STATE OF MAINE

Department of Environmental Protection

JOHN ELIAS BALDACCI
GOVERNOR

David P. Littell
COMMISSIONER

May 26, 2009

Mr. Thomas Milligan
City Engineer
City of Biddeford
P.O. Box 586
Biddeford, Maine 04005

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100048
Maine Waste Discharge License (WDL) Application #W000683-5M-F-R
Final Permit/License

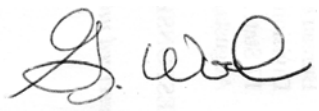
Dear Mr. Milligan:

Enclosed please find a copy of your **final** MEPDES permit and Maine WDL which was approved by the Department of Environmental Protection. Please read the permit/license and its attached conditions carefully. You must follow the conditions in the permit/license to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State Law and is subject to enforcement action.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled "*Appealing a Commissioner's Licensing Decision*."

If you have any questions regarding the matter, please feel free to call me at 287-7693.

Sincerely,



Gregg Wood
Division of Water Quality Mangement
Bureau of Land and Water Quality

Enc.
cc: Stuart Rose, DEP/SMRO
Roger Janson, USEPA

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

DEPARTMENT ORDER

IN THE MATTER OF

CITY OF BIDDEFORD	)	MAINE POLLUTANT DISCHARGE
BIDDEFORD, YORK COUNTY, MAINE	)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS	)	AND
ME0100048	)	WASTE DISCHARGE LICENSE
W000683-5M-F-R **APPROVAL**	)	**RENEWAL**

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, Section 1251, et. seq. and Maine Law 38 M.R.S.A., Section 414-A et seq., and applicable regulations, the Department of Environmental Protection (Department hereinafter) has considered the application of the CITY OF BIDDEFORD (City hereinafter), with its supportive data, agency review comments, and other related material on file and finds the following facts:

APPLICATION SUMMARY

The City has submitted a complete application to the Department for renewal of Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0100048/Maine Waste Discharge License (WDL) #W000683-5M-D-R (permit hereinafter) which was issued by the Department on June 25, 2003 and expired on June 25, 2008. The 6/25/03 permit authorized the discharge of up to a monthly average flow of 6.5 million gallons per day (MGD) of secondary treated waste waters from a publicly owned waste water treatment facility to the Saco River, Class SC, in Biddeford, Maine. The permit also authorized the City to discharge untreated combined storm water and sanitary waste waters from eleven (11) combined sewer overflows (CSO) to the Saco River, Class SC and to Thatcher Brook, Class B.

PERMIT SUMMARY

This permitting action is carrying forward all the terms and conditions of the 6/25/03 permitting action except that this permit;

1. Eliminates the warm weather (May 1 - October 30) monthly average water quality based mass and concentration limiations for ammonia and establishes more stringent cold weather (November 1 – April 30) mass limitations for ammonia.

2. Eliminates the daily maximum water quality based mass and concentration limitations for copper.

PERMIT SUMMARY (cont'd)

3. Elimnates combined sewer overflow (CSO) #016, FMI CSO from the permit

4. Establishes new milestones to complete certain CSO abatement projects.

5. Establishes monthly average water quality based mass and concentration limitations for bis (2-ethylhexyl) phthalate.

6. Establishes daily maximum water quality based mass and concentration limitations for available cyanide (free, amenable to chlorination).

7. Establishing monthly average water quality based mass and concentration limits for inorganic arsenic along with a schedule of compliance to meet said limits.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated February 9, 2009 and subject to the Conditions listed below, the Department makes the following CONCLUSIONS.

For discharge of secondary treated waste waters from the waste water treatment facility:

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 in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;

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

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

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

CONCLUSIONS (cont'd)

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 discharges (including the ten remaining CSO's) will be subject to effluent limitations that require application of best practicable treatment as defined in Maine law, 38 M.R.S.A., §414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the application of the CITY OF BIDDEFORD, to discharge up to a monthly average of 6.5 MGD of secondary treated waste waters to the Saco River and untreated combined storm water and sanitary waste water to Thatcher Brook, Class B, and the Saco River, Class SC, via ten (10) CSOs in Biddeford, Maine. The discharges shall be subject to the attached conditions and all applicable standards and regulations including:

1. "*Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits,*" revised July 1, 2002, copy attached.

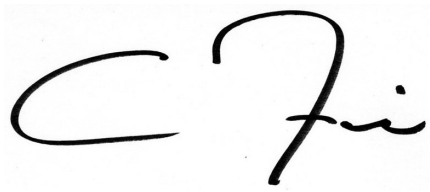
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.

3. This permit expires five (5) years from the date of signature below.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application November 6, 2008.

Date of application acceptance November 6, 2008.



This permit has been digitally signed by Andrew C. Fisk on behalf of Commissioner David P. Littell. It is digitally signed pursuant to authority under 10 M.R.S.A. § 9418. It has been filed with the Board of Environmental Protection as of the signature date
2009.05.27 12:53:42 -04'00'

This Order prepared by GREGG WOOD, BUREAU OF LAND & WATER QUALITY

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Beginning upon issuance of this permit, the permittee is authorized to discharge secondary treated sanitary waste waters from **OUTFALL #001** to the Saco River. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			Minimum Monitoring Requirements				
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow *[50050]*	6.5 MGD *[03]*	---	Report MGD *[03]*	---	---	---	Continuous *[99/99]*	Recorder *[RC]*
Biochemical Oxygen Demand (BOD_5) *[00310]*	1,626 lbs/day *[26]*	2,439 lbs/day *[26]*	Report #/day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	5/Week *[05/07]*	Composite *[24]*
BOD_5 % Removal**(1)** *[81010]*	---	---	---	85% *[19]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
Total Suspended Solids (TSS) *[00530]*	1,626 lbs/day *[26]*	2,439 lbs/day *[26]*	Report lbs/day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	5/Week *[05/07]*	Composite *[24]*
TSS % Removal**(1)** *[81011]*	---	---	---	85% *[19]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
Settleable Solids *[00545]*	---	---	---	---	---	0.3 ml/L *[25]*	1/Day *[01/01]*	Grab *[GR]*
Fecal Coliform Bacteria**(2)** *[31616]*	---	---	---	15/100 ml**(3)** *[13]*	---	50/100 ml *[13]*	5/Week *[05/07]*	Grab *[GR]*
Total Residual Chlorine**(2)** *[50060]*	---	---	---	0.1 mg/L *[19]*	---	0.13 mg/L *[19]*	2/Day *[02/01]*	Grab *[GR]*
pH (Std. Unit) *[00400]*	---	---	---	---	---	6.0 – 9.0 *[12]*	1/Day *[01/01]*	Grab *[GR]*

The italicized numeric values bracketed in the table above and on the following pages are not limitations but code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports (DMR's).

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS – OUTFALL #001 (cont'd)

Effluent Characteristic	Discharge Limitations			Minimum Monitoring Requirements				
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Ammonia (as N) *[00610]* *Nov. 1 – April 30* *May 1 – Oct. 31*	1,030 lbs/day Report lbs/day *[26]*	--- ---	--- ---	28 mg/L Report mg/L *[19]*	--- ---	--- ---	1/Quarter 1/Quarter *[01/90]*	Composite Composite *[24]*
Bis (2-ethylhexyl) phthalate *[39100]*	2.5 lbs/day *[26]*	---	---	69 ug/L *[28]*	---	---	1/Quarter *[01/90]*	Grab *[GR]*
Arsenic (Total) **(4)** *[01002]* *(Upon permit issuance)*	Report lbs/Day *[26]*	---	---	Report ug/L *[28]*	---	---	1/Quarter *[01/90]*	Composite*[24]*
Arsenic (Inorganic)**(5)** *[01252]* *(Upon EPA method approval)*	0.068 lbs/Day *[26]*	---	---	6.4 ug/L *[28]*	---	---	1/Year*[01/YR]*	Composite*[24]*
Cyanide (Amenable to chlorination) *[00722]*	---	---	0.41 lbs/day *[26]*	---	---	11 ug/L *[28]*	1/Quarter *[01/90]*	Grab *[GR]*

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

SURVEILLANCE LEVEL TESTING

Beginning upon issuance of this permit and lasting through 12 months prior to the expiration date of this permit.

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Whole Effluent Toxicity(6)						
Acute – NOEL						
Mysidopsis bahia [TDM3E] *(Mysid Shrimp)*	---	---	---	Report % [23]	1/Year [01/YR]	Composite [24]
Chronic – NOEL						
Arbacia punctulata [TBH3A] *(Sea urchin)*	---	---	---	5.9% [23]	2/Year [02/YR]	Composite [24]
Analytical chemistry(7) [50008]	---	---	---	Report ug/L [28]	1/Year [01/YR]	Composite/Grab [24]

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

SCREENING LEVEL TESTING

Beginning 12 months prior to the expiration date of this permit and lasting through permit expiration.

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Whole Effluent Toxicity(6)						
Acute – NOEL						
Mysidopsis bahia [TDM3E] *(Mysid Shrimp)*	---	---	---	Report % [23]	1/Quarter [01/90]	Composite [24]
Chronic – NOEL						
Arbacia punctulata [TBH3A] *(Sea urchin)*	---	---	---	5.9 % [23]	1/Quarter [01/90]	Composite [24]
Priority pollutant(8) [50008]	---	---	---	Report ug/L [28]	1/Year [01/YR]	Composite/Grab [24]
Analytical chemistry(7) [50008]	---	---	---	Report ug/L [28]	1/Quarter [01/90]	Composite/Grab [24]

SPECIAL CONDITIONS

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

Footnotes:

Sampling Locations: Influent sampling shall be conducted just prior to the bar screen for the waste water treatment facility. Effluent sampling for all parameters shall be sampled at the manhole after the chlorination/dechlorination structures and after the flow meter on a year-round basis. Any change in sampling location must be approved by the Department in writing.

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

All 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. 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 treatment facility shall maintain a minimum of 85 percent removal of both total suspended solids and biochemical oxygen demand for all flows receiving secondary treatment. The percent removal shall be calculated based on influent and effluent concentration values. The percent removal shall be waived when the monthly average influent concentration is less than 200 mg/L. For instances when this occurs, the facility shall report "*NODI-9*" on the monthly Discharge Monitoring Report.

2. **Fecal coliform bacteria and total residual chlorine (TRC)** - Limits apply on a year-round basis. TRC shall be tested using USEPA approved methods that are capable of bracketing the TRC concentration limitations in this permit.

SPECIAL CONDITIONS

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

Footnotes:

3. **Fecal coliform bacteria –** The monthly average limitation of 15 colonies/100 ml is a geometric mean limitation and results shall be calculated and reported as such.

4. **Arsenic (Total)** – **Beginning upon issuance of this permit and lasting through a date on which the USEPA approves a test method for inorganic arsenic**, the permittee shall sample and analyze the discharge from the facility for total arsenic. The Department's most current reporting limit (RL) for total arsenic is 5 ug/L but may be subject to revision during the term of this permit. All detectable analytical test results shall be reported to the Department including results which are detected below the Department's most current RL at the time of sampling and reporting. Only the detectable results greater than the total arsenic threshold of 13 ug/L (See page 18 of the Fact Sheet attached to this permit) or the Department's RL at the time (whichever is higher) will be considered as a possible exceedence of the water quality criteria for inorganic arsenic. If a test result is determined to be a possible exceedence, the permittee shall submit a toxicity reduction evaluation (TRE) to the Department for review and approval within 45 days of receiving the test result of concern from the laboratory.

5. **Arsenic (Inorganic)** – The limitations and monitoring requirements for inorganic arsenic are not in effect until the USEPA approves of a test method for inorganic arsenic. See Special Condition H, *Schedule of Compliance – Inorganic Arsenic,* of this permit modification.

6. **Whole Effluent Toxicity (WET) Testing** – Definitive WET testing is a multi-concentration testing event (a minimum of five dilutions bracketing the critical acute and chronic thresholds of 10% and 5.9%, respectively), which provides a point estimate of toxicity in terms of No Observed Effect Level, commonly referred to as NOEL or NOEC. A-NOEL is defined as the acute no observed effect level with survival as the end point. C-NOEL is defined as the chronic no observed effect level with survival, reproduction and growth as the end points.

    a. **Surveillance level testing - Beginning upon issuance of this permit and lasting through 12 months prior to permit expiration**, the permittee shall conduct surveillance level WET testing at a minimum frequency of once per year (1/Year) on the mysid shrimp (*Mysidopsis bahia*) and twice per year (2/Year) on the sea urchin (*Arbacia punctulata*). Acute tests shall be conducted on the mysid shrimp and chronic tests shall be conducted on the sea urchin. Surveillance tests shall be conducted in a different calendar quarter such that a test is conducted in all four calendar quarters during the first four years of the term of the permit and there shall be at least 120 days between routine testing on the sea urchin.

SPECIAL CONDITIONS

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

b. **Screening level testing - Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter**, the permittee shall conduct screening level WET testing at a minimum frequency of once per quarter (1/Quarter) on the mysid shrimp and sea urchin.

Test results must be submitted to the Department not later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, the permittee may review the toxicity reports for up to 10 business days after receiving the test results from the laboratory conducting the testing before submitting them. The permittee shall evaluate test results being submitted and identify to the Department possible exceedences of the critical acute and chronic water quality thresholds of 10% and 5.9%, respectively.

Footnotes:

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

a. U.S. Environmental Protection Agency. 2002. *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms*, 5th ed. EPA 821-R-02-012. U.S. Environmental Protection Agency, Office of Water, Washington, D.C., October 2002 (the acute method manual)

b. U.S. Environmental Protection Agency. 2002. *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms*, 3rd ed. EPA 821-R-02-014. U.S. Environmental Protection Agency, Office of Water, Washington, D.C., October 2002 (the marine chronic method manual)

The permittee is also required to analyze the effluent for the nine (9) parameters specified in the WET chemistry section, and the twelve (12) parameters specified in the analytical chemistry section of the form in Attachment A of this permit each time a WET test is performed.

SPECIAL CONDITIONS

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

7. **Analytical Chemistry** – Refers to a suite of chemical tests that include ammonia nitrogen (as N), total aluminum, total arsenic, total cadmium, total chromium, total copper, total cyanide, total lead, total nickel, total silver, total zinc and total residual chlorine.

   a. **Surveillance level testing** – **Beginning upon permit issuance and lasting through 12 months prior to permit expiration**, the permittee shall conduct analytical chemistry testing at a minimum frequency of once per year. Surveillance tests shall be conducted in a different calendar quarter such that a test is conducted in all four calendar quarters during the first four years of the term of the permit.

