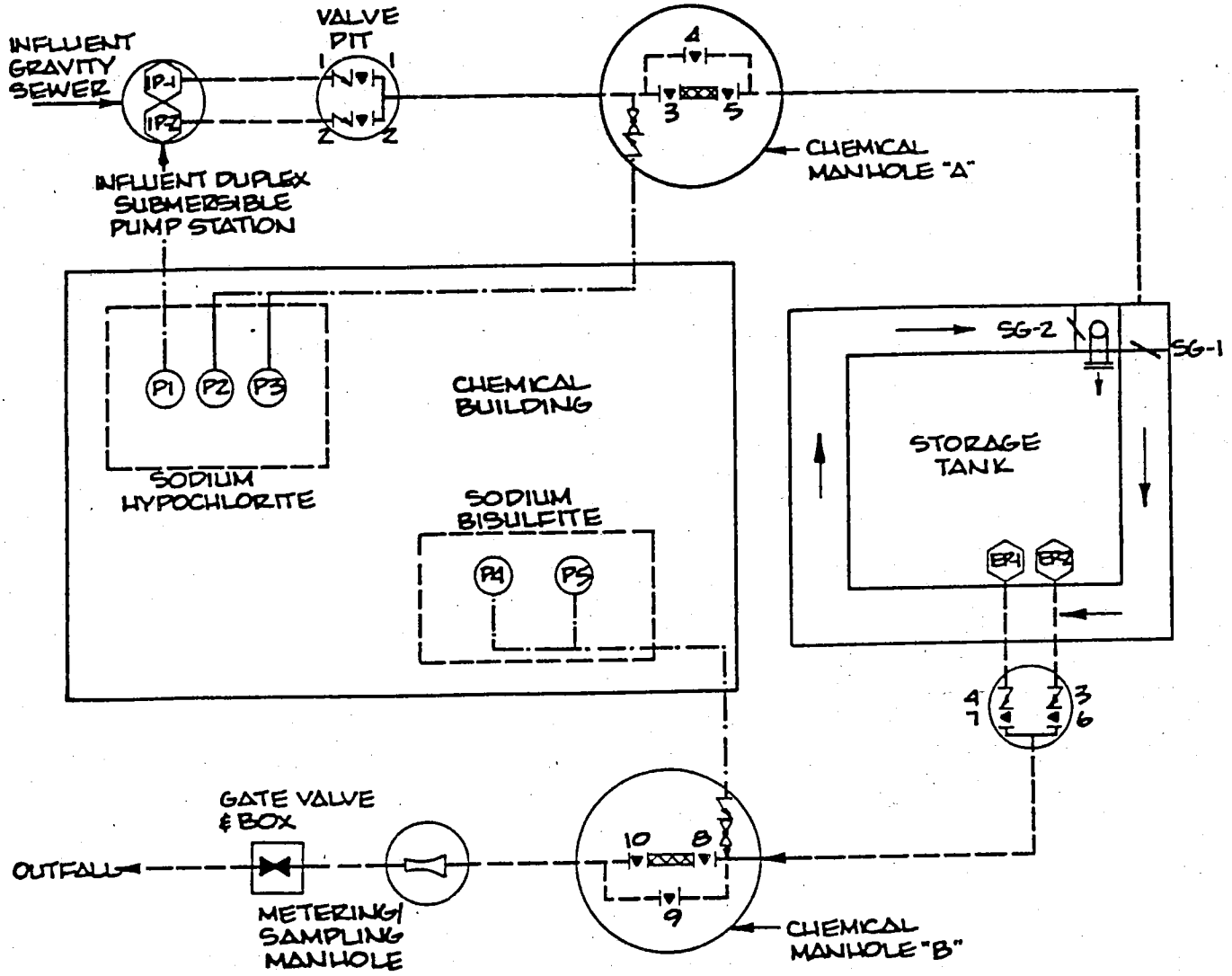


LEGEND

- SEWAGE PUMP
- CHECK VALVE AND NUMBER
- PLUG VALVE AND NUMBER
- STATIC MIXER
- STOP GATE AND NUMBER
- MAGNETIC FLOW METER
- GATE VALVE
- METERING PUMP
- FORCE MAIN
- CHEMICAL LINE
- GRAVITY SEWER