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

8. **Priority Pollutant Testing –** Priority pollutant testing refers to analysis for levels of priority pollutants listed in Department rule 06-096 CMR Chapter 525 Section 4.VI.

   a. **Screening level testing** – **Beginning 12 months prior to and lasting through permit expiration and every five years thereafter**, the permittee shall conduct priority pollutant testing at a minimum frequency of once per year. Surveillance level priority pollutant testing is not required pursuant to Department rule 06-096 CMR Chapter 530 Section 2.D.

   Analytical chemistry and priority pollutant testing shall be conducted on samples collected at the same time as those collected for whole effluent toxicity tests, when applicable, and shall be conducted using methods that permit detection of a pollutant at existing levels in the effluent or that achieve the most current minimum reporting levels of detection as specified by the Department. See Attachment A of this permit for a list of the Department's most current reporting limits (RLs)

   Analytical chemistry and priority pollutant test results must be submitted to the Department not later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, that the permittee may review the laboratory reports for up to 10 business days after receiving the test results from the laboratory conducting the testing before submitting them. The permittee shall evaluate test results being submitted and identify to the Department, possible exceedences of the acute, chronic or human health AWQC as established in Chapter 584. For the purposes of DMR reporting, enter a "1" for <u>yes</u>, testing done this monitoring period or "NODI-9" monitoring <u>not required</u> this period.

SPECIAL CONDITIONS

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

Footnotes:

All mercury sampling (4/Year) required by this permit or required to determine compliance with interim limitations established pursuant to Department rule Chapter 519, shall be conducted in accordance with EPA's "clean sampling techniques" found in EPA Method 1669, Sampling Ambient Water For Trace Metals At EPA Water Quality Criteria Levels. All mercury analysis shall be conducted in accordance with EPA Method 1631, Determination of Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Fluorescence Spectrometry. See Attachment B, *Effluent Mercury Test Report*, of this permit for the Department's form for reporting mercury test results.

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent shall not contain a visible oil sheen, foam or floating solids at any time which would impair the usages designated by the classification of the receiving waters.

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

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

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

C. DISINFECTION

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

D. TREATMENT PLANT OPERATOR

The person who has the management responsibility over the treatment facility must hold a **Grade V** certificate (or higher) or must be a Maine Registered Professional Engineer pursuant to *Sewerage Treatment Operators*, Title 32 M.R.S.A., Sections 4171-4182 and *Regulations for Wastewater Operator Certification*, 06-096 CMR 531 (effective May 8, 2006). All proposed contracts for facility operation by any person must be approved by the Department before the permittee may engage the services of the contract operator.

E. LIMITATIONS FOR INDUSTRIAL USERS

Pollutants introduced into the waste water collection and treatment system by a non-domestic source (user) shall not pass through or interfere with the operation of the treatment system.

F. 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 November 6, 2008; 2) the terms and conditions of this permit; and 3) only from Outfall #001 and the ten (10) CSOs listed in Special Condition K, *Combined Sewer Overflows (CSOs)* of this permit. Discharges of waste water from any other point source are not authorized under this permit, and shall be reported in accordance with Standard Condition B(5)(*Bypass*) of this permit.

G. NOTIFICATION REQUIREMENT

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

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

2. Any substantial change in the volume or character of pollutants being introduced into the waste water collection and treatment system by a source introducing pollutants into the system at the time of permit issuance. For the purposes of this section, notice regarding substantial change shall include information on:

   (a) the quality and quantity of waste water introduced to the waste water collection and treatment system; and

   (b) any anticipated impact caused by the change in the quantity or quality of the waste water to be discharged from the treatment system.

SPECIAL CONDITIONS

H. SCHEDULE OF COMPLIANCE

Beginning upon issuance of this permit and lasting through a date on which the USEPA approves a test method for inorganic arsenic, the limitations and monitoring requirements for inorganic are not in effect. During this time frame, the permittee is required by Special Condition A, *Effluent Limitations and Monitoring Requirements*, of this permit to conduct 1/Quarter sampling and analysis for total arsenic.

Upon receiving written notification by the Department that a test method for inorganic arsenic has been approved by the USEPA, the limitations and monitoring requirements for inorganic arsenic become effective and enforceable and the permittee is relieved of their obligation to sample and analyze for total arsenic.

I. WET WEATHER FLOW MANAGEMENT PLAN

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

Within 90 days of completion of new and or substantial upgrades of the waste water treatment facility, the permittee shall submit to the Department for review and approval, a new or revised Wet Weather Management Plan which conforms to Department guidelines for such plans. The revised plan shall include operating procedures for a range of intensities, address solids handling procedures (including septic waste and other high strength wastes if applicable) and provide written operating and maintenance procedures during the events. **The permittee shall review their plan annually** and record any necessary changes to keep the plan up to date.

J. OPERATION & MAINTENANCE (O&M) PLAN

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

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

SPECIAL CONDITIONS

J. OPERATION & MAINTENANCE (O&M) PLAN

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

K. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY

1. The permittee shall maintain records for each load of transported wastes in a daily log which shall include at a minimum the following.

   (a) The date;
   (b) The volume of transported wastes received;
   (b) The source of the transported wastes;
   (d) The person transporting the transported wastes;
   (e) The results of inspections or testing conducted;
   (f) The volumes of transported wastes added to each treatment stream; and
   (g) The information in (a) through (d) for any transported wastes refused for acceptance.

   These records shall be maintained at the treatment facility for a minimum of five years.

2. The addition of transported wastes into the treatment process or solids handling stream shall not cause the treatment facility's design capacity to be exceeded. If, for any reason, the treatment process or solids handling facilities become overloaded, introduction of transported wastes into the treatment process or solids handling stream shall be reduced or terminated in order to eliminate the overload condition.

3. Holding tank wastewater from domestic sources to which no chemicals in quantities potentially harmful to the treatment process have been added shall not be recorded as transported wastes but should be reported in the treatment facility's influent flow.

4. In consultation with the Department, chemical analysis is required prior to receiving transported wastes from new sources that are not of the same nature as wastes previously received. The analysis must be specific to the type of source and designed to identify concentrations of pollutants that may pass through, upset or otherwise interfere with the facility's operation.

5. Access to transported waste receiving facilities may be permitted only during the times specified in the application materials and under the control and supervision of the person responsible for the wastewater treatment facility or his/her designated representative.

SPECIAL CONDITIONS

K. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY (cont'd)

6. The authorization in the Special Condition is subject to annual review and, with notice to the permittee and other interested parties of record, may be suspended or reduced by the Department as necessary to ensure full compliance with Chapter 555 of the Department's rules and the terms and conditions of this permit.

L. COMBINED SEWER OVERFLOWS (CSO's)

Pursuant to Chapter 570 of Department Rules, *Combined Sewer Overflow Abatement,* the permittee is authorized to discharge from the following locations of combined sewer overflows (CSO's) (stormwater and sanitary wastewater) subject to the conditions and requirements herein.

1. CSO locations

Outfall #	Location	Receiving Water & Class
003	Brook Street CSO	Thatcher Brook, Class B
004	Bradbury Street CSO	Saco River, Class SC
005	Western Avenue CSO	Saco River, Class SC
006	Horrigan Court CSO	Saco River, Class SC
007	Elm Street (Route #1) CSO	Saco River, Class SC
008	Maple Street CSO	Saco River, Class SC
009	Water Street CSO	Saco River, Class SC
011	Biddeford Textile CSO	Saco River, Class SC
013	Rumery's Boatyard CSO	Saco River, Class SC
014	Lafayette Street CSO	Saco River, Class SC

2. Prohibited Discharges

   a) The discharge of dry weather flows is prohibited. All such discharges shall be reported to the Department in accordance with Standard Condition D (1) of this permit.

   b) No discharge shall occur as a result of mechanical failure, improper design or inadequate operation or maintenance.

   c) No discharges shall occur at flow rates below the maximum design capacities of the wastewater treatment facility, pumping stations or sewerage system.

SPECIAL CONDITIONS

L. COMBINED SEWER OVERFLOWS (CSO's)(cont'd)

3. Narrative Effluent Limitations

   a) The effluent shall not contain a visible oil sheen, settled substances, foam, or floating solids at any time that impair the characteristics and designated uses ascribed to the classification of the receiving waters.

   b) The effluent shall not contain materials in concentrations or combinations that are hazardous or toxic to aquatic life; or which would impair the usage designated by the classification of the receiving waters.

   c) The discharge shall not impart color, turbidity, toxicity, radioactivity or other properties that cause the receiving waters to be unsuitable for the designated uses and other characteristics ascribed to their class.

4. CSO Master Plan (see Sections 2 & 3 of Chapter 570 Department Rules)

   The permittee shall implement CSO control projects in accordance with an approved CSO Master Plan and abatement schedule. The CSO Master Plan entitled *Phase II Combined Sewer Overflow Master Plan for the City of Biddeford, Maine,* dated June 2008, Revised January 2009, was approved on January 22, 2009. The permittee shall:

   By December 31, 2011, *(PCS Code 04599*), the permittee shall complete the CSO abatement portion of projects referred to in the Master Plan as Elm Street South Sewer Separation.

   By December 31, 2013, *(PCS Code 04599*), the permittee shall complete the CSO abatement portion of projects referred to in the Master Plan as Elm Street North Sewer Separation.

   To modify the dates and or projects specified above (but not dates in the Master Plan), the permittee must file an application with the Department to formally modify this permit. The work items identified in the abatement schedule may be amended from time to time based upon approval by the Department. The permittee must notify the Department in writing prior to any proposed changes to the implementation schedule.

5. Nine Minimum Controls (NMC) (see Section 5 Chapter 570 of Department Rules)

   The permittee shall implement and follow the Nine Minimum Control documentation as approved by EPA on May 29, 1997. Work preformed on the Nine Minimum Controls during the year shall be included in the annual CSO Progress Report (see below).

SPECIAL CONDITIONS

L. COMBINED SEWER OVERFLOWS (CSO's)(cont'd)

6. CSO Compliance Monitoring Program (see Section 6 Chapter 570 of Department Rules)

The permittee shall conduct block testing or flow monitoring according to an approved *Compliance Monitoring Program* on all CSO points, as part of the CSO Master Plan. Annual flow volumes for all CSO locations shall be determined by actual flow monitoring, or by estimation using a model such as EPA's Storm Water Management Model (SWMM).

Results shall be submitted annually as part of the annual *CSO Progress Report* (see below), and shall include annual precipitation, CSO volumes (actual or estimated) and any block test data required. Any abnormalities during CSO monitoring shall also be reported. The results shall be reported on the Department form *"CSO Activity and Volumes"* (Attachment C of this permit) or similar format and submitted to the Department electronically. CSO control projects that have been completed shall be monitored for volume and frequency of overflow to determine the effectiveness of the project toward CSO abatement. This requirement shall not apply to those areas where complete separation has been completed and CSO outfalls have been eliminated.

7. Additions of New Wastewater (see Section 8 Chapter 570 of Department Rules)

Chapter 570 Section 8 lists requirements relating to any proposed addition of waste water to the combined sewer system. Documentation of the new wastewater additions to the system and associated mitigating measures shall be included in the annual *CSO Progress Report* (see below). Reports must contain the volumes and characteristics of the waste water added or authorized for addition and descriptions of the sewer system improvements and estimated effectiveness.

8. Annual CSO Progress Reports (see Section 7 of Chapter 570 of Department Rules)

By March 1 ***(PCS Code 11099)***, of each year the permittee shall submit *CSO Progress Reports* covering the previous calendar year (January 1 to December 31). The CSO Progress Report shall include, but is not necessarily limited to, the following topics as further described in Chapter 570: CSO abatement projects, schedule comparison, progress on inflow sources, costs, flow monitoring results, CSO activity and volumes, nine minimum controls update, sewer extensions, and new commercial or industrial flows.

SPECIAL CONDITIONS

L. COMBINED SEWER OVERFLOWS (CSO's)(cont'd)

The CSO Progress Reports shall be completed on a standard form entitled *"Annual CSO Progress Report"*, furnished by the Department, and submitted in electronic form to the following address:

CSO Coordinator
Department of Environmental Protection
Bureau of Land and Water Quality
Division of Water Quality Management
17 State House Station
Augusta, Maine 04333
e-mail: CSOCoordinator@maine.gov

9. Signs

If not already installed, the permittee shall install and maintain an identification sign at each CSO location as notification to the public that intermittent discharges of untreated sanitary wastewater occur. The sign must be located at or near the outfall and be easily readable by the public. The sign shall be a minimum of 12" x 18" in size with white lettering against a green background and shall contain the following information:

CITY OF BIDDEFORD
WET WEATHER SEWAGE DISCHARGE
CSO # AND NAME

10. Definitions

For the purposes of this permitting action, the following terms are defined as follows:

a. Combined Sewer Overflow - a discharge of excess waste water from a municipal or quasi-municipal sewerage system that conveys both sanitary wastes and storm water in a single pipe system and that is in direct response to a storm event or snowmelt.

b. Dry Weather Flows - flow in a sewerage system that occurs as a result of non-storm events or are caused solely by ground water infiltration.

c. Wet Weather Flows - flow in a sewerage system that occurs as a direct result of a storm event, or snowmelt in combination with dry weather flows.

SPECIOAL CONDITIONS

M. CHAPTER 530(2)(D)(4) CERTIFICATION

On or before December 31 of each year ***[PCS code 95799]*** the permittee is required to file a statement with the Department 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 WET or priority pollutant 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.

N. INDUSTRIAL PRETREATMENT PROGRAM

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

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

    Within 180 days of the effective date of this permit *[PCS code 08799]*, the permittee shall prepare and submit a written technical evaluation to the Department analyzing the need to revise local limits. As part of this evaluation, the permittee shall assess how the POTW performs with respect to influent and effluent of pollutants, water quality concerns, sludge quality, sludge processing concerns/inhibition, biomonitoring results, activated sludge inhibition, worker health and safety and collection system concerns. In preparing this evaluation, the permittee shall complete the "*Re-Assessment of Technically Based Local Limits"* form included as Attachment D of this permit with the technical evaluation to assist in determining whether existing local limits need to be revised. Justifications and conclusions should be based on actual plant data if available and should be included in the report. Should the evaluation reveal the need to revise local limits, the permittee shall complete the

SPECIAL CONDITIONS

N. INDUSTRIAL PRETREATMENT PROGRAM (cont'd)

revisions within 120 days of notification by the Department and submit the revisions to the Department for approval. The permittee shall carry out the local limits revisions in accordance with EPA's document entitled, *Local Limits Development Guidance (July 2004).*

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

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

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

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

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

   e. The permittee shall provide the Department with an annual report describing the permittee's pretreatment program activities for the twelve-month period ending 60 days prior to the due date in accordance with federal regulation found at 40 CFR 403.12(i) and 06-096 CMR 528(12)(i). **The annual report shall be consistent with the format described in the "*MEPDES Permit Requirements For Industrial Pretreatment Annual Report*" form included as Attachment E of this permit and shall be submitted no later than March 1st** *[PCS code 61012]* **of each calendar year.**

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

N. INDUSTRIAL PRETREATMENT PROGRAM (cont'd)

g. The permittee must assure that applicable National Categorical Pretreatment Standards are met by all categorical industrial users of the POTW. These standards are published in the federal regulations found at 40 CFR Parts 405 through 471.

h. The permittee must modify its pretreatment program to conform to all changes in the federal regulations and State rules that pertain to the implementation and enforcement of the industrial pretreatment program. **Within 180 days of the effective date of this permit,** *[PCS code 50999]* the permittee must provide the Department in writing, proposed changes to the permittee's pretreatment program deemed necessary to assure conformity with current federal regulations and State rules. At a minimum, the permittee must address in its written submission the following areas: (1) Enforcement response plan; (2) revised sewer use ordinances; and (3) slug control evaluations. The permittee will implement these proposed changes pending the Department's approval under federal regulation 40 CFR 403.18 and 06-096 CMR 528(18). This submission is separate and distinct from any local limits analysis submission described in section 1(a) above.

O. MONITORING AND REPORTING

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

Department of Environmental Protection
Division of Water Quality Management
312 Canco Road
Portland, Maine 04103

Alternatively, if you are submitting an electronic DMR (eDMR), the completed eDMR must be electronically submitted to the Department by a facility authorized DMR Signatory **not later than close of business on the 15th day of the month** following the completed reporting period. **Hard Copy documentation** submitted in support of the eDMR must be **postmarked on or before the thirteenth (13th) day of the month or hand-delivered to the Department's Regional Office such that it is received by the Department on or before the fifteenth (15th) day of the month** following the completed reporting period. **Electronic documentation** in support of the eDMR must be submitted **not later than close of business on the 15th day of the month** following the completed reporting period.

SPECIAL CONDITIONS

P. REOPENING OF PERMIT FOR MODIFICATIONS

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

Q. SEVERABILITY

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

ATTACHMENT A

Printed 1/22/2009

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

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

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

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

Date Sample Collected _____ Date Sample Analyzed _____

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)		**Possible Exceedence** [7]		
	WHOLE EFFLUENT TOXICITY		Acute	Chronic			WET Result, % Do not enter % sign	Reporting Limit Check	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]		Effluent Limits, ug/L					**Possible Exceedence** [7]			
	Also do these tests on the effluent with WET. Testing on the receiving water is optional	Reporting Limit	Acute[6]	Chronic[6]	Health[6]			Reporting Limit Check	Acute	Chronic	Health
	TOTAL RESIDUAL CHLORINE (mg/L) (9)	0.05				NA					
	AMMONIA	NA				(8)					
M	ALUMINUM	NA				(8)					
M	ARSENIC	5				(8)					
M	CADMIUM	1				(8)					
M	CHROMIUM	10				(8)					
M	COPPER	3				(8)					
M	CYANIDE	5				(8)					
M	LEAD	3				(8)					
M	NICKEL	5				(8)					
M	SILVER	1				(8)					
M	ZINC	5				(8)					

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

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

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

Notes:

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

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

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

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

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

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

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

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

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

Comments:

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 _____ Date Tested _____

mm/dd/yy 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		

Salinity Adjustment

brine	
sea salt	
other	

place * next to values statistically different from controls

Reference toxicant	mysid shrimp	sea urchin
	A-NOEL	C-NOEL
toxicant / date		
limits (mg/L)		
results (mg/L)		

Comments _____

Laboratory conducting test

Company Name _____ Company Rep. Name (Printed) _____

Mailing Address _____ Company Rep. Signature _____

City, State, ZIP _____ Company Telephone # _____

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

ATTACHMENT B

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

ATTACHMENT C

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
CSO ACTIVITY AND VOLUMES

MUNICIPALITY OR DISTRICT	MEPDES / NPDES PERMIT NO.
REPORTING YEAR	SIGNED BY:
YEARLY TOTAL PRECIPITATION INCHES	DATE:

CSO EVENT NO.	START DATE OF STORM	PRECIP. DATA		FLOW DATA (GALLONS PER DAY) OR BLOCK ACTIVITY("1")							
		TOTAL INCHES	MAX. HR. INCHES	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	EVENT OVERFLOW GALLONS	EVENT DURATION HRS
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
13											
14											
15											
16											
17											
18											
19											
20											
21											
22											
23											
24											
25											
	TOTALS										

Note 1: Flow data should be listed as gallons per day. Storms lasting more than one day should show total flow for each day.

Note 2: Block activity should be shown as a "1" if the block floated away.

ATTACHMENT D

ATTACHMENT D

RE-ASSESSMENT OF TECHNICALLY BASED INDUSTRIAL DISCHARGE LIMITS

Pursuant to federal regulation 40 CFR Part 122.21(j)(4) and Department rule Chapter 528, all Publicly Owned Treatment Works (POTWs) with approved Industrial Pretreatment Programs (IPPs) shall provide the Department with a written evaluation of the need to revise local industrial discharge limits under federal regulation 40 CFR Part 403.5(c)(1) and Department rule 06-096 CMR Chapter 528(6)**.**

Below is a form designed by the U.S. Environmental Protection Agency (EPA - New England) to assist POTWs with approved IPPs in evaluating whether their existing Technically Based Local Limits (TBLLs) need to be recalculated. The form allows the permittee and Department to evaluate and compare pertinent information used in previous TBLLs calculations against present conditions at the POTW. **Please read the directions below before filling out the attached form.**

ITEM I.

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

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

* In Column (1), list what dilution ratio and/or 7Q10 value was used in your previous MEPDES permit. In Column (2), list what dilution ration and/or 7Q10 value is presently being used in your reissued MEPDES permit.

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

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

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

ITEM II.

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

RE-ASSESSMENT OF TECHNICALLY BASED INDUSTRIAL DISCHARGE LIMITS

ITEM III.

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

ITEM IV.

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

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

  (2) if your POTW is presently violating any of its current MEPDES permit limitations - include toxicity.

ITEM V.

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

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

Based on your existing TBLLs, as presented in Item II., list in Column (2) each Maximum Allowable Industrial Headworks Loading (MAIHL) value corresponding to each of the local limits derived from an applicable environmental criteria or standard, *e.g.* water quality, sludge, MEPDES permit, inhibition, etc. For each pollutant, the MAIHL equals the calculated Maximum Allowable Headwork Loading (MAHL) minus the POTW's domestic loading source(s). For more information, please see, *Local Limits Development Guidance (July 2004).*

ITEM VI.

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

  All effluent data collected and analyzed must be in accordance with federal regulation 40 CFR Part 136. Sampling data collected should be analyzed using the lowest possible detection method(s), *e.g.* graphite furnace, or other approved method.

RE-ASSESSMENT OF TECHNICALLY BASED INDUSTRIAL DISCHARGE LIMITS

* List in Column (2A) what the Ambient Water Quality Criteria (AWQC) (found in Department rule Chapter 584 –*Surface Water Quality Criteria For Toxic Pollutants, Appendix A,* October 2005) were (in micrograms per liter) when your TBLLs were calculated. Please note what hardness value was used at that time. Hardness should be expressed in milligrams per liter of Calcium Carbonate. In the absence of a specific AWQC, control(s) adequate to protect the narrative water quality standards for the receiving water may be applied.

List in Column (2B) the current AWQC values for each pollutant multiplied by the dilution ratio used in your reissued MEPDES permit. For example, with a dilution ratio of 25:1 at a hardness of 20 mg/l - Calcium Carbonate (copper's chronic freshwater AWQC equals 2.36 ug/l) the chronic MEPDES permit limit for copper would equal 45 ug/l. Example calculation:

EOP concentration = [Dilution factor x 0.75 x AWQC] + [0.25 x AWQC]
Chronic AWQC = 2.36 ug/L

Chronic EOP = [25 x $0.75^{(1)}$ x 2.36 ug/L] + [0.25 x 2.36 ug/L] = 45 ug/L

(1) Department rule Chapter 530, *Surface Water Toxics Control Program,* October 2005) requires that 10% of the AWQC be set aside for background that may be present in the receiving water and 15% of the AWQC be set aside as a reserve capacity for new dischargers or expansion of existing discharges.

ITEM VII.

* In Column (1), list all pollutants (in micrograms per liter) limited in your reissued MEPDES permit. In Column (2), list all pollutants limited in your previous MEPDES permit.

ITEM VIII.

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

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

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

If you have any questions, please contact the State Pretreatment Coordinator at the Maine Department of Environmental Protection, Bureau of Land & Water Quality, Division of Water Quality Management, State House Station #17, Augusta, ME. 04333. The telephone number is (207) 287-8898, and the email address is james.r.crowley@maine.gov.

REASSESSMENT OF TECHNICALLY BASED LOCAL LIMITS (TBLLs)

POTW Name & Address : _____

MEDES Permit # : _____

Date EPA approved current TBLLs : _____

Date EPA approved current Sewer Use Ordinance : _____

ITEM I.

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

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

REASSESSMENT OF TECHNICALLY BASED LOCAL LIMITS (TBLLs)

ITEM II.

EXISTING TBLLs

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

ITEM III.

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

ITEM IV.

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

If yes, explain. _____
_____

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

If yes, explain. _____
_____

REASSESSMENT OF TECHNICALLY BASED LOCAL LIMITS (TBLLs)

ITEM V.

Using current POTW influent sampling data fill in Column (1). In Column (2), list your Maximum Allowable Industrial Headwork Loading (MAIHL) values used to derive your TBLLs listed in Item II. In addition, please note the environmental criteria for which each MAIHL value was established, *i.e.* water quality, sludge, MEPDES, etc.

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

REASSESSMENT OF TECHNICALLY BASED LOCAL LIMITS (TBLLs)

ITEM VI.

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

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

*Hardness Dependent (mg/l - CaCO3)

RE-ASSESSMENT OF TECHNICALLY BASED LOCAL LIMITS (TBLLs)

ITEM VII.

In Column (1), identify all pollutants limited in your reissued MEPDES permit. In Column (2), identify all pollutants that were limited in your previous MEPDES permit.

Column (1) REISSUED PERMIT		**Column (2)** PREVIOUS PERMIT	
Pollutants	Limitations (ug/l)	Pollutants	Limitations (ug/l)

ITEM VIII.

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

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

ATTACHMENT E

ATTACHMENT E

MEPDES PERMIT REQUIREMENTS FOR INDUSTRIAL PRETREATMENT ANNUAL REPORT

The information described below shall be included in the pretreatment program annual reports:

1. An updated list of all industrial users by category, as set forth in federal regulation 40 CFR Part 403.8 and Department rule 06-096 CMR Chapter 528(9) indicating compliance or noncompliance with the following:

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

2. A summary of compliance and enforcement activities during the preceding year, including the number of:

   - significant industrial users inspected by POTW (include inspection dates for each industrial user);
   - significant industrial users sampled by POTW (include sampling dates for each industrial user);
   - compliance schedules issued (include list of subject users);
   - written notices of violations issued (include list of subject users);
   - administrative orders issued (include list of subject users),
   - criminal or civil suits filed (include list of subject users); and
   - penalties obtained (include list of subject users and penalty amounts).

3. A list of significantly violating industries required to be published in a local newspaper in accordance with federal regulation 40 CFR Part 403.8(f)(2)(viii) and Department rule 06-096 CMR Chapter 528(9)(f)(2)(vii).

4. A narrative description of program effectiveness including present and proposed changes to the program, such as funding, staffing, ordinances, regulations, rules and/or statutory authority.

5. A summary of all pollutant analytical results for influent, effluent, sludge and any toxicity or bioassay data from the wastewater treatment facility. The summary shall include a comparison of influent sampling results versus threshold inhibitory concentrations for the POTW and effluent sampling results versus water quality standards. Such a comparison shall be based on the sampling program described in the paragraph below or any similar sampling program described in this permit.

MEPDES PERMIT REQUIREMENTS
FOR
INDUSTRIAL PRETREATMENT ANNUAL REPORT

At a minimum, annual sampling and analysis of the influent and effluent of the POTW shall be conducted for the following pollutants:

a.) Total Cadmium	f.) Total Nickel
b.) Total Chromium	g.) Total Silver
c.) Total Copper	h.) Total Zinc
d.) Total Lead	i.) Total Cyanide
e.) Total Mercury	j.) Total Arsenic

The sampling program shall consist of one 24-hour, flow-proportioned, composite and at least one grab sample that is representative of the flows received by the POTW. The composite shall consist of hourly, flow-proportioned grab samples taken over a 24-hour period if the sample is collected manually, or shall consist of a minimum of 48 samples collected at 30-minute intervals if an automated sampler is used. Cyanide shall be taken as a grab sample during the same period as the composite sample. Sampling and preservation shall be consistent with federal regulation 40 CFR Part 136.

6. A detailed description of all interference and pass-through that occurred during the past year.

7. A thorough description of all investigations into interference and pass-through during the past year.

8. A description of monitoring, sewer inspections and evaluations which were done during the past year to detect interference and pass-through, specifying parameters and frequencies.

9. A description of actions being taken to reduce the incidence of significant violations by significant industrial users.

10. The date of the latest adoption of local limits and an indication as to whether or not the City is under a State or Federal compliance schedule that includes steps to be taken to revise local limits.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: **March 9, 2009**

PERMIT NUMBER: **ME0100048**

LICENSE NUMBER: **W000683-5M-F-R**

NAME AND ADDRESS OF APPLICANT:

CITY OF BIDDEFORD
P.O. Box 586
Biddeford, Maine 04005

COUNTY: **York County**

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

63 Water Street
Biddeford, ME. 04005

RECEIVING WATER(S)/CLASSIFICATION: **Saco River/Class SC**
Thatcher Brook, Class B

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Thomas Milligan, City Engineer**
tmilligan@biddefordmaine.org
(207) 284-9118
Michael Mitchell, Contract Operator
(207) 229-6409

1. APPLICATION SUMMARY

a. Application - The City of Biddeford (City hereinafter) has submitted a complete application to the Department for renewal of Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0100048/Maine Waste Discharge License (WDL) #W000683-5M-D-R (permit hereinafter) which was issued by the Department on June 25, 2003 and expired on June 25, 2008. The 6/25/03 permit authorized the discharge of up to a monthly average flow of 6.5 million gallons per day (MGD) of secondary treated waste waters from a publicly owned waste water treatment facility to the Saco River, Class SC, in Biddeford, Maine. The permit also authorized the City to discharge untreated combined storm water and sanitary waste waters from eleven (11) combined sewer overflows (CSO) to the Saco River, Class SC and to Thatcher Brook, Class B. See Attachment A of this Fact Sheet for a location map.