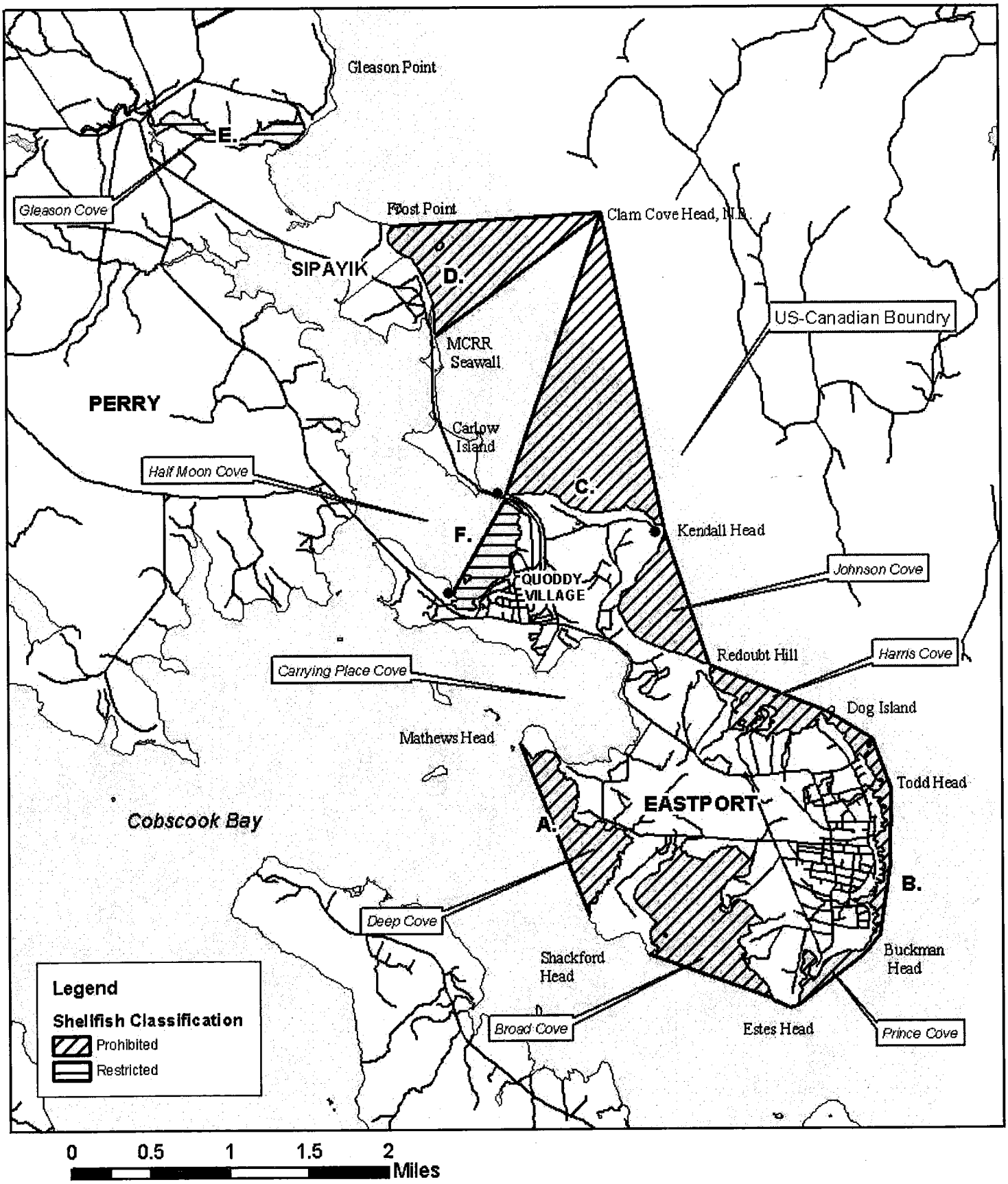
FIGURE 3-6
QUODDY DISINFECTION FACILITY
PROCESS FLOW DIAGRAM

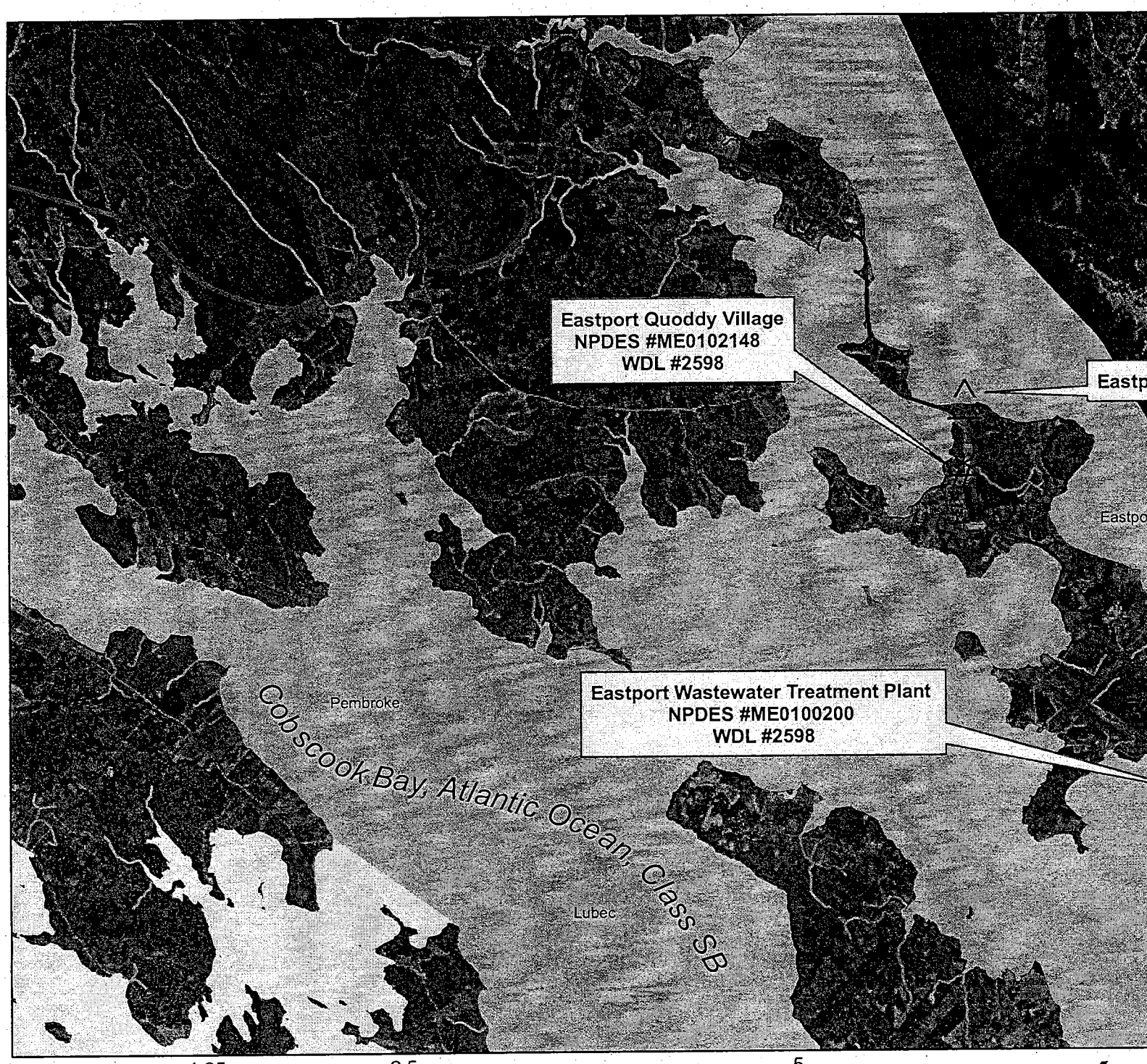
ATTACHMENT C

Maine Department of Marine Resources

Pollution Closed Area No. 59

Outer Cobscook Bay (Eastport and Perry) 02/06/07





Eastport Quoddy Village and Main Plant at Eastport, Maine

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

October 6, 2008

Mr. Doug Corb
U.S. Environmental Protection Agency
1 Congress Street, Suite 1100/CMP
Boston, Mass. 02114-2023

Re: **Section 401 Water Quality Certification**
NPDES Permit #ME0102148 – Town of Eastport – Quoddy Plant

Dear Mr. Corb:

Enclosed is a State of Maine Water Quality Certification pursuant to Section 401 of the Federal Water Pollution Control Act for the above referenced draft NPDES permit dated August 28, 2008.

This Department has taken into consideration all the relevant facts and information from a number of sources, including but not limited to the ambient water quality data, information collected by the permittee, the State of Maine Department of Marine Resources and others, information provided by the permittee in application materials submitted for a waste discharge license renewal, correspondence with other state regulatory authorities and the Department's desktop water quality modeling efforts.

Based on this information, the Department has made the determination that as limited in the draft permit, the discharge will not cause or contribute to the failure of the waterbody to attain the standards of its assigned classification.

If you have any further questions regarding this matter, please contact me at (207) 287-7693.

Sincerely,

Gregg Wood
Division of Water Quality Management
Bureau of Land & Water Quality

Enc.
cc: Clarissa Trasko, DEP/EMRO
James Barnes, Eastport

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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 EASTPORT – QUODDY PLANT	)	PURSUANT TO THE FEDERAL
EASTPORT, WASHINGTON COUNTY, MAINE	)	WATER POLLUTION CONTROL ACT
ME0102148	)	
W008131-5L-F-N **APPROVAL**	)	**CERTIFICATION**

Pursuant to section 401(a) of the Federal Water Pollution Control Act, as amended, the State of Maine's Department of Environmental Protection hereby certifies that the discharge described in the above captioned proposed National Pollutant Discharge Elimination System (NPDES) permit dated August 28, 2008, will comply with the applicable provisions of section 208(e), 301, 302, 303, 306 and 307 of said Act. The discharge described will not lower the quality of the receiving waters below the minimum requirements of their classification and will satisfy the appropriate requirements of Maine Law.

Any change in the terms or conditions of the draft permit is not certified by this document, and will require a case-by-case determination by the State that the changed conditions will continue to satisfy the appropriate requirement of Maine Law.

DONE AND DATED AT AUGUSTA, MAINE, THIS 10TH DAY OF OCTOBER, 2008.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
David P. Littell, Commissioner

Date of initial receipt of application August 28, 2008.

Date of application acceptance September 5, 2008.

FILED
OCT 14 2008
BOARD OF ENVIRONMENTAL PROT.
STATE OF MAINE

Date filed with Board of Environmental Protection _____

This Order prepared by Gregg Wood, BUREAU OF LAND AND WATER QUALITY

ME0102148 401 Cert 2008 9/9/08

In Re:

CITY OF EASTPORT (QUODDY PLANT)	)	
EASTPORT, WASHINGTON COUNTY, MAINE	)	TENTATIVE DECISION
PUBLICLY OWNED TREATMENT WORKS,	)	OF THE REGIONAL
APPLICATION FOR SECTION 301(h)	)	ADMINISTRATOR PURSUANT TO
VARIANCE FROM THE SECONDARY	)	40 CFR PART 125, SUBPART G
TREATMENT REQUIREMENTS OF THE	)	
CLEAN WATER ACT	)	
	)	

The City of Eastport's Quoddy treatment facility (Eastport hereinafter), is a publicly owned treatment works located in the City of Eastport, Maine. Eastport has submitted a waiver application pursuant to Section 301(h) of the Clean Water Act, as amended by the Water Quality Act of 1987 (the Act). The U.S. Environmental Protection Agency (EPA hereinafter) has reviewed the merits of this application for the waiver request. Based on this review, it is my tentative decision that Eastport should receive a 301(h) waiver from secondary treatment standards in accordance with the terms, conditions, and limitations proposed in the modified 301(h) National Pollutant Discharge Elimination System (NPDES) permit.

Eastport's application is seeking approval for the discharge of up to a monthly average of 50,000 gallons per day of primary treated waste water generated by 105 residential homes. Eastport is seeking renewal of its variance from the secondary treatment requirements of the Clean Water Act, as amended by the Act pursuant to Section 301(h) that was originally granted by the EPA on May 9, 1985 and subsequently renewed on August 13, 2002. The Eastport's application is based on an improved discharge as defined at 40 CFR § 125.58. It is my tentative decision that the City of Eastport be granted a renewal of the variance in accordance with the terms, conditions, and limitations of the attached evaluation. This determination is subject to concurrence by the State of Maine as required by Section 301(h) of the Act. Region I has prepared a draft NPDES permit in accordance with this decision.

Because my decision is based on available evidence specific to this particular discharge, it is not intended to assess the need for secondary treatment by other publicly owned treatment works discharging to the marine environment. This decision and the NPDES permit implementing this decision are subject to revision on the basis of subsequently acquired information relating to the impacts of the less-than-secondary discharge on the marine environment.

Pursuant to the procedures of the NPDES Permit Regulations, 40 CFR Part 124, a public notice will be issued which describes the comment procedures that are available to interested persons in regard to this decision and its accompanying draft NPDES permit.

Date:

_____

Robert W. Varney
Regional Administrator
Environmental Protection Agency
Region I

TENTATIVE DECISION DOCUMENT

ANALYSIS OF THE APPLICATION FOR A SECTION 301(h)

SECONDARY TREATMENT VARIANCE

FOR

THE CITY OF EASTPORT'S

WASTE WATER TREATMENT PLANT

QUODDY FACILITY

ENVIRONMENTAL PROTECTION AGENCY
REGION I - NEW ENGLAND

August 2008

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SUMMARY

The applicant, the City of Eastport (Eastport hereinafter) is seeking a variance from secondary treatment requirements for the discharge of up to 50,000 gallon per day (gpd) of sanitary waste water. The treatment plant facility is located in the Town of Eastport, Maine and discharges its effluent to Passamaquoddy Bay, a Class SB waterway according to 38 Maine Revised Statutes Annotated (M.R.S.A.) §469. See Attachment A of this document for a location map.

The EPA followed the guidance provided in EPA's Amended Section 301(h) Technical Support Document (1994) for evaluating the improved discharge for a small applicant (average dry weather flows below 5.0 MGD). The Region relied on information in a document entitled "301(h) Facilities in Maine, Report of 1995 Monitoring Activities," prepared by the State of Maine's Department of Environmental Protection (MEDEP) and submitted to EPA in July 1996 as well as monthly compliance date generated by Eastport for the period March 2002 through December 2007 as required by the terms and conditions of the most current NPDES permit.

The applicant's receipt of a Section 301(h) variance from secondary treatment is contingent upon the following conditions:

1. The treatment system's ability to maintain an average monthly 30 percent (%) removal rate of five-day biochemical oxygen demanding (BOD_5) material and 50% removal for total suspended solids (TSS) (State of Maine Section 401 Water Quality Certification Condition), and;

2. The discharge's ability to meet all water quality standards at the edge of the zone of initial dilution with the discharge from the improved outfall, and;

3. State Certification under 401 of the Act regarding compliance with State law and State Water Quality Standards, including a basis for the conclusion reached.

I. INTRODUCTION

The City of Eastport (Eastport hereinafter) has requested a renewal of its five-year variance from the secondary treatment requirements for its publicly owned treatment works (POTW) pursuant to Section 301(h) of the Clean Water Act, as amended by the Water Quality Act of 1987. This tentative decision document summarizes the findings, conclusions and recommendations of the New England Region of the Environmental Protection Agency (EPA) with regard to Eastport's 301(h) waiver request. The conclusions and recommendations in this document are based on the application of the requirements set forth in 40 CFR Part 125, Subpart G (revised on August 9, 1994) to Eastport's discharge.

The applicant's most recent Section 301(h) modified National Pollutant Discharge Elimination System (NPDES) permit expired on August 13, 2007. Eastport submitted an application for a renewal of its Section 301(h) variance on August 21, 2007. The EPA applied the criteria established in 40 CFR Part 125, Subpart G, "Criteria for Modifying the Secondary Treatment Requirements Under Section 301(h) of the Clean Water Act," in acting on this request.