1. APPLICATION SUMMARY (cont'd)

b. Source Description: The waste water treatment facility was originally constructed and went on-line in 1962 and currently serves a population of approximately 15,000 users**.** The treatment facility receives sanitary waste waters generated by residential, commercial, and industrial users. There are 15 industries [14 significant industrial users (SIU's) and 1 categorical industrial user (CIU)] for which pretreatment of their waste waters is required and monitored by the Department via industrial pretreatment requirements established in Special Condition N, *Industrial Pretreatment Program*, of this permitting action.

The City's sanitary sewer collection system consists of approximately thirty-nine (39) miles of piping with twenty-one (21) pump stations. One (1) of the pump stations is equipped with on-site back-up power and the remaining twenty (20) stations are served by portable generators. All but two (2) stations are equipped with automatic dialers that are wired to the Public Works Department of the City as well as the local police station. The sanitary collection system is estimated to be 33% separated from the storm water collection system and 67% combined with the the storm water collection system. As a result, the permittee has identified eleven combined sewer overflow (CSO) points in the collection system and are monitored via Special Condition K, *Combined Sewer Overflows (CSO's),* in this permitting action. See Attachment B of this Fact Sheet for a map showing the locations of the CSO outfalls. It is noted that since issuance of the previous permitting action, the City has successfully conducted a number of sewer separation projects resulting in the elimination of one CSO (#016) and installed a 2.0-million gallon off-line storage tank referred to as the White's Wharf Tank to mitigate CSO events. The City is currently monitoring the collection system to determine the effectiveness of the projects.

The facility is authorized to receive up to 10,000 gallons per day of septage from local septage haulers but is limited to introducing 6,500 gpd into the waste water treatment process on any given day. The City submitted a copy their Septage Management Plan (revised April 2008) that has been reviewed and approved by the Department.

c. Waste Water Treatment: The facility located at 63 Water Street in Biddeford provides secondary biological treatment of waste water utilizing the activated sludge process. The facility completed an upgrade in November of 1999. The waste water entering the treatment facility receives preliminary treatment via screening and grit removal. Screenings and grit are removed at the headworks by means of an automatic climbing rake and grit screw apparatus, respectively. Following preliminary treatment, the waste water is biologically treated as it is introduced into a dual stage activated biofilter system (ABF) consisting of a fixed film biotower process followed by a high rate suspended growth phase. The ABF is similar to a trickling filter treatment system.

1. APPLICATION SUMMARY (cont'd)

The waste water is then conveyed to two separate aeration basins with fine bubble diffused aeration. Clarification of the waste water is achieved by two circular secondary clarifiers each measuring 85 feet in diameter. Secondary effluent is disinfected with sodium hypochlorite in a serpentine chlorine contact chamber and dechlorinated with sodium bisulfite prior to being discharged to the Saco River through a steel outfall pipe measuring 30 inches in diameter that extends out into the Saco River approximately 350 feet. The last 136 feet of the outfall pipe contains elements of the diffuser placed parallel to and at the edge of the river channel. The diffuser consists of a steel pipe measuring 24 inches in diameter with seven (7) angled ports, each 12 inches in diameter spaced 20 feet on-center. The diffuser is located approximately 15 feet below the mean low water line. It is noted that during extreme high tide conditions, secondary treated waste waters may also be discharged via the former Outfall #001 that was abandoned after the treatment plant upgrade and outfall relocation. In addition, in the event of an emergency at the treatment facility, a physically locked-out bypass structure at the headworks of the treatment facility could be unlocked to discharged untreated combined storm water and sanitary waste water through former Outfall #001. Untreated discharges must be reported in accordance with Standard Condition B(5). See Attachment C of this Fact Sheet for a schematic of the waste water treatment facility.

Sludge dewatering is accomplished by means of a belt filter press. Dewatered sludge is trucked off-site to a compost facility in Unity, Maine.

The facility is currently being operated by Operations Management International, Inc. (OMI) by way of a contract with the City of Biddeford.

2. PERMIT SUMMARY

a. Regulatory: On January 12, 2001, the Department received authorization from the U. S. Environmental Protection Agency (EPA) to administer the National Pollutant Discharge Elimination System (NPDES) permitting program in Maine. From that point forward, the program has been refered to as the MEPDES permit program and permit #ME0100048 (same as NPDES permit number) will continue to be used as the primary reference number for the the facility.

b. Terms and Conditions - This permitting action is carrying forward all the terms and conditions of the 6/25/03 permitting action except that this permit;

1. Eliminates the warm weather (May 1 - October 30) monthly average water quality based mass and concentration limiations for ammonia and establishes more stringent cold weather (November 1 – April 30) mass limitations for ammonia.

2. Eliminates the daily maximum water quality based mass and concentration limitations for copper.

2. PERMIT SUMMARY (cont'd)

3. Elimnates combined sewer overflow (CSO) #01, FMI CSO from the permit

4. Establishes new milestones to complete certain CSO abatement projects.

5. Establishes monthly average water quality based mass and concentration limitations for
bis (2-ethylhexyl) phthalate.

6. Establishes daily maximum water quality based mass and concentration limitations for
available cyanide (free, amenable to chlorination).

7. Establishing monthly average water quality based mass and concentration limits for inorganic arsenic along with a schedule of compliance to meet said limits.

b. History – The most current relevant regulatory actions are as follows:

April 22, 1994 - The USEPA issued an Administrative Order to the City (No. 94-12) that required development of a draft facilities plan and schedule for upgrading the treatment plant [including, if necessary, treatment capacity expansion and/or addition of advanced treatment] and relocating the outfall.

September 30, 1996 – The USEPA issued NPDES permit #ME0100048 for a five-year term.

August 4, 1997 – The Department issued WDL #W000683-47-C-R for a five-year term. The WDL contained two tiers of limitations that took into consideration a treatment plant upgrade and relocation of the outfall structure.

May 4, 1998 – The USEPA issued a minor modification to the 9/30/96 NPDES permit to clarify that future limitations and monitoring requirements became effective after relocation of the outfall structure.

June 7, 2000 – The Department administratively modified WDL #W000683-47-C-R by establishing interim average and maximum concentration limits for the discharge of mercury.

January 12, 2001 – The State of Maine received authorization from the EPA to administer the NPDES permitting program in Maine.

October 21, 2001 – The Department adminstratively modified the 8/4/97 WDL by requiring the City of Biddeford to begin disinfecting the discharge from the waste water treatment facility on a year-round basis.

2. PERMIT SUMMARY (cont'd)

June 25, 2003 – The Department issued combination MEPDES permit #ME0100048/WDL #W000683-5M-E-R for a five-year term.

October 12, 2005 – The Department promulgated Department rules 06-096 CMR Chapter 584 –*Surface Water Quality Criteria For Toxic Pollutants* and Chapter 530, *Surface Water Toxics Control Program*.

April 10, 2006 - The Department issued a modification of the 6/25/08 MEPDES permit that incorporated the testing requirements of Department rules Chapter 530 and Chapter 584.

November 6, 2008 – The City submitted a complete application to the Department for the renewal of the 6/25/03 MEPDES permit.

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 STANDARDS

Maine law 38 M.R.S.A., §469(8)(E)(2) classifies the Saco River estuary as a Class SC waterway. Maine law, 38 M.R.S.A., §465-B(3) describes the standards for classification of Class SC waterways. Maine law 38 M.R.S.A., §467(12)(B) classifies Thatcher Brook as a Class B waterway. Maine law, 38 M.R.S.A., §465-B(2) describes the standards for classification of Class B waterways.

5. EXISTING WATER QUALITY CONDITIONS

Table Category 5-A entitled, *Rivers and Stream Impaired By Pollutants Other Than Those Listed in 5-B Through 5-D (TMDL Required),* in a document entitled, 2008 Maine Integrated Water Quality Report, published by the Department pursuant to Sections 305 (b) and 305(d) of Federal Water Pollution Control Act (Clean Water Act) lists a 5.67 mile segment of Thatcher Brook, Class B, in Biddeford as having an impaired benthic macro-invertebrate community. In addition, the same segment of Thatcher Brook has elevated levels of *E. coli* bacteria. Both impairments are due to intermittent discharges of untreated waste water from CSOs owned by the City of Biddeford. The 2008 305(b) report indicates development of a TMDL for Thatcher Brook is scheduled for calendar year 2012.

The 2008 Report lists all of Maine's fresh waters as, "*Category 4-A: Rivers and Streams With Impaired Use, TMDL Completed.* Impairment in this context refers to a statewide fish consumption advisory due to elevated levels of mercury in some fish tissues. The Report states, "*Maine has a fish consumption advisory for fish taken from all freshwaters due to mercury. Many waters, and many fish from any given water, do not exceed the action level for mercury. However, because it is impossible for someone consuming a fish to know whether the mercury level exceeds the action level, the Maine Department of Human Services decided to establish a statewide advisory for all freshwater fish that recommends limits on consumption. Maine has already instituted statewide programs for removal and reduction of mercury sources.*

The 2008 305(b) report lists a 576-acre of the Saco River Estuary in a table entitled, *Category 5-A, Estuarine and Marine Waters Impaired By Pollutants Other Than Those Listed in 5-B Through 5-D (TMDL Required)* as having marine life being impaired by toxicity, copper and bacteria. The report indicates the cause of the impairment is municipal point sources and associated combined sewer overflows (CSO's). The Department has scheduled calendar year 2008 for the development and issuance of a total maximum daily load (TMDL) for the estuary. With the establishment and compliance with the water quality based limits for toxic pollutants established in this permit, the Department has determined the City of Biddeford's discharge will not cause or contribute the non-attainment.

The 2008 305(b) report lists 1,245 acres of Class SB/SC in the Saco River and 3,404 acres of the Saco River estuary, Class SC, in a table entitled *Category 5-B-1, Estuarine and Marine Water Impaired Only by Bacteria (TMDL Required),* (DMR Areas #9 and #10) as being impaired. See Attachment D of this Fact Sheet for a map of Area #10. Attainment in this context is in regard to the designated use of harvesting of shellfish. Currently, DMR shellfish harvesting area #10 closed to the harvesting of shellfish due to insufficient (limited) ambient water quality data to meet the standards in the National Shellfish Sanitation Program. Therefore, area #10 remains closed. Compliance with the fecal coliform bacteria limits and implementation of the City's CSO Master Plan required by this permitting action will mitigate the City of Biddeford's waste water treatment facility's contribution to the shellfish harvesting closure.

5. EXISTING WATER QUALITY CONDITIONS (cont'd)

The 2008 305(b) report lists the Saco River in Biddeford in a table entitled, *Category 5-B-2: Estuarine and Marine Waters Impaired By Bacteria from Combined Sewer Overflows*. The report indicates the CSO Master Plan has determined a strategy of sanitary and storm water separation is the preferred alternative for the City of Biddeford. See Special Condition L(4) of this permit for a scope of work and schedule for separation projects slated for the completion during the term of this permit.

The 2008 305(b) report lists all estuarine and marine waters as partially supporting fishing (shellfish consumption) due to elevated levels of PCBs and other persistent, bioaccumulating substances in lobster tomally in a table entitled Category 5-D: *Esturaine and Marine Waters Impaired by Legacy Pollutants*. The Department is not aware of any information that indicates the City of Biddeford is discharging persistent or bioaccumulating substances that cause or contribute to the non-attainment. See the discussion on mercury in section 6(i) of this Fact Sheet.

Pursuant to 38 M.R.S.A. § 420(1-B)(B), *"a facility is not in violation of the ambient criteria for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413 subsection 11."* The Department has established interim monthly average and daily maximum mercury concentration limits and reporting requirements for this facility pursuant to 06-096 CMR 519.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

a. Flow: The previous permitting action established a monthly average flow limitation of 6.5 MGD that is being carried forward in this permitting action as it remains representative of the monthly average design capacity of the facility. A review of the monthly DMR data for the period January 2005 - November 2007 indicates the following:

Flow

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	6.5	2.0 – 7.2	4.2
Daily Maximum	Report	3.8 – 12.3	7.7

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

b. Dilution Factors - Department rule, 06-096 CMR Chapter 530, *Surface Water Toxics Control Program*, §D(3)(b) states that for discharges to the ocean, dilution must be calculated as near-field or initial dilution, or that dilution available as the effluent plume rises from the point of discharge to its trapping level, at mean low water level and slack tide for the acute exposure analysis and at mean tide for the chronic exposure analysis using
appropriate models determined by the Department such as MERGE or CORMIX. With a permitted flow of 6.5 MGD and the location and configuration of the outfall structure, the Department has established dilution factors as follow:

Acute = 9.7:1 Chronic = 17:1 Harmonic mean [(1)] = 51:1
Footnote:

(1) The harmonic mean dilution factor is approximated by multiplying the chronic dilution factor by three (3). This multiplying factor is based on guidelines for estimation of human health dilution presented in the USEPA publication *"Technical Support Document for Water Quality-based Toxics Control"* (Office of
Water; EPA/505/2-90-001, page 88), and represents an estimation of harmonic mean flow on which human health dilutions are based in a riverine 7Q10 flow situation.

c. Biochemical Oxygen Demand (BOD5) & Total Suspended Solids (TSS): - The previous permitting action established monthly and weekly average BOD5 and TSS best practicable treatment (BPT) concentration limits of 30 mg/L and 45 mg/L respectively, that were based on secondary treatment requirements of the Clean Water Act of 1977 §301(b)(1)(B) as defined in 40 CFR 133.102 and Department rule, 06-096 CMR, Chapter 525(3)(III). The maximum daily BOD5 and TSS concentration limits of 50 mg/L were based on a Department best professional judgment of BPT. All three concentration limits are being carried forward in this permitting action.