II. DESCRIPTION OF TREATMENT FACILITY

Eastport's Quoddy facility provides a primary level of treatment by individual on-lot septic tanks. The collection system network conveys the effluent from 105 residences to a treatment plant consists of an influent pump station, two chemical addition manholes, a storage tank, an effluent pump station, effluent flow metering, and a sampling manhole. The treated effluent is discharged to Passamaquoddy Bay during high tide periods. See Attachment A of this document for a location map.

Septic tank effluent flows by gravity to the influent pump station. The waste water is then pumped through the first chemical addition manhole where chlorine, in the form of sodium hypochlorite, is added and is then conveyed to a 38,000 gallon storage tank. The waste water is pumped from the storage tank during high tide periods through the access port for the second chemical addition manhole where sodium bisulfite is added to dechlorinate the waste water, and discharged by means of a gravity sewer outfall. The effluent pumps are controlled by a float switch in the outfall manhole.

III. DESCRIPTION OF RECEIVING WATER

Passamaquoddy Bay is a marine water subject to tidal action with a differences in tides (mean high to mean low) of up to 20 feet with very strong currents. Maine law, 38 M.R.S.A., §469 classifies the receiving waters at the point of discharge as Class SB waters. Maine law, 38 M.R.S.A., Section 465-B(2) contains the classification standards for Class SB waters. See Section V(B) of this document for a description of the designated uses as well as numeric and narrative water quality standards for Class SB waters.

III. DESCRIPTION OF RECEIVING WATER (cont'd)

The Eastport waste water treatment facility discharges to a shellfish harvesting area that the Maine Department of Marine Resources (DMR) has designated as shellfish Area #59(C), Kendall Head, Eastport. See Attachment B of this document for a map depicting Area #59(C).

IV. PHYSICAL CHARACTERISTICS OF THE DISCHARGE

A. Dilution Factors

Pursuant to 40 CFR 125.62(a), the outfall and diffuser must be located and designed to provide adequate initial dilution, dispersion, and transport of wastewater to meet all applicable water quality standards at and beyond the boundary of the zone of initial dilution (ZID) during periods of maximum stratification and during other periods when more critical situations may exist.

The effluent from the Eastport waste water treatment facility is conveyed to Passamaquoddy Bay via a polyvinylchloride (PVC) outfall pipe measuring four (4) inches in diameter. At the time of the previous permitting action the outfall pipe extended out into the receiving water approximately 500 feet with approximately eight (8) feet of water over the crown of the pipe at high tide and no water over the crown of the pipe at mean low water. MEDEP rule, 06-096 CMR Chapter 530 *Surface Water Toxics Control Program*, §4(a)(2) in effect at the time of the last permit renewal stated:

(1) *For estuaries where tidal flow is dominant and marine discharges, dilution factors are calculated as follows. These methods may be supplemented with additional information such as current studies or dye studies.*

(a) For discharges to the ocean, dilution must be calculated as near-field or initial dilution, or that dilution available as the effluent plume rises from the point of discharge to its trapping level, at mean low water level and slack tide for the acute exposure analysis, and at mean tide for the chronic exposure analysis using appropriate models determined by the Department such as MERGE, CORMIX or another predictive model.

(b) For discharges to estuaries, dilution must be calculated using a method such as MERGE, CORMIX or another predictive model determined by the Department to be appropriate for the site conditions.

(c) In the case of discharges to estuaries where tidal flow is dominant and marine waters, the human health criteria must be analyzed using a dilution equal to three times the chronic dilution factor.

IV. PHYSICAL CHARACTERISTICS OF THE DISCHARGE

With a tidally timed discharge, the Department determined through CORMIX modeling, the dilution factors associated with the facility at the permitted flow of 50,000 gpd were as follows.

Acute = 202:1 Chronic = 202:1 Harmonic mean = 606

Pursuant to Department rule Chapter 530.5, "*Surface Water Toxics Control Program*", §4(2)(c), the harmonic mean dilution factor is approximated by multiplying the chronic dilution factor by a factor of three (3).

V. APPLICATION OF STATUTORY AND REGULATORY CRITERIA

A. Primary or equivalent treatment requirements [40 CFR 125.60]

40 CFR 125.60 specifies that the applicant shall demonstrate that its effluent has received at least primary or equivalent treatment. Primary or equivalent treatment is defined as: "treatment by screening, sedimentation, and skimming adequate to remove 30 percent of the biochemical oxygen demanding (BOD) material and 30 percent of the total suspended solids (TSS) in the treatment works influent, and disinfection, where appropriate." (See definition at 40 CFR 125.58(r)). It is noted the MEDEP considers 50% removal of the TSS as best practicable treatment (BPT). Due to the configuration of the waste water treatment system (septic tanks for settling), Eastport does not have an acceptable influent sampling port making the calculation for percent removal difficult. In the event the treatment facility is upgraded in the future, the permittee shall consider providing for a sampling port prior to the waste water enter the septic tanks.

The previous NPDES permit established monthly average technology based mass and concentration limits for BOD and TSS with a monitoring frequency of 1/Week. The limitations were calculated based on an assumed influent concentration of 290 mg/L for each parameter and a 30% removal for BOD and a 50% removal for TSS. This assumed value is based on the EPA Design Manual, Onsite Wastewater Treatment and Disposal Systems, dated October 1980, table 4-3 entitled "Characteristics of Typical Residential Wastewater" high range of values for BOD5 and TSS. Derivation of the limits is as follows:

BOD: 290 mg/L – [(290 mg/L)(0.30)] = 203 mg/L
(203 mg/L)(8.34)(0.050 MGD) = 84 lbs/day

A review of the DMR data for the period April 2005 – March 2007 inclusively, indicates the monthly average concentration of BOD discharged has ranged from 99 mg/L to 147 mg/L with an arithmetic mean of 123 mg/L. As for the monthly average mass of BOD discharged, the DMR data indicates the range has been from 10 lbs/day to 147 lbs/day with an arithmetic mean of 123 lbs/day. Monthly average removal rates for BOD for said period range from 50% - 67% with an arithmetic mean of 57%.

V. APPLICATION OF STATUTORY AND REGULATORY CRITERIA (cont'd)

TSS: 290 mg/L – [(290 mg/L)(0.50)] = 145 mg/L
(145 mg/L)(8.34)(0.0150 MGD) = 60 lbs/day

A review of the DMR data for the period April 2005 – March 2007 inclusively, indicates the monthly average concentration of TSS discharged has ranged from 5 mg/L to 29 mg/L with an arithmetic mean of 14 mg/L. As for the monthly average mass of TSS discharged, the DMR data indicates the range has been from 1 lbs/day to 11 lbs/day with an arithmetic mean of 4 lbs/day. Monthly average removal rates for TSS for said period range from 81% - 98% with an arithmetic mean of 93%.

Since issuance of the previous NPDES permit (August 2002) there has never been an excursion of the technology based mass and concentration limitations for BOD & TSS. Therefore, the facility currently meets the requirements of 40 CFR Part 125.60.

B. Existence of and Compliance with Applicable Water Quality Standards [40 CFR 125.61]

40 CFR 125.61(a) specifies that there must be a water quality standard applicable to each pollutant for which a modification is requested. The applicant must: (1) demonstrate that the modified discharge will comply with such water quality standards (40 CFR 125.61(b)(1)), and; (2) provide a determination, signed by the "certifying authority" (i.e., the MEDEP), that the proposed modified discharge will comply with applicable provisions of State law, including water quality standards (40 CFR 125.61(b)(2)).

The State of Maine has adopted water quality standards including water use classifications. At the point of discharge, Passamaquoddy Bay is classified as Class SB pursuant to Maine law, 38 M.R.S.A., §469. Maine law 39 M.R.S.A §465-B(2) contains the standards for Class SB waters as follows:

Class SB waters must be of such quality that they are suitable for the designated uses of recreation in and on the water, fishing, aquaculture, propagation and harvesting of shellfish, industrial process and cooling water supply, hydroelectric power generation, navigation and as habitat for fish and other estuarine and marine life. The habitat must be characterized as unimpaired.

The dissolved oxygen content of Class SB waters must be not less than 85% of saturation. Between May 15th and September 30th, the numbers of enterococcus bacteria of human and domestic animal origin in these waters may not exceed a geometric mean of 8 per 100 milliliters or an instantaneous level of 54 per 100 milliliters. In determining human and domestic animal origin, the department shall assess licensed and unlicensed sources using available diagnostic procedures. The numbers of total coliform bacteria or other specified indicator organisms in samples

V. APPLICATION OF STATUTORY AND REGULATORY CRITERIA (cont'd)

representative of the waters in shellfish harvesting areas may not exceed the criteria recommended under the National Shellfish Sanitation Program, United States Food and Drug Administration.

Discharges to Class SB waters shall not cause adverse impact to estuarine and marine life in that the receiving waters shall be of sufficient quality to support all estuarine and marine species indigenous to the receiving water without detrimental changes in the resident biological community. There shall be no new discharge to Class SB waters which would cause closure of open shellfish areas by the Department of Marine Resources.

Federal regulation 40 CFR, Part 125, Subpart G, more specifically Part 125.57(a)(2), states that discharge of pollutants in accordance with such modified requirements [301(h)] will not interfere, alone or in combination with pollutants from other sources, with the attainment or maintenance of that water quality which assures protection of public water supplies and protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife, and allows recreational activities in and on the water.

Maine law 38 M.R.S.A., Section 420 and Department rule 06-096 CMR Chapter 530, *Surface Water Toxics Control Program,* require the regulation of toxic substances not to exceed levels set forth in Department rule 06-096 CMR Chapter 584*, Surface Water Quality Criteria for Toxic Pollutants*, and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

The water quality standards applicable to the pollutants for which a 301(h) modified permit is requested are discussed below. Additional relevant water quality standards are discussed in Section V(C) of this document.

(1) Dissolved Oxygen (DO) [40 CFR Section 125.61(a)(1)]

Maine law, 38 MRSA, §465-B(2)(A) species that Class SB waters shall have a dissolved oxygen content of at least 85% of saturation.

There is limited data in the vicinity of the discharge for average daily DO concentrations. EPA believes however, that average daily concentrations would likely be greater than the 85% saturation standard found in Maine law. This belief is based on the fact that in the summer of 1995, the MEDEP and the EPA conducted a portion of the Biological Monitoring requirements (TVS sampling) and Water Quality Monitoring contained in the 1985 State waste discharge license and federal NPDES permit at certain 301(h) facilities. The MEDEP and EPA agreed that the SCUBA inspection was too dangerous as a result of the swift current in the receiving waters. The Department has made the determination that,

V. APPLICATION OF STATUTORY AND REGULATORY CRITERIA (cont'd)

based on the sampling to date and past effluent monitoring data, the discharge complies with 40 CFR, §125.57(a)(2). According to a document entitled "301(h) Facilities in Maine, Report of 1995 Monitoring Activities," prepared by the Department, dated July 1996 and submitted to EPA, "Water quality, sediment, and photographic information indicates that these [301(h)-type] discharges are not causing any significant impact to the receiving waters". That document concluded that no further ambient monitoring be conducted, and recommended that effluent monitoring be continued. By letter dated February 17, 1995 from the EPA Regional Administrator, the EPA found there would be little risk of adverse impacts to the receiving waters from these discharges provided that the permittee perform effluent monitoring as part of the regular permit conditions. The proposed NPDES permitting action associated with this decision requires said effluent monitoring. The EPA has determined that the DO levels in the vicinity of the improved discharge will likely meet the State water-quality standards.

(2) Fecal coliform bacteria [40 CFR Section 125.61(a)(3)]

Maine law 38 M.R.S.A. §465-B(2)(C) specifies that the numbers of total coliform bacteria or other specified indicator organisms in samples representative of the waters in shellfish harvesting areas may not exceed the criteria recommended under the National Shellfish Sanitation Program.

The previous permitting action established monthly average (geometric mean) and daily maximum limits of 15 colonies/100 ml and 50 colonies/100 ml respectively, that are consistent with limitations in the National Shellfish Sanitation Program. The numeric limitations are being carried forward in this permitting action along with a monitoring frequency of 1/Week. To be consistent with the previous permitting action issued by the Department and EPA, this permitting action is establishing year-round disinfection to protect the health and welfare of the general public given the outfall pipe is exposed at mean low water.

A review of the DMR data for the period April 2005 – March 2007 indicates the monthly average (geometric mean) fecal coliform bacteria levels discharged have ranged from 1.4 – 4 colonies/100 mL with an arithmetic mean of 4 colonies/100 mL and the daily maximum levels have ranged from <4 – 24 colonies/100 mL with an arithmetic mean of 4 colonies/100 mL. Since issuance of the previous NPDES permit (August 2002) there has never been any excursions of the water quality based concentration limitations for fecal coliform bacteria. Therefore, the facility currently meets the requirements of 40 CFR Part 125.60.

V. APPLICATION OF STATUTORY AND REGULATORY CRITERIA (cont'd)

(3) pH [40 CFR Section 125.61(a)(3)]

Maine law 38 M.R.S.A. §464(4)(A)(5) specifies that no discharge shall cause the pH of marine water to fall outside the range of 7.0 – 8.5 standard units. The previous NPDES permit established a BPT pH range limit of 6.0 –9.0 standard units pursuant to Department rule, Chapter 525(3)(III)(c), along with a monitoring frequency of 1/Day. A review of the DMR data for the period April 2005 – March 2007 indicates there has never been any excursions of the pH range limitation. Therefore, the facility currently meets the requirements of 40 CFR Part 125.60.

(4) Toxic pollutants [40 CFR Section 125.61(a)(3)]

Maine law 38 M.R.S.A. § 420 prohibits dischargers from discharging toxic pollutants in toxic amounts. MEDEP rule 06-096 CMR Chapter 584 establishes numeric ambient water quality criteria for pollutants known to be toxic to aquatic life or harmful to humans. The only pollutant discharged from the Eastport facility that may be discharged in toxic amounts is chlorine as it used as a disinfectant of the final effluent from the facility.