As for mass limitations, the previous permitting action established monthly average and weekly average mass limitations that are being carried forward in this permitting action and are based on a monthly average flow limit of 6.5 MGD. The mass limits were derived as follows:

Monthly average: (6.5 MGD)(8.34)(30 mg/L) = 1,626 lbs/day
Weekly average: (6.5 MGD)(8.34)(45 mg/L) = 2,439 lbs/day

No daily maximum mass limitations (report only) for BOD5 or TSS were established in the previous permitting action or this permitting action as doing so may discourage the City from treating as much waste water as possible through the secondary treatment system during wet weather events resulting in more frequent discharges from CSO outfalls.

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

This permitting action carries forward a requirement of 85% removal for BOD5 and TSS pursuant to Department rule Chapter 525(3)(III)(a&b)(3).

Monitoring frequencies for BOD5 and TSS of 5/Week are being carried forward from the previous permitting action.

A review of the monthly DMR data for the period January 2005 - November 2007 indicates the following:

BOD Mass

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	1,626	116 - 557	269
Daily Maximum	Report	296 – 3,587	694

BOD Concentration

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	3.9 - 17	8.0
Daily Maximum	50	7.5 - 42	16

TSS mass

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	1,626	139 - 574	305
Daily Maximum	Report	231 – 3,758	1,032

TSS concentration

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	5 - 17	8.8
Daily Maximum	50	11 - 44	16

d. Settleable Solids – The previous permitting action established a daily maximum concentration limit of 0.3 ml/L for settleable solids and is considered by the Department to be BPT for secondary treated waste waters.

A review of the monthly DMR data for the period January 2005 - November 2007 indicates the permittee has reported daily maximum value of 0.1 ml/L for every month during said period.

e. Fecal coliform bacteria – The previous permitting action established seasonal monthly average and daily maximum limits of 15 colonies/100 ml and 50 colonies/100 ml respectively, that are consistent with the National Shellfish Sanitation Program. The limits are being carried forward in this permitting action.

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

It is noted that in the winter of 1999 and 2000, the City's of Biddeford and Saco conducted a pilot study of disinfecting their waste water treatment facility discharges to determine if doing so on a year-round basis would significantly lower the most probable number for ambient fecal coliform bacteria values in the data collected by the State's Department of Marine Resources (DMR). If successful, it would increase the possibility of opening closed shellfish harvesting areas downstream of the treatment plants. In an electronic mail message to the Department on March 9, 2000, the DMR stated that year-round disinfection was making a difference in that ambient fecal coliform bacteria counts were reduced by up to 56% in the two-year period. As a result, the DMR recommended the two facilities be required to disinfect on a year-round basis. The Department implemented DMR's recommendation by administratively modifying the WDL's for both facilities on October 25, 2001 to require year-round disinfection. The fecal coliform bacteria limits in this permitting action are in effect on a year-round basis.

A review of the monthly DMR data for the period January 2005 - November 2007 indicates the following:

Fecal coliform bacteria

Value	Limit (col/100 ml)	Range (col/100 ml)	Mean (col/100 ml)
Monthly Average	15	3 - 13	5
Daily Maximum	50	4 - 48	32

f. Total Residual Chlorine: 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 previous permitting action established a seasonal daily maximum technology based concentration limit of 0.1 mg/L. End-of-pipe water quality based thresholds for TRC may calculated as follows:

Acute (A) Criterion	Chronic (C) Criterion	A & C Dil. Factors	Calculated Acute Limit	Chronic Limit
13 ug/L	7.5 ug/L	9.7:1, 17:1	0.13 mg/L	0.13 mg/L

Example calculation: Acute (0.013 mg/L)(9.7) = 0.13 mg/L

The Department has established a daily maximum BPT limitation of 1.0 mg/L for facilities that disinfect their effluent with elemental chlorine or chlorine based compounds 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 BPT limits of

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

0.3 mg/L and 0.1 mg/L, respectively. In the case of the City of Biddeford, the acute water quality based threshold calculated of 0.13 mg/L is lower than the BPT limit of 0.3 mg/L, thus the water quality based limit of 0.13 mg/L is being imposed as a daily maximum limit. As for the monthly average limit, the chronic water quality based threshold calculated of 0.13 mg/L is higher than the BPT limit of 0.1 mg/L thus, the technology based limit of 0.1 mg/L is being imposed as a monthly average limit.

A review of the DMR data for the period January 2005 – November 2007 indicates the daily maximum concentration values have been reported as follows:

Total residual chlorine

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	0.1	0.04 – 1.5	0.08

g. pH – The previous permitting action established a pH range limit of 6.0 –9.0 standard units pursuant to Department rule 06-096 CMR, Chapter 525(3)(III)(c). The limits are considered BPT. A review of the DMR data for the period January 2005 – November 2007 indicates the pH range limitation has never been exceeded.

h. Whole Effluent Toxicity (WET) and 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.

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

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 AWQC 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 ≥20:1 but <100:1.
3) Level III – chronic dilution factor ≥100:1 but <500:1 or >500:1 and Q ≥1.0 MGD
4) Level IV – chronic dilution >500:1 and Q ≤1.0 MGD

Department rule Chapter 530 (1)(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 permittee's facility falls into the Level I frequency category as the facility has a chronic dilution factor of <20:1. Chapter 530(1)(D)(1) specifies that default screening and surveillance level testing requirements are as follows:

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

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

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

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

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

A review of the data on file with the Department indicates that to date, the permittee has fulfilled the WET and chemical-specific testing requirements of the former Chapter 530.5. See Attachment E of this Fact Sheet for dates and test results for WET and chemical specific testing.

Department rule Chapter 530(D)(3)(c) states in part *"Dischargers in Level I may reduce surveillance testing to one WET or specific chemical series per year provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedence as calculated pursuant to section 3(E).*"

Chapter 530 §(3)(E) states "*For effluent monitoring data and the variability of the pollutant in the effluent, the Department shall apply the statistical approach in Section 3.3.2 and Table 3-2 of USEPA's "Technical Support Document for Water Quality-Based Toxics Control" (USEPA Publication 505/2-90-001, March, 1991, EPA, Office of Water, Washington, D.C.) to data to determine whether water-quality based effluent limits must be included in a waste discharge license. Where it is determined through this approach that a discharge contains pollutants or WET at levels that have a reasonable potential to cause or contribute to an exceedence of water quality criteria, appropriate water quality-based limits must be established in any licensing action.*"

Chapter 530 §3 states, "*In determining if effluent limits are required, the Department shall consider all information on file and effluent testing conducted during the preceding 60 months. However, testing done in the performance of a Toxicity Reduction Evaluation (TRE) approved by the Department may be excluded from such evaluations."*

WET Evaluation

The 6/25/03 permit established chronic no observed effect level (C-NOEL) limits of 5.9% for the inland silverside and the sea urchin as test results for both species on file at the Department at the time of permitting had a reasonable potential to exceed the critical C-NOEL threshold of 5.9%.

On January 20, 2009, the Department conducted a statistical evaluation on the most recent 60 months of WET test results on file with the Department in accordance with the statistical approach in Chapter 530. It is noted the inland silverside is no longer listed as a test species in Chapter 530 and any test results within the 60-day evaluation period for said species are not considered in statistical evaluations in this permitting action. The 1/20/09 statistical evaluation indicates the discharge from the permittee's waste water treatment facility has one WET test result of 10% for the sea urchin (10/1/07) that has a reasonable potential to exceed the critical chronic water quality threshold of 5.9%. As a result, a C-NOEL limitation of 5.9% for the sea urchin is being carried forward in this

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

permitting action. The critical threshold of 5.9% was calculated as the mathematical inverse of the chronic dilution factor of 16.9:1.

Based on the results of the 1/20/09 statistical evaluation, the permittee qualifies for the Chapter 530(2)(D)(3)(d) testing reduction for the mysid shrimp but not the sea urchin. Because of the 10/1/07 test result, this permit establishes the Chapter 530 default surveillance level of testing of 2/Year for the sea urchin. Therefore, this permitting action establishes surveillance level testing for the first four years of the term of the permit as follows:

Level	WET Testing
I	1 per year for the mysid shrimp 2 per year for the sea urchin

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

Department rule Chapter 530 (2)(D)(1) specifies that screening level testing is to be established as follows:

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

Level	WET Testing
I	4 per year for the mysid shrimp 4 per year for the sea urchin

<u>Analytical chemistry & priority pollutant evaluation</u>

Chapter 530 §4(C), states "*The background concentration of specific chemicals must be included in all calculations using the following procedures. The Department may publish and periodically update a list of default background concentrations for specific*

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

pollutants on a regional, watershed or statewide basis. In doing so, the Department shall use data collected from reference sites that are measured at points not significantly affected by point and non-point discharges and best calculated to accurately represent ambient water quality conditions The Department shall use the same general methods as those in section 4(D) to determine background concentrations. For pollutants not listed by the Department, an assumed concentration of 10% of the applicable water quality criteria must be used in calculations." The Department does not have sufficient information on the background levels of metals in the water column in the Saco River/Estuary in the vicinity of the permittee's outfall. Therefore, a default background concentration of 10% of the applicable water quality criteria is being used in the calculations of this permitting action.

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

Chapter 530 §(3)(E) states *"... that a discharge contains pollutants or WET at levels that have a reasonable potential to cause or contribute to an exceedence of water quality criteria, appropriate water quality-based limits must be established in any licensing action."*

The 6/25/03 permit established seasonal monthly average water quality based mass and concentration limits for ammonia and daily maximum water quality based mass and concentration limits for copper. As with WET test results, on 1/20/09, the Department conducted a statistical evaluation on the most recent 60 months of analytical chemistry and priority pollutant test results on file with the Department in accordance with the statistical approach outlined in Chapter 530. The statistical evaluation indicates the discharge from the permittee's facility has one test result of 6.9 mg/L (10/6/04) that exceeds the chronic AWQC for ammonia. It is noted ammonia AWQC criteria is pH and temperature dependent. For the pupose of permitting actions, the Department utilizes a pH of 8.0 standard units and a salinity of 20 parts per thousand for all temperatures ranges. For the summer season, the Department utilizes a temperature of 20°C that results in an acute and chronic AWQC of 6.7 mg/L and 1.0 mg/L, respectively. For the non-summer season, the Department utilizes a temperature of 15°C that results in an acute and chronic AWQC of 9.8 mg/L and 1.5 mg/L, respectively. The 1/20/09 statistical evaluation also indicates one test result of 24 ug/L (10/1/07) has a reasonable potential to exceed the human health (organisms only) criteria for bis (2-ethylhexyl) phthalate and three test results of 6.8 ug/L (9/11/06), 10.0 ug/L (5/10/06) and 12.0 (12/14/06) that possibly exceeds or has a reasonable potential to exceed the acute and or chronic

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

AWQC for available cyanide (free) and has one test result of 6 ug/L (3/10/08) that possibly exceeds or has a reasonable potential to exceed the human health (organisms only) criteria for inorganic arsenic. It is noted test results submitted to the Department to date for arsenic and cyanide are expressed in total and not inorganic arsenic or free cyanide making it impossible to determine actual exceedences or reasonable potential to exceed AWQC for either or both pollutants. As a result, the Department is not requiring the permittee to conduct a TRE for arsenic or cyanide until at least four test results (equivalent to screening level testing) for total arsenic and available cyanide (free) are submitted to the Department and statistically evaluated.

Chapter 530 §(3)(D) states *"Expression of effluent limits. Where the need for effluent limits has been determined, limits derived from acute water quality criteria must be expressed as daily maximum values. Limits derived from chronic or human health criteria must be expressed as monthly average values."*

Pursuant to Chapter 530 §(3)(D) & (E), the Department is establishing water quality based mass and concentration limits for ammonia, bis (2-ethylhexyl) phthalate and free cyanide as follows:

Ammonia

Non–summer chronic AWQC = 1.5 mg/L (based on 15ºC, salinity 20 ppt, pH 8.0 S.U.)
Chronic dilution factor = 16.9:1

EOP concentration = [Dilution factor x 0.75 x AWQC] + [0.25 x AWQC]

EOP = [16.9 x 0.75 x 1.5 mg/L] + [0.25 x 1.5 mg/L] = 19 mg/L

Based on a permitted flow of 6.5 MGD, EOP mass limits are as follows:

Parameter	Calculated EOP Concentrations	Monthly Avg. Mass Limit
Ammonia	19 mg/L	1,030 lbs/day

Example calculation: Ammonia - (19 mg/L)(8.34)(6.5 MGD) = 1,030 lbs/day

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

Arsenic (Inorganic)

HH AWQC (organisms only) = 0.028 ug/L
Harmonic mean dilution factor = 51:1

EOP concentration = [Dilution factor x 0.75 x AWQC] + [0.25 x AWQC]
EOP = [51 x 0.75 x 0.028 ug/L] + [0.25 x 0.028 ug/L] = 1.1 ug/L

Based on a permitted flow of 6.5 MGD, EOP mass limits are as follows:

Parameter	Calculated EOP Concentrations	Month Avg. Mass Limit
Inorganic Arsenic	1.1 ug/L	0.025 lbs/day

Ex. Calculation: Inorganic Arsenic - $\frac{(1.1 \text{ ug/L})(8.34)(6.5 \text{ MGD})}{1000 \text{ ug/mg}}$ = 0.060 lbs/day

Department rule Chapter 530 (C)(6) states:

All chemical testing must be carried out by approved methods that permit detection of a pollutant at existing levels in the discharge or that achieve detection levels as specified by the Department. When chemical testing results are reported as less then, or detected below the Department's specified detection limits, those results will be considered as not being present for the purposes of determining exceedences of water quality criteria.

The USEPA has not approved a test method for inorganic arsenic as of the date of issuance of this permit. Therefore, there is no way for the permittee to formally demonstrate compliance with the monthly average water quality based mass and concentration limits for inorganic arsenic established in this permitting action. Therefore, beginning upon issuance of this permit and lasting through the date in which the USEPA approves a test method for inorganic arsenic the permittee is being required to monitor for total arsenic. Once a test method is approved, the Department will notify the permittee in writing and the limitations and monitoring requirements for inorganic arsenic become effective thereafter.

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

As of the date of this permitting action, the Department has limited data on the percentage of inorganic arsenic (approximately 50%) in total arsenic test results reported statewide. Based on a literature search conducted by the Department, the inorganic fraction can range from 1% - 99% depending on the source of the arsenic. Generally speaking, ground water supplies derived from bedrockwells will likely tend to have higher fractions of inorganic arsenic (As^{+3}-arsentite and/or As^{+5}- arsenate) than one may find in a food processing facility where the inorganic fraction is low and the organic fraction (arsenobetaine, arsenoribosides) is high. Until the Department and the regulated community in Maine develop a larger database to establish statistically defensible ratios of inorganic and organic fractions in total arsenic test results, the Department is making a rebuttable presumption that the effluent contains a ratio of 50% inorganic arsenic and 50% organic arsenic in total arsenic results.