The August 2002 NPDES permit established a technology based daily maximum limitation of 1.0 mg/L for total residual chlorine with a monitoring frequency of 1/Day. Limits on total residual chlorine are specified to ensure attainment of the in-stream water quality criteria for chlorine and that best practicable treatment (BPT) technology is utilized to abate the discharge of chlorine. Permits issued by the EPA impose the more stringent of the calculated water quality based or BPT based limits. The MEDEP 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 unless the calculated acute water quality based threshold is lower than 1.0 mg/L.

Water quality based thresholds for TRC can be calculated as follows:

Parameter	Acute Criteria	Chronic Criteria	Acute Dilution	Chronic Dilution	Acute Limit	Chronic Limit
Chlorine	0.013 mg/L	0.0075 mg/L	202:1	202:1	2.6 mg/L	1.5 mg/L

Example calculation: Acute – 0.013 mg/L (202) = 2.6 mg/L

Being that the MEDEP's BPT technology based daily maximum limit of 1.0 mg/L is more stringent than the daily end-of-pipe water quality threshold calculated above, the technology based limit of 1.0 mg/L was established in the August 2002 NPDES permit and is being carried forward in this permitting action.

V. APPLICATION OF STATUTORY AND REGULATORY CRITERIA (cont'd)

A review of the DMR data for the period calendar years 2002 – 2006 indicates the daily maximum TRC discharged has ranged from 0.01 mg/L to 0.03 mg/L with an arithmetic mean of 0.01 mg/L and has never been exceeded during said period. Therefore, the facility currently meets the requirements of 40 CFR Part 125.60.

C. Attainment or maintenance of water quality which assures protection of public water supplies; assures the protection and propagation of a balanced indigenous population (BIP) of shellfish, fish and wildlife; and allows recreational activities [40 CFR 125.62]

(1) At the time the 301(h) modification becomes effective, the applicant's outfall and diffuser must be located and designed to provide adequate initial dilution, dispersion, and transport of wastewater such that the discharge does not exceed at or beyond the zone of initial dilution all applicable water quality standards [40 CFR 125.62(a)(1)(i)]

The State of Maine has applicable State water quality standards that directly correspond to the CWA Section 304(a)(1) water quality criterion. With a tidally timed discharged, modeling performed for this improved outfall will provide adequate dilution, dispersion, and transport of waste water such that the discharge will not exceed, at or beyond the zone of initial dilution, any applicable water-quality standards. See Section V(A)(1) of this document for the dilution factors calculated.

(2) Impact of the Discharge on Public Water Supplies [40 CFR 125.62(b)]

The Eastport discharge will not have an impact on public drinking water supplies as the facility discharges to a marine environment and the EPA and MEDEP are not aware of any proposals to construct a desalination plant in the vicinity of the Eastport discharge location.

(3) Biological Impact of Discharge. [40 CFR 125.62(c)]. The discharge must allow for the attainment or maintenance of water quality which assures protection and propagation of a balanced indigenous population (BIP) of fish, shellfish, and wildlife (40 CFR 125.62(c)(1)). A BIP must exist immediately beyond the boundary of the zone of initial dilution (ZID) and in all areas beyond the ZID that are actually or potentially affected by the applicant's discharge (40 CFR 125.62(c)(2)).

See the discussion in Section V(1) of this document.

V. APPLICATION OF STATUTORY AND REGULATORY CRITERIA (cont'd)

(4) Conditions within the zone of initial dilution must not contribute to extreme adverse biological impacts, including, but not limited to, the destruction of distinctive habitats of limited distribution, the presence of a disease epicenter, or the stimulation of phytoplankton blooms which have adverse effects beyond the zone if initial dilution. [40 CRF 125.62(c)(3)]

See the discussion in Section V(1) of this document.

(5) For modified discharges into saline estuarine water, the benthic population within the ZID must not differ substantially from the balanced indigenous populations which exist immediately beyond the boundary of the ZID; the discharge must not interfere with estuarine migratory pathways within the ZID; and the discharge must not result in the accumulation of toxic pollutants or pesticides at levels which exert adverse effects on the biota within the ZID. [40 CFR 125.62(c)(4)(i), (ii), and (iii)]

See the discussion in Section V(1) of this document.

(6) Impact of Discharge on Recreational Activities. The discharge must allow for the attainment or maintenance of water quality which allows for recreation activities beyond the zone of initial dilution, including, without limitation, swimming, diving, boating, fishing and picnicking, and sports activities along shorelines and beaches. [40 CFR 125.62(d)]

See the discussion in Section V(1) of this document.

(7) Additional requirements for applications based on improved or altered discharges [40 CFR 125.62(e)].

See the discussion in Section V(1) of this document.

(8) Stressed Waters [40 CFR 125.62(f)]

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, indicates that the Maine Department of Marine Resources (MEDMR) shellfish Area #59(C), Kendall Head - Eastport, is closed to the harvesting of shellfish. See Attachment B of this document for the delineation of Area #59(C). The DMR has traditionally closed shellfish harvesting areas in the vicinity of outfall pipes when lack of field data on bacteria counts in the immediate area is insufficient, inconclusive or exceeds standards set in the National Shellfish Sanitation Program of the U.S. Department of Health and Human Services. The MEDMR issued the closure notice on February 6, 2007 based on ambient water quality sampling indicated elevated levels of bacteria.

V. APPLICATION OF STATUTORY AND REGULATORY CRITERIA (cont'd)

Compliance with the monthly average and daily maximum limitations for fecal coliform bacteria will ensure the Eastport waste water treatment facility will not cause or contribute to the closure of the shellfish harvesting area.

All estuarine and marine waters in Maine are listed in a table entitled, *Category 4-B-3: Estuarine and Marine Waters Impaired by Atmospheric Deposition of Mercury* of the aforementioned 305(b) report. Text in this category states that all waters in the category are partially supporting fishing (fish and shellfish consumption) due to elevated levels of mercury, PCBs and dioxin in tissues of some fish and lobster tomally. The MEDEP is not aware of any information that the Eastport Quoddy waste water treatment facility is discharging PCBs, dioxin or mercury that may be causing or contributing to the partial non-attainment.

D. Establishment of Monitoring Programs [40 CFR 125.63]

Federal regulation 40 CFR 125.63 requires that the applicant develop a monitoring program designed to evaluate the impact of the modified discharge on the marine biota, demonstrate compliance with applicable water quality standards, and measure toxic substances in the discharge. 40 CFR 125.63(a)(2) allows the Administrator to require revisions to the proposed monitoring program before issuance of a modified permit and during the term of any modified permit.

(1) Establishment of Monitoring Program [40 CFR 125.63(a)(1)]

See the discussion in Section V(1) of this document.

(2) Small applicants are not subject to the requirements of 40 CFR 125.63(b)(1)(ii)-(iv) if they discharge at depths greater than 10 meters and can demonstrate through a suspended solids deposition analysis that there will be negligible seabed accumulation in the vicinity of the modified discharge [40 CFR 125.63(b)(2)]

See the discussion in Section V(1) of this document.

V. APPLICATION OF STATUTORY AND REGULATORY CRITERIA (cont'd)

(3) For applicants seeking a section 301(h) modified permit based on an improved or altered discharge involving outfall relocation, the biological monitoring shall include the current discharge site until such discharge ceases (40 CFR 125.63(b)(3)(iii)(A)), and; shall provide baseline data at the relocation site (40 CFR 125.63(b)(3)(iii)(B))

See the discussion in Section V(1) of this document.

(4) Water Quality Monitoring Program [40 CFR 125.63(c)]

See the discussion in Section V(1) of this document.

(5) Effluent Monitoring Program [40 CFR 125.63(d)]

The draft NPDES permit contains monitoring conditions which shall provide data on the quality of the effluent including flow, BOD, TSS, settleable solids, total residual chlorine and pH.

E. Effect of Modified Discharge on Other Point and Nonpoint Sources [40 CFR 125.64]

40 CFR 125.64(a) states that no modified discharge may result in any additional pollution control requirements on any other point or nonpoint source.

40 CFR Part 125.64(b) requires that the applicant obtain a determination from the State or interstate agency having authority to establish waste load allocations indicating whether the applicant's discharge will result in any additional treatment pollution control, or other requirement on any other point or nonpoint source. The City of Eastport anticipates receiving said determination from the MEDEP prior to issuance of the final NPDES permit.

F. Toxics Control Program [40 CFR 125.66]

(1) Identification of sources and Industrial Pretreatment Requirements [40 CFR 125.66(a)(1) and (2), 40 CFR 125.66(b), and 40 CFR 125.66(c)]

Given the nature of the source of the discharge (105 residential entities) Eastport has determined to the best of their knowledge, there are no sources of toxic pollutants being conveyed to the treatment plant. Therefore, 40 CFR 125.66(a) - (c) does not apply.

V. APPLICATION OF STATUTORY AND REGULATORY CRITERIA (cont'd)

(2) Nonindustrial Source Control Program [40 CFR 125.66(d)]

Under 40 CFR 125.66(d), the applicant must submit a proposed public education program designed to minimize the entrance of nonindustrial toxic pollutants and pesticides into its POTW. See the discussion in Section V(F)(1) of this document.

G. Increase in Effluent Volume or Amount of Pollutants Discharged [40 CFR 125.67]

(1) 40 CFR 125.67(a) states that the applicant's discharge may not result in any new or substantially increased discharges of the pollutant to which the modification applies above the discharge specified in the Section 301(h) modified permit.

Effluent limits for BOD_5 and TSS are specified within the draft permit as follows:

Constituent	Monthly Average Limitations
BOD_5	203 mg/l (85 lbs/day)
TSS	145 mg/l (60 lbs/day)

The Eastport discharge will not result in any new or substantially increased discharge of these pollutants as the proposed limits are equal to the limits in the previous NPDES permitting action.

(2) 40 CFR 125.67(b) requires that, where pollutants discharges are attributable in part to combined sewer overflows, the applicant minimize existing overflows and prevent increases in the amount of pollutants discharged.

There are no CSO's associated with the Eastport collection system. Therefore, Eastport is in compliance with 40 CFR 125.67(b).

V. APPLICATION OF STATUTORY AND REGULATORY CRITERIA (cont'd)

H. Special conditions for section 301(h) modified permits [40 CFR 125.68]

Each section 301(h) modified permit issued shall contain, in addition to all applicable terms and conditions required by 40 CFR part 122, the following:

(1) Effluent limits and mass loadings which will assure compliance with the requirements of this subpart (40 CFR 125.68(a)):

The draft NPDES permit contains such effluent limits and mass loadings.

(2) A schedule or schedules of compliance for (40 CFR 125.68(b)):

a. 40 CFR 125.68(b)(1), Pretreatment program development required by section 125.66(c).

The City of Eastport is not required to have a pretreatment program. Therefore, the permit does not contain a schedule for one.

b. 40 CFR 125.68(b)(2), Nonindustrial toxics control program required by section 125.66(d).

Given the nature of the source of the discharge (105 residential entities) Eastport has determined to the best of their knowledge, there are no sources of toxic pollutants being conveyed to the treatment plant. Therefore, 40 CFR 125.66(d) does not apply.

c. 40 CFR 125.68(b)(3), Control of combined sewer overflows required by section 125.67.

There are no CSO's associated with the Eastport collection system. Therefore Eastport is in compliance with 40 CFR 125.67.

3. Monitoring program requirements that include (40 CFR 125.68(c)):

a. 40 CFR 125.68(c)(1), Biological monitoring requirements of section 125.63(b).

See the discussion in Section V(1) of this document.

b. 40 CFR 125.68(c)(2), Water quality requirements of section 125.63(c).

See the discussion in Section V(1) of this document.

V. APPLICATION OF STATUTORY AND REGULATORY CRITERIA (cont'd)

c. 40 CFR 125.68(c)(3) Effluent monitoring requirements of sections 125.60(b), 125.62(c) and (d), and 125.63(d).

The draft NPDES permit contains appropriate effluent monitoring and reporting requirements to satisfy the above regulatory requirements.

4. Reporting requirements that include the results of the monitoring programs required by paragraph (c) of this section at such frequency as prescribed in the approved monitoring program (40 CFR 125.68(d)).

The draft NPDES permit contains monthly reporting of the results of effluent monitoring requirements specified by the permit.

VI. COMPLIANCE WITH PROVISIONS OF OTHER STATE, LOCAL OR FEDERAL LAWS

Pursuant to 40 CFR 125.59(b)(3), a modified NPDES permit may not be issued unless the proposed discharge complies with applicable provisions of state, local, or other federal laws or Executive Orders, including the Coastal Zone Management Act, 16 U.S.C. 1451 et seq., the Endangered Species Act, 16 U.S.C. 1531 et seq., and the Marine Protection, Research, and Sanctuaries Act 16 U.S.C. 1431 et seq. These requirements are discussed below.

A. State Coastal Zone Management Program

A copy of the draft NPDES permit is being sent to the Maine's State Planning Office for a consistency determination. With the expected Section 401 Water Quality Certification from the MEDEP, the EPA anticipates an affirmative consistency determination prior to issuance of the NPDES permit as a final agency action.

B. Endangered or Threatened Species

The United States Fish and Wildlife Service (USFWS) is responsible for making the determination that the Eastport discharge will not harm endangered or threatened species. The EPA will consult with USFWS on Endangered Species Act (ESA) requirements as the USFWS will be provided with a copy of 30-day formal draft permit.