Being that the only approved test methods for compliance with arsenic limits established in permits is for total arsenic, the Department converted the water quality based end-of pipe monthly average concentration value of 1.1 ug/L for inorganic arsenic calculated on page 17 of this Fact Sheet into an equivalent total arsenic threshold (assuming 50% of the total arsenic is inorganic arsenic). This results in a total arsenic end-of-pipe monthly average concentration threshold of 2.2 ug/L. The calculation is as follows:

$$\frac{\text{1.1 ug/L inorganic arsenic}}{\text{0.5 ug/L inorganic arsenic/ 1.0 ug/L total arsenic}} = \text{2.2 ug/L total arsenic}$$

Therefore, a total arsenic value greater than 2.2 ug/L is potentially exceeding the water quality based end-of pipe monthly average concentration value of 1.1 ug/L for inorganic arsenic. Only the results greater than the total arsenic threshold of 2.2 ug/L will be considered a potential exceedence of the inorganic limit of 1.1 ug/L. It is noted the Department's current RL for total arsenic is 5.0 ug/L.

If a test result is determined to be a potential exceedence, the permittee shall submit a toxicity reduction evaluation (TRE) to the Department for review and approval within 45 days of receiving the test result of concern from the laboratory. Contact the Department's compliance inspector for a copy of the Department's December 2007 guidance on conducting a TRE for arsenic.

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

Maine law, 38 M.R.S.A., §414-A(2), Schedules of Compliance states "*Within the terms and conditions of a license, the department may establish a schedule of compliance for a final effluent limitation based on a water quality standard adopted after July 1, 1977. When a final effluent limitation is based on new or more stringent technology-based treatment requirements, the department may establish a schedule of compliance consistent with the time limitations permitted for compliance under the Federal Water Pollution Control Act, Public Law 92-500, as amended. A schedule of compliance may include interim and final dates for attainment of specific standards necessary to carry out the purposes of this subchapter and must be as short as possible, based on consideration of the technological, economic and environmental impact of the steps necessary to attain those standards*." Special Condition H, *Schedule of Compliance*, of this permit modification establishes a schedule as follows:

> *Beginning upon issuance of this permit modification and lasting through a date on which the USEPA approves a test method for inorganic arsenic, the limitations and monitoring requirements for inorganic are not in effect. During this time frame, the permittee is required by Special Condition A, Effluent Limitations and Monitoring Requirements, of this permit to conduct 1/Quarter sampling and analysis for total arsenic.*
>
> *Upon receiving written notification by the Department that a test method for inorganic arsenic has been approved by the USEPA, the limitations and monitoring requirements for inorganic arsenic become effective and enforceable and the permittee is relieved of their obligation to sample and analyze for total arsenic.*

The schedule of compliance reserves the final date for compliance with the limit for inorganic arsenic. This reservation stems from the fact the EPA has no schedule for approving a test method for inorganic arsenic nor does the Department have any authority to require the EPA to do so. Therefore, the Department considers the aforementioned schedule for inorganic arsenic to be as short as possible given the technological (or lack thereof) issue of not being able to sample and analyze for inorganic arsenic with an approved method.

Department rule Chapter 523, Waste Discharge License Conditions, § Section 7, *Schedules of Compliance* sub-§3, *Interim dates*, states in part, "*if a permit establishes a schedule of compliance which exceeds 1 year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement.*

(i) The time between interim dates shall not exceed 1 year, except that in the case of a schedule for compliance with standards for sewage sludge use and disposal, the time between interim dates shall not exceed six months.

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

(ii) If the time necessary for completion of any interim requirement (such as the construction of a control facility) is more than 1 year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.

Special Condition A, *Effluent Limitations and Monitoring Requirements*, of this permit requires that beginning upon issuance of this permit modification and lasting through USEPA approval of a test method for inorganic arsenic, the permittee shall conduct 1/Quarter monitoring for total arsenic. Should the test method approval for inorganic arsenic extend more than one year from the date of the issuance of this permit the sampling and analysis for total arsenic will serve to satisfy the interim requirements specified by Department rule, Chapter 523, *Waste Discharge License Conditions*, Section 7, *Schedules of Compliance*, Sub-section 3, *Interim dates.*

> Chapter 530 §(3)(D)(1) states "*For specific chemicals, effluent limits must be expressed in total quantity that may be discharged and in effluent concentration. In establishing concentration, the Department may increase allowable values to reflect actual flows that are lower than permitted flows and/or provide opportunities for flow reductions and pollution prevention provided water quality criteria are not exceeded. With regard to concentration limits, the Department may review past and projected flows and set limits to reflect proper operation of the treatment facilities that will keep the discharge of pollutants to the minimum level practicable.*"

It is noted the calculations for establishing limitations for inorganic arsenic on page 17 do not increase the EOP concentration for inorganic arsenic by a factor of 1.5 due to uncertainty of the ratio between organic and inorganic fractions of total arsenic. However, the Department has given the permittee some flexibility by evaluating possible exceeedences using the rebuttable presumption that the effluent contains a ratio of 50% inorganic arsenic and 50% organic arsenic in total arsenic results. In other words, the equivalent total arsenic concentration threshold has been increased by a factor of 2.0. Refer to the discussion and calculations on pages 17 thru 19 of this Fact Sheet.

Chapter 530 does not establish specific monitoring frequencies for parameters that exceed or have a reasonable to exceed AWQC. This permitting action is establishing the monitoring frequencies for arsenic based on a best professional judgment given the timing, frequency and severity of the exceedence or reasonable potential to exceed AWQC. To be consistent with the default surveillance and screening level monitoring requirements in Chapter 530, the Department is establishing a monitoring frequency of 1/Quarter for total arsenic.

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

Bis (2-ethylhexyl) phthalate

Human health (organisms only) AWQC = 1.19 ug/L
Harmonic mean dilution factor = 51:1

EOP concentration = [Dilution factor x 0.75 x AWQC] + [0.25 x AWQC]

EOP = [51 x 0.75 x 1.19 ug/L] + [0.25 x 1.19 ug/L] = 46 ug/L

Based on a permitted flow of 6.5 MGD, EOP mass limits are as follows:

Parameter	Calculated EOP Concentrations	Monthly Avg. Mass Limit
Bis	46 ug/L	2.5 lbs/day

Example calculation: Bis - $\frac{(46 \text{ ug/L})(8.34)(6.5 \text{ MGD})}{1{,}000 \text{ ug/mg}}$ = 2.5 lbs/day

Available Cyanide (free)

Acute and chronic AWQC = 1.0 ug/L
Acute dilution factor = 9.7:1

EOP concentration = [Dilution factor x 0.75 x AWQC] + [0.25 x AWQC]

EOP = [9.7 x 0.75 x 1.0 ug/L] + [0.25 x 1.0 ug/L] = 7.5 ug/L

Parameter	Calculated EOP Concentrations	Daily Max. Mass Limit
Cyanide	7.5 ug/L	0.41 lbs/day

Example calculation: Cyanide - $\frac{(7.5 \text{ ug/L})(8.34)(6.5 \text{ MGD})}{1{,}000 \text{ ug/mg}}$ = 0.41 lbs/day

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

Chapter 530(3)(D)(1) states, *"for specific chemicals, effluent limits must be expressed in total quantity that may be discharged and in effluent concentration. In establishing concentration, the Department may increase allowable values to reflect actual flows that are lower than permitted flows and/or provide opportunities for flow reductions and pollution prevention provided water quality criteria are not exceeded."* Based on said provisions, the Department is making a best professional judgment that the water quality-based concentration thresholds for the three parameters listed above be increased by a factor of 1.5 so as not to penalize the permittee for operating at flows less than the permitted flow. Therefore, concentration limits are being established as follows:

Parameter	Calculated EOP Concentration	Monthly Average	Daily Maximum
Ammonia	19 mg/L	28 mg/L	---
Bis	46 ug/L	69 ug/L	---
Cyanide	7.5 ug/L	---	11 ug/L

A summary of the water quality based mass and concentration limits for toxic pollutants established in this permit are as follows:

Parameter	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum
Ammonia	1,030 lbs/day	---	28 mg/L	---
Bis	2.5 lbs/day	---	69 ug/L	---
Cyanide	---	0.41 lbs/day	---	11 ug/L

Chapter 530 does not establish specific monitoring frequencies for parameters that exceed or have a reasonable to exceed AWQC. This permitting action is establishing the monitoring requirement frequencies for ammonia, bis (2-ethylhexyl) phthalate and available cyanide (free) based on a best professional judgment given the timing, frequency and severity of the exceedence or reasonable to exceed AWQC. To be consistent with the Department's 4/10/06 permit modification, the Department is carrying forward a monitoring frequency of 1/Quarter for all three parameters.

With the exception of ammonia, bis (2-ethylhexyl) phthalate and cyanide, monitoring frequencies for priority pollutant and analytical testing established in this permitting action are based on the Chapter 530 rule. Chapter 530(2)(D)(3)(d) states in part that for Level I facilities "… *may reduce surveillance testing to one WET or specific chemical series per year provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedence as calculated pursuant to section 3(E)*". Based on

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

the results of the 11/12/08 statistical evaluation, the permittee qualifies for the testing reduction. Therefore, this permit action establishes a surveillance level analytical testing requirements as follows:

Beginning upon permit issuance and lasting through 12 months prior to permit expiration.

Level	Priority pollutant testing	Analytical chemistry
I	Not required	1 per year

Department rule Chapter 530 (2)(D)(1) specifies that screening level testing is to be establishes for analytical chemistry and priority pollutant testing requirements as follows:

Beginning 12 months prior to and lasting through permit expiration and every five years thereafter

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

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

In the event future statistical evaluations demonstrate that the reasonable potential to exceed AWQC is no longer applicable for ammonia, bis (2-ethylhexyl) phthalate or free cyanide or that the result(s) in question fall outside the 60 month evaluation period, this permit may be reopened pursuant to Special Condition P, *Reopening of Permit For Modifications*, of this permit to remove the limitation(s) and or reduce the monitoring requirement(s).

i. Mercury - May 25, 2000 – Pursuant to *Certain deposits and discharges prohibited*, Maine law, 38 M.R.S.A. § 420 and *Waste discharge licenses*, 38 M.R.S.A. § 413 and *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001), the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL #W000683-5M-D-R by establishing interim monthly average and daily maximum effluent concentration limits of 14.6 parts per trillion (ppt) and 22 ppt, respectively, and a minimum monitoring frequency requirement of four (4) tests per year for mercury. It is

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

noted the limitations have not been incorporated into Special Condition A, *Effluent Limitations And Monitoring Requirements*, of this permit as limitations and monitoring frequencies are regulated separately through 38 M.R.S.A.§ 413 and 06-096 CMR 519. However, the interim limitations remain in effect and enforceable and any modifications to the limits and or monitoring requirements will be formalized outside of this permitting document.

Maine law 38 M.R.S.A., §420 1-B,(B)(1) states that a facility is not in violation of the AWQC for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413, subsection 11. A review of the Department's data base for the period January 2001 through the present indicates mercury test results reported have ranged from 1.8 ppt to 40.6 ppt with an arithmetic mean (n=37) of 7.3 ppt.

j. Septage – – The previous permitting action authorized the District to receive up to 10,000 gpd of septage. Department rule Chapter 555, *Standards For The Addition of Transported Wastes to Wastewater Treatment Facilities*, limits the quantity of septage received at a facility to 1% of the design capacity of treatment facility if the facility utilizes a side stream or storage method of introduction into the influent flow, or 0.5% of the design capacity of the facility if the facility does not utilize the side stream or storage method of introduction into the influent flow. A facility may receive more than 1% of the design capacity on a case-by-case basis. The District has requested the Department carry forward the daily quantity of septage it is authorized to receive (up to 10,000 gpd) and treat (up to 6,500 gpd) as it utilizes the side stream/storage method of metering septage into the facility's influent flow. With a design capacity of 6.5 MGD, 10,000 gpd only represents 0.15% of said capacity.

The Department has determined that under normal operating conditions, the receipt 10,000 gpd and treatment of 6,500 gpd of septage to the facility will not cause or contribute to upset conditions of the treatment process.

7. PRETREATMENT

The permittee is required to administer a pretreatment program based on the authority granted under Federal regulations 40 CFR §122.44(j), 40 CFR Part 403 and section 307 of the Federal Water Pollution Control Act (Clean Water Act) and Department rule Chapter 528, *Pretreatment Program*. The permittee's pretreatment program received EPA approval on July 24, 1985**,** and as a result, appropriate pretreatment program requirements were incorporated into the previous National Pollutant Discharge Elimination System (NPDES) permit which were consistent with that approval and federal pretreatment regulations in effect when the permit was issued. Since issuance of the previous NPDES permit, the State of Maine has been authorized by the EPA to administer the federal pretreatment program as part of receiving authorization to administer the NPDES program.

Upon issuance of this MEPDES permit, the permittee is obligated to modify (if applicable) its pretreatment program to be consistent with current federal regulations and State rules. Those activities that the permittee must address include, but are not limited to, the following: (1) develop and enforce Department approved specific effluent limits (technically-based local limits - last approved by the EPA on April 11, 1996; (2) revise the local sewer-use ordinance or regulation, as appropriate, to be consistent with federal regulations and State rules;
(3) develop an enforcement response plan; (4) implement a slug control evaluation program; (5) track significant non-compliance for industrial users; and (6) establish a definition of and track significant industrial users.

These requirements are necessary to ensure continued compliance with the POTW's MEPDES permit and its sludge use or disposal practices.

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

8. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

The Department acknowledges that the elimination of the ten CSO's in the collection system is a costly long term project. As the City's sewer collection system is upgraded and maintained in according to the CSO Master Plan and Nine Minimum Controls, there should be reductions in the frequency and volume of CSO activities and improvement in the quality of the waste water discharge to the receiving waters. As permitted, the Department has made a determination based on a best professional judgment that the existing water uses will be maintained and protected and the discharge will not cause or contribute to the failure of the waterbody to meet standards for Class SC classification.