The National Marine Fisheries Service (NMFS) is charged with implementing the ESA for marine species. EPA will consult with NMFS on ESA requirements at the same time as the Essential Fish Habitat consultation.

VI. COMPLIANCE WITH PROVISIONS OF OTHER STATE, LOCAL OR FEDERAL LAWS

Both aforementioned agencies were provided with an opportunity to comment of the August 2002 NPDES permit. Neither agency object to the terms and conditions of the permit or recommended additional monitoring requirements. Being that discharge levels proposed in this draft permit are equivalent to the August 2002 levels, the EPA does not anticipate any objections to the proposed permitting action.

C. Marine Protection, Research and Sanctuaries Act

The discharge is not located near any marine or estuarine sanctuary designated under Title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, or the Coastal Zone Management Act of 1972, as amended.

D. Essential Fish Habitat (EFH)

Under the 1996 Amendments (PL 104-297) to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. § 1801 et seq. (1998)), EPA is required to consult with the National Marine Fisheries Service (NMFS) if EPA's actions, or proposed actions that EPA funds, permits, or undertakes, "may adversely impact any essential fish habitat." 16 U.S.C. § 1855(b). The Amendments broadly define essential fish habitat as, "... those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." 16 U.S.C. § 1802(10). Adverse effect means any impact which reduces the quality and/or quantity of EFH. 50 C.F.R. § 600.910(a). Adverse effects may include direct (e.g., contamination or physical disruption), indirect (e.g., loss of prey, reduction in species' fecundity), site-specific or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions. Id.

EFH is only designated for species for which federal Fishery Management Plans exist (16 U.S.C. § 1855(b)(1)(A)). EFH designations were approved for New England by the U.S. Department of Commerce on March 3, 1999.

As the federal agency charged with authorizing the discharge from this facility, EPA is in the process of consulting with the National Marine Fisheries Service (NMFS) under section 305 (b)(2) of the Magnuson-Stevens Act for essential fish habitat (EFH). This consultation will be completed before the permit is finalized.

VII. STATE CONCURRENCE IN VARIANCE

Permittees may not be granted a Section 301(h) variance, as specified under Section 301(h) of the Act and 40 CFR 125.59(i), until the appropriate State certification/concurrence is granted or waived pursuant to 40 CFR 124.54. A Section 301(h) waiver may not be granted if the State denies certification/ concurrence pursuant to 40 CFR 124.54. EPA expects that the State of Maine will make such a determination upon review of the proposed draft permit conditions.

VIII. CONCLUSION

The EPA has determined that Eastport's treated effluent, will receive enough initial dilution and mixing such that the discharge will comply with all of the requirements of Section 301(h) of the Clean Water Act, as amended by the Water Quality Act of 1987, and 40 CFR Part 125, Subpart G.

IX. TENTATIVE DECISION

For the reasons discussed in this tentative decision document, EPA is tentatively approving Eastport's request to discharge primary effluent into Passamaquoddy Bay. This tentative decision is contingent upon the following conditions:

1. The Eastport treatment system maintaining 30 % removal of BOD_5 and 50% removal TSS (Maine BPT and Section 401 Water Quality Certification condition) , and;

2. State certification is granted under Section 401 of the Act, and;

3. The discharge will comply with all state water-quality standards.

This tentative decision will become final upon issuance of the NPDES permit.

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
WHOLE EFFLUENT TOXICITY REPORT
MARINE 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**

	mysid shrimp	sea urchin
A-NOEL		
C-NOEL		

Effluent Limitations

A-NOEL	
C-NOEL	

Data summary

	mysid shrimp	sea urchin
	% survival	% fertilized
QC standard	>90	>70
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

Salinity Adjustment

brine	
sea salt	
other	

Reference toxicant

	mysid shrimp A-NOEL	sea urchin 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 (Marine Version), March 2007."

Printed 2/21/2007

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

Facility Name _____ **MEPDES #** _____ **Pipe #** _____ Facility Representative Signature _____ To the best of my knowledge this information

Licensed Flow (MGD)	
Acute dilution factor	
Chronic dilution factor	
Human health dilution factor	
Criteria type: M(arine) or F(resh)	f

Flow for Day (MGD)[1] _____ **Flow Avg. for Month (MGD)**[2] _____

Date Sample Collected _____ Date Sample Analyzed _____

Laboratory _____ Telepl
Address _____
_____
Lab Contact _____ Lab

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)		
	WHOLE EFFLUENT TOXICITY		Acute	Chronic			WET Result, % Do not enter % sign	Reporting Limit Check	**Pos** Acute
	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	**Pos** Acute
	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)			

Printed 2/21/2007

Maine Department of Environmental Protection
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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)	m		

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

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

MARINE AND ESTUARY VERSION

Please see the footnotes on the last page.

			Effluent Limits, %			Receiving Water or Ambient	**Effluent Concentration (ug/L or as noted)** WET Result, % Do not enter % sign	Reporting Limit Check	**Possible Exceedence [7]** Acute	Chronic	
	WHOLE EFFLUENT TOXICITY		Acute	Chronic							
	Mysid Shrimp										
	Sea Urchin										
	WET CHEMISTRY										
	pH (S.U.) (9)					(8)					
	Total Organic Carbon (mg/L)					NA					
	Total Solids (mg/L)					NA					
	Total Suspended Solids (mg/L)					NA					
	Salinity (ppt.)										

	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									

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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:

Maine Department of Environmental Protection

Effluent Mercury Test Report

Name of Facility: _____ Federal Permit # ME _____

Purpose of this test:
- ☐ Initial limit determination
- ☐ Compliance monitoring for: year _____ calendar quarter _____
- ☐ Supplemental or extra test

SAMPLE COLLECTION INFORMATION

Sampling Date: ___ ___ ___ (mm dd yy) Sampling time: _____ AM/PM

Sampling Location:

Weather Conditions: _____

Please describe any unusual conditions with the influent or at the facility during or preceding the time of sample collection:

Optional test - not required but recommended where possible to allow for the most meaningful evaluation of mercury results:

Suspended Solids _____ mg/L Sample type: _____ Grab (recommended) or _____ Composite

ANALYTICAL RESULT FOR EFFLUENT MERCURY

Name of Laboratory: _____

Date of analysis: _____ **Result:** _____ **ng/L (PPT)**

Please Enter Effluent Limits for your facility

Effluent Limits: **Average =** _____ ng/L **Maximum =** _____ ng/L

Please attach any remarks or comments from the laboratory that may have a bearing on the results or their interpretation. If duplicate samples were taken at the same time please report the average.

CERTIFICATION

I certifiy that to the best of my knowledge the foregoing information is correct and representative of conditions at the time of sample collection. The sample for mercury was collected and analyzed using EPA Methods 1669 (clean sampling) and 1631 (trace level analysis) in accordance with instructions from the DEP.

By: _____ Date: _____

Title: _____

PLEASE MAIL THIS FORM TO YOUR ASSIGNED INSPECTOR

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.