9. PUBLIC COMMENTS

Public notice of this application was made in the Journal Tribune newspaper on or about November 4, 2008. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

10. DEPARTMENT CONTACTS

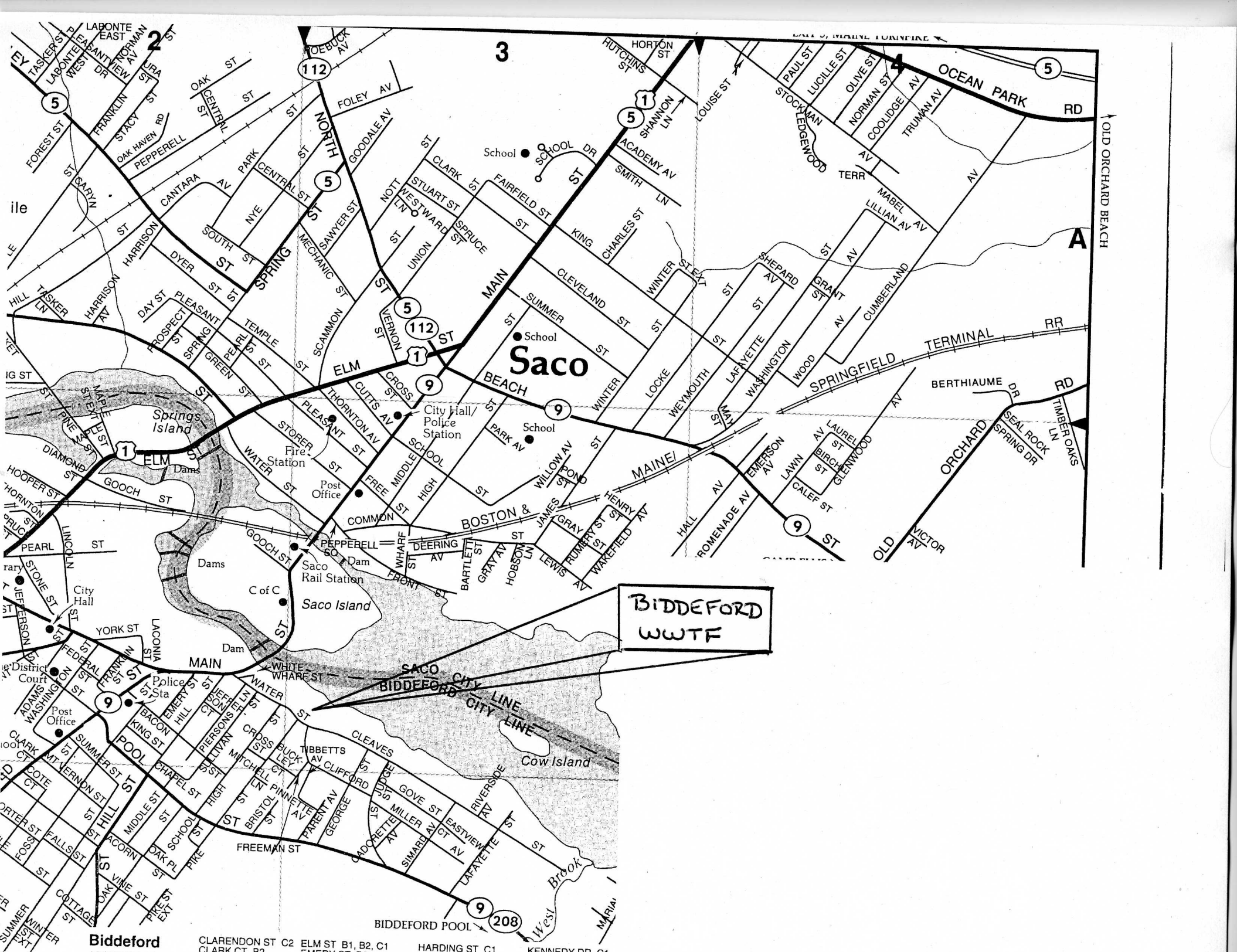
Additional information concerning this permitting action may be obtained from and written comments should be sent to:

Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone (207) 287-7693
e-mail: gregg.wood@maine.gov

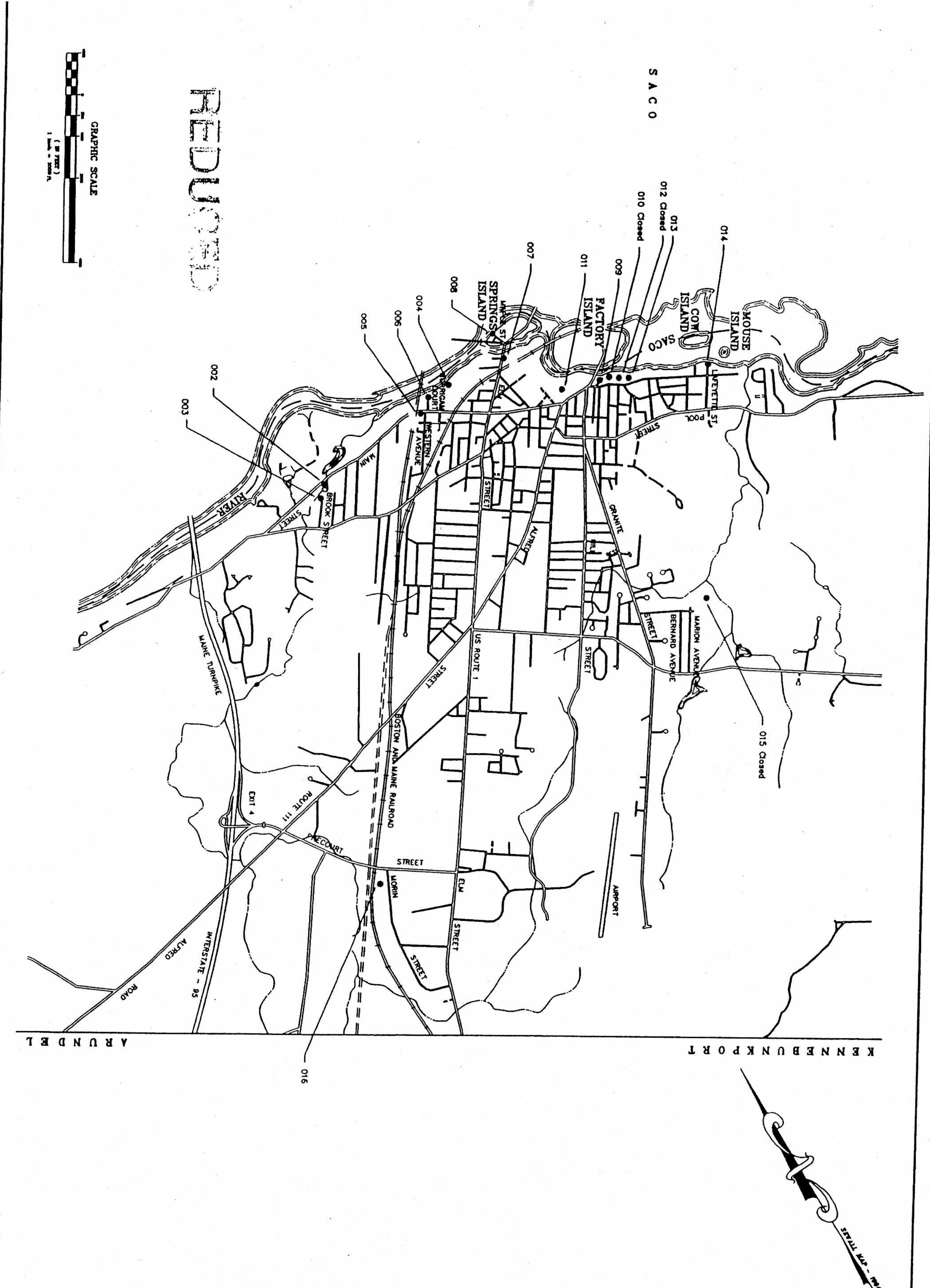
11. RESPONSE TO COMMENTS

During the period of February 9, 2009, through the issuance date of the permit/license, the Department solicited comments on the proposed draft permit/license to be issued for the discharge(s) from the permittee's facility. The Department did not receive comments from the permittee, state or federal agencies or interested parties that resulted in any substantive change(s) in the terms and conditions of the permit. Therefore, the Department has not prepared a Response to Comments.

ATTACHMENT A


Saco
Biddeford
Saco Island
Springs Island
Cow Island
Dams
City Hall/ Police Station
Fire Station
Post Office
Saco Rail Station
C of C
City Hall
Police Sta
District Court
School
BIDDEFORD WWTF
SACO
BIDDEFORD
CITY LINE
CITY LINE
MAIN ST
ELM ST
SPRING ST
NORTH ST
BEACH ST
POOL ST
HILL ST
MAIN
ELM
SPRINGFIELD TERMINAL RR
BOSTON & MAINE/
OCEAN PARK RD
OLD ORCHARD BEACH
ORCHARD
BIDDEFORD POOL
FREEMAN ST
PEPPERELL SQ
WHITE WHARF ST
TIBBETTS
CLEAVES
Brook
West
CLARENDON ST C2
CLARK CT B2
ELM ST B1, B2, C1
HARDING ST C1
KENNEDY DR C1

ATTACHMENT B



Date	Drawn by:
11-27-02	CJC
H. Scale:	Chk'd by:
1"=1000'	N/A
V. Scale:	Appr'd by:
N/A	N/A
Sheet 1 of 1	

TD—

The City of Biddeford, Maine
Engineering Department

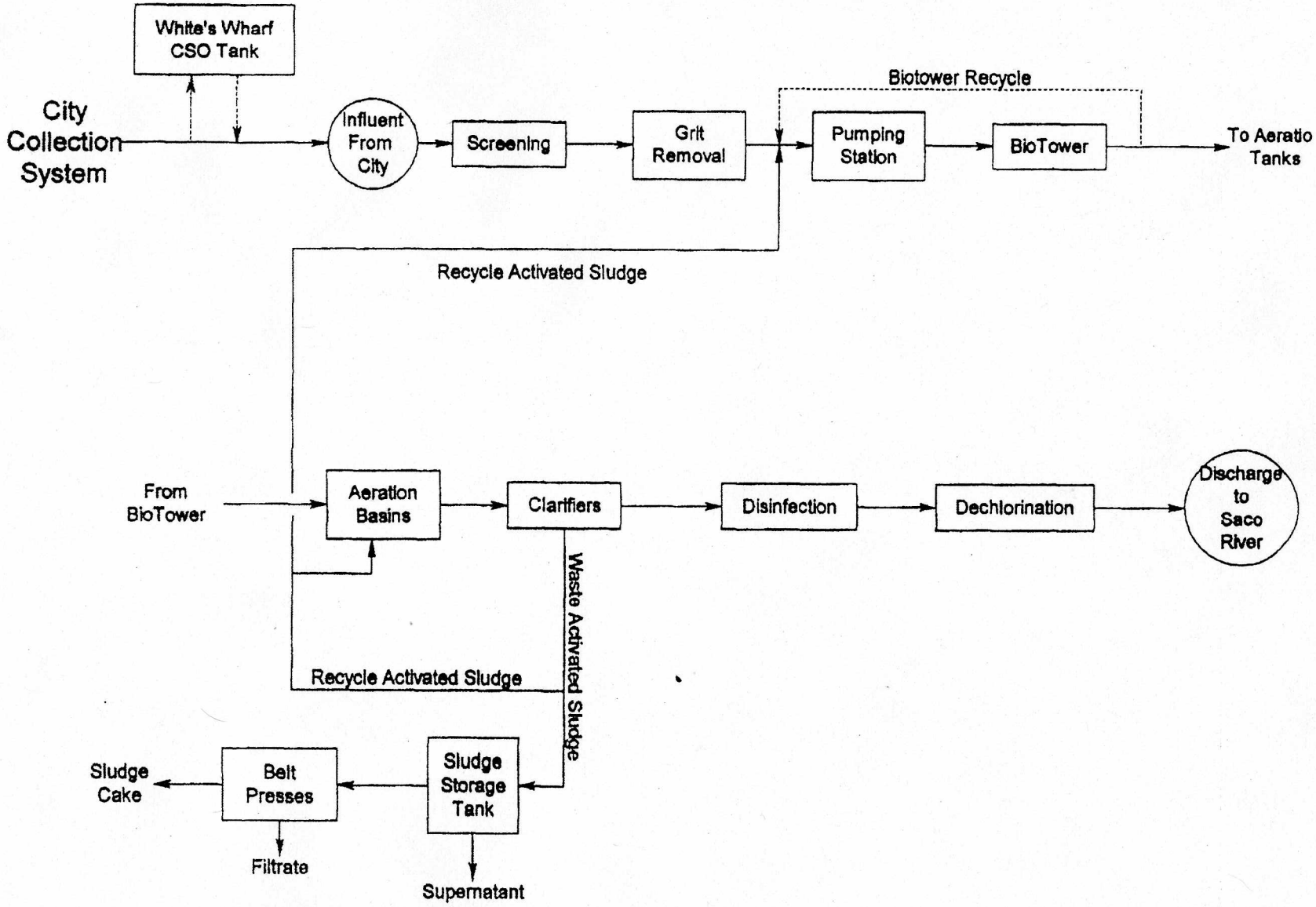
Main Street • P.O. Box [illegible] • Biddeford, Maine [illegible]
Telephone: [illegible] • Fax: [illegible]

CSO MONITORING PROGRAM
CSO LOCATIONS

No.	Revision	Date

ATTACHMENT C

Biddeford WWTP Process Schematic



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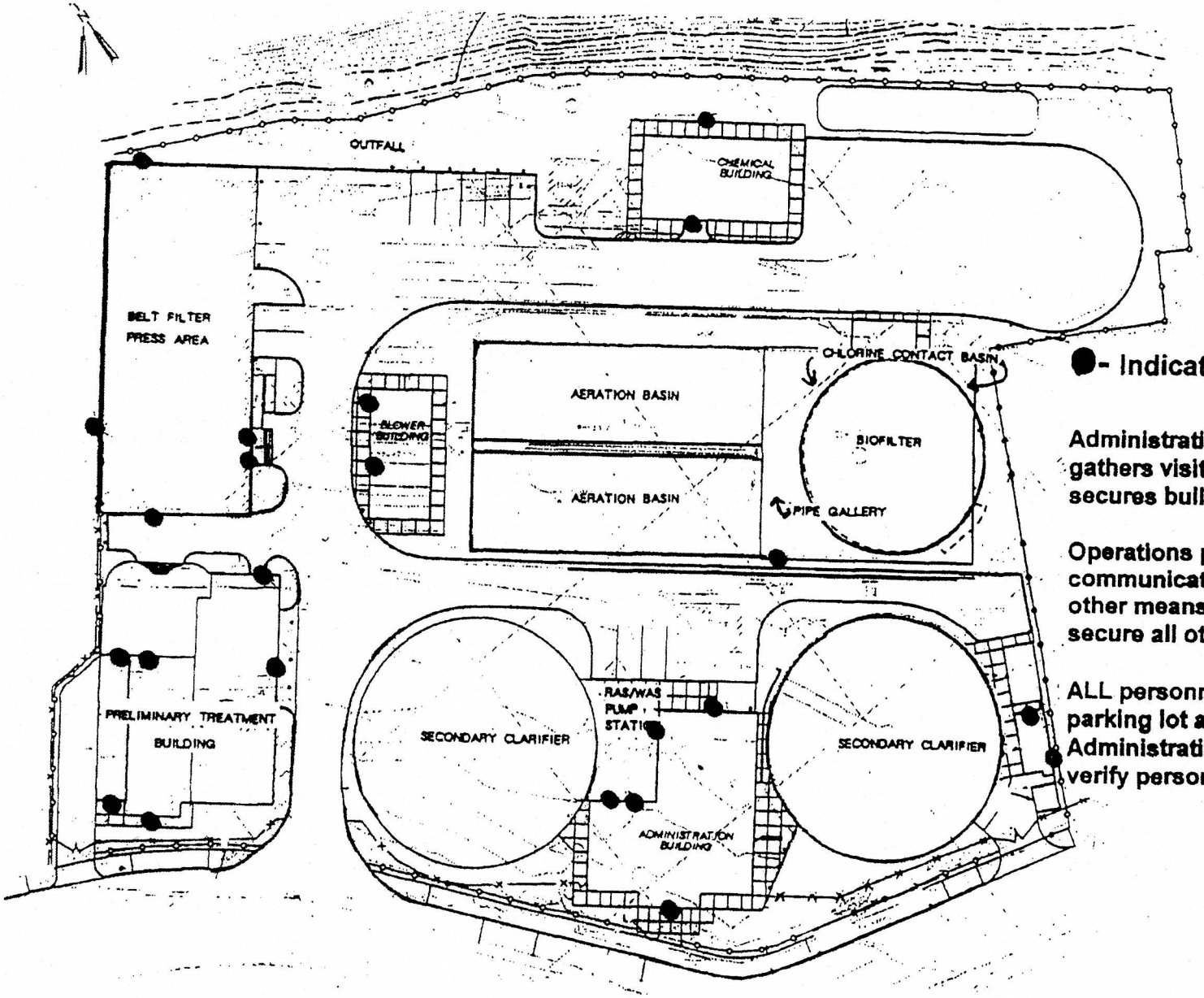


● - Indicates Exit

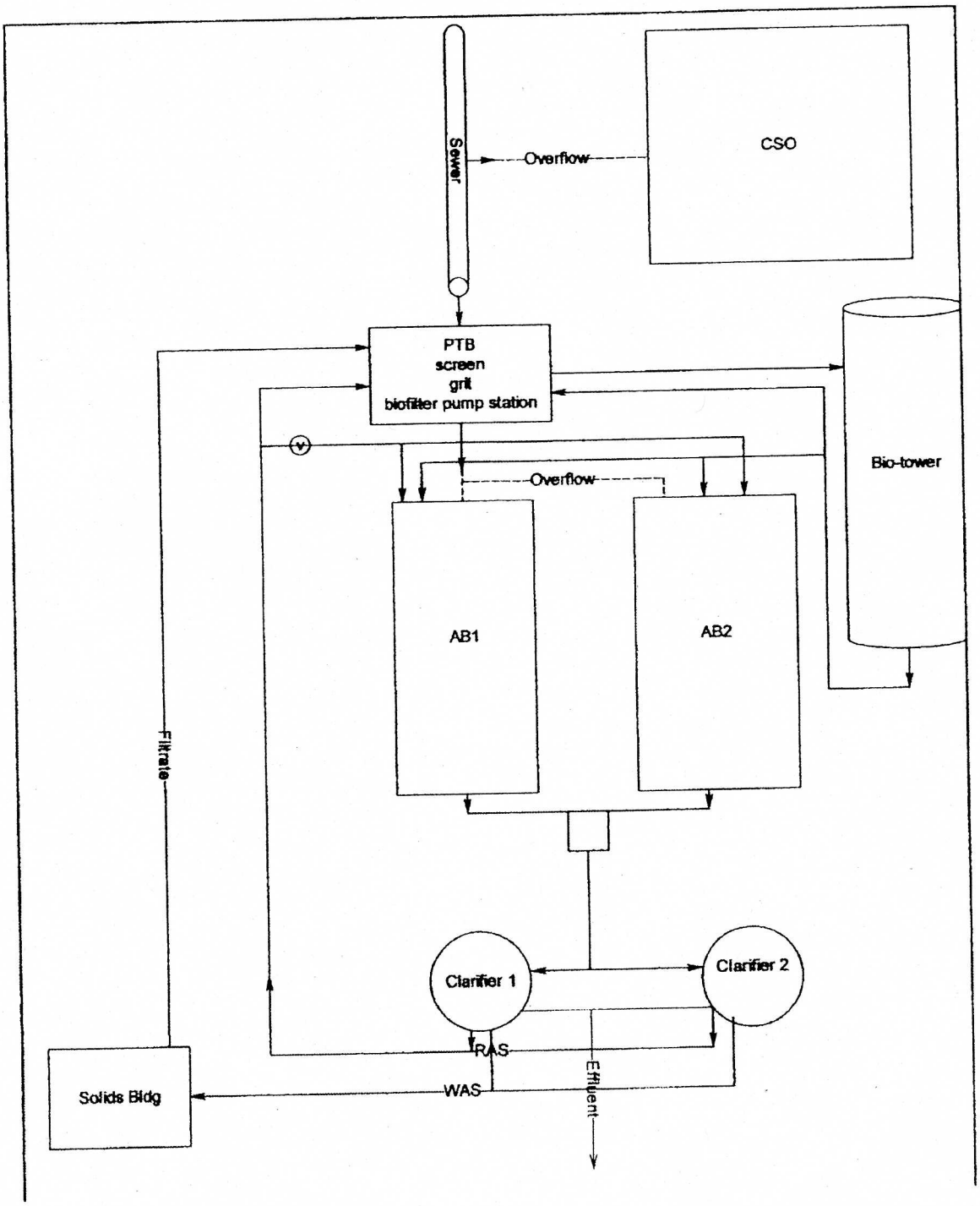
Administration pers
gathers visitor log a
secures building.

Operations personn
communicate by rac
other means, sweep
secure all other buil

ALL personnel mee
parking lot across fi
Administration Buil
verify personnel co

#2

APPENDIX A
BIDDEFORD FLOW DIAGRAM



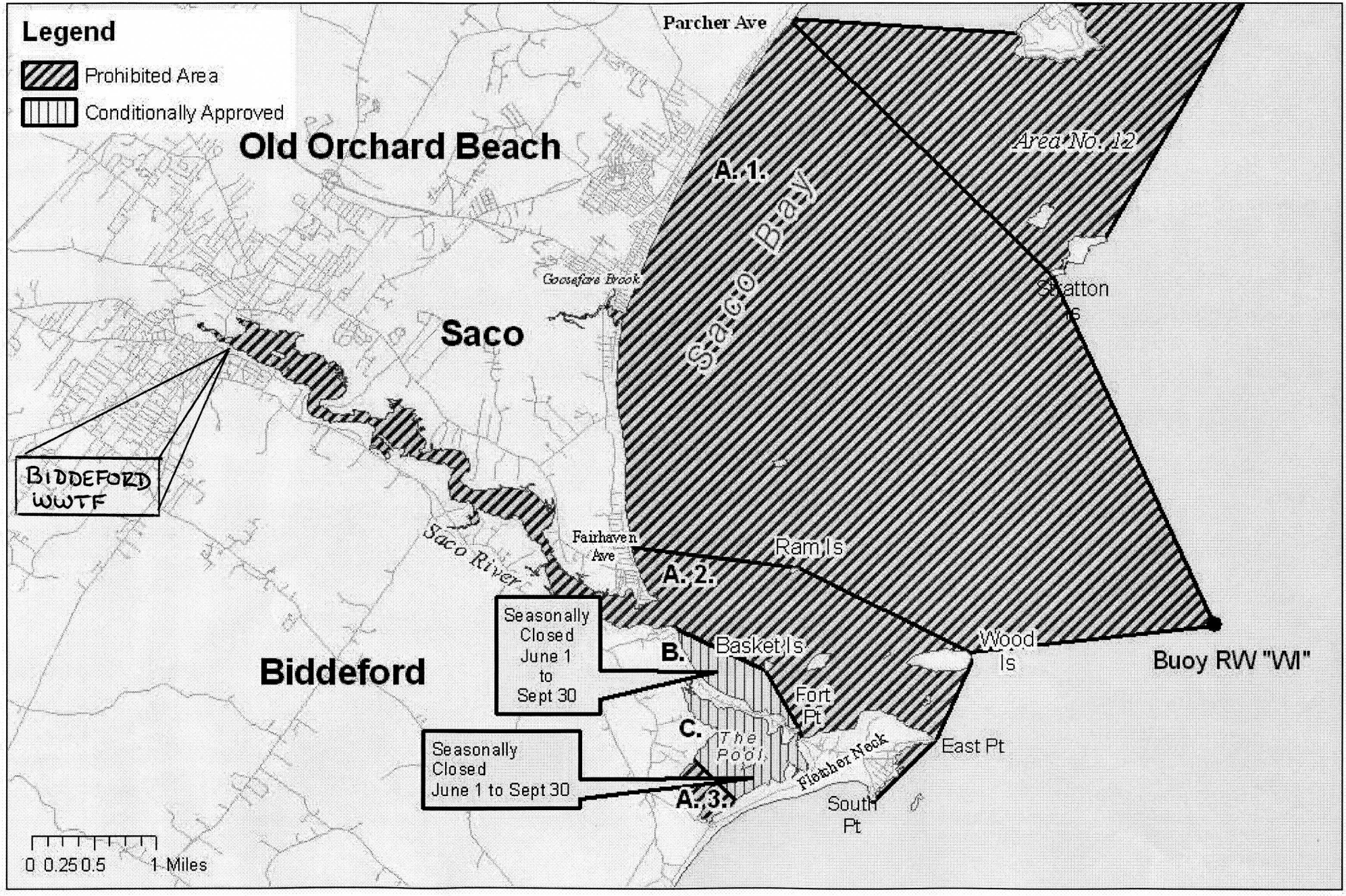
ATTACHMENT D

Maine Department of Marine Resources

Pollution Area No. 10

Saco River and Saco Bay (Biddeford, Saco, Old Orchard Beach)

02.13.09



ATTACHMENT E

Species	Test	Test Result %	Sample Date
MYSID SHRIMP	A_NOEL	>100	09/11/2006
SEA URCHIN	C_NOEL	100	09/11/2006
MYSID SHRIMP	A_NOEL	>100	04/29/2007
SEA URCHIN	C_NOEL	100	04/29/2007
MYSID SHRIMP	A_NOEL	>100	07/16/2007
SEA URCHIN	C_NOEL	50	07/16/2007
MYSID SHRIMP	A_NOEL	>100	10/01/2007
SEA URCHIN	C_NOEL	10	10/01/2007
MYSID SHRIMP	A_NOEL	>100	03/10/2008
SEA URCHIN	C_NOEL	100	03/10/2008

PP Data for "Hits" Only

BIDDEFORD
SACO RIVER

ARSENIC
MDL = 5 ug/l

	Conc, ug/l	MDL	Sample Date	Date Entered
	2.000000	OK	05/05/2008	07/02/2008
	2.000000	OK	04/26/2005	06/27/2005
	2.000000	OK	02/01/2004	06/28/2004
	2.800000	OK	04/29/2007	07/23/2007
	3.200000	OK	07/16/2007	09/24/2007
	4.100000	OK	09/08/2008	11/19/2008
	6.000000	OK	03/10/2008	05/09/2008
<	2.000000	OK	10/01/2007	12/17/2007
<	2.200000	OK	09/11/2006	11/30/2006

BIS(2-ETHYLHEXYL)PHTHALATE
MDL = 3.0 ug/l

	Conc, ug/l	MDL	Sample Date	Date Entered
	6.000000	OK	04/26/2005	06/27/2005
	7.000000	OK	02/01/2004	06/28/2004
	24.000000	OK	10/01/2007	01/15/2008

CYANIDE
MDL = 5 ug/l

	Conc, ug/l	MDL	Sample Date	Date Entered
	5.000000	OK	07/16/2007	09/24/2007
	5.000000	OK	03/10/2008	05/09/2008
	6.800000	OK	09/11/2006	11/30/2006
	10.000000	OK	05/10/2006	02/05/2007
	12.000000	OK	12/14/2006	02/05/2007
<	0.500000	OK	04/30/2007	06/06/2007
<	2.000000	OK	04/26/2005	06/27/2005
<	5.000000	OK	04/29/2007	07/23/2007
<	5.000000	OK	10/01/2007	12/17/2007
<	5.000000	OK	11/19/2008	12/31/2008
<	5.000000	OK	02/09/2009	04/03/2009
<	5.000000	OK	09/08/2008	11/19/2008
<	5.000000	OK	02/09/2006	03/16/2006
<	5.000000	OK	02/01/2004	06/28/2004

CONTENTS

A. GENERAL PROVISIONS

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

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

(a) They are not

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. OPERATION AND MAINTENACE OF FACILITIES

1. General facility requirements.

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

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

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

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

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

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

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

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

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

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

5. Bypasses.

(a) Definitions.

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

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

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

(c) Notice.

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

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

(d) Prohibition of bypass.

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

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

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

6. Upsets.

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

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

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

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

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

C. MONITORING AND RECORDS

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

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

3. Monitoring and records.

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

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

(c) Records of monitoring information shall include:

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

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

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

D. REPORTING REQUIREMENTS

1. Reporting requirements.

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

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

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

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

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

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

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

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

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

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

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

(f) Twenty-four hour reporting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Publicly owned treatment works.

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

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

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

E. OTHER REQUIREMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Maximum daily discharge limitation means the highest allowable daily discharge.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEP INFORMATION SHEET

Appealing a Commissioner's Licensing Decision

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

SUMMARY

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

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

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

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

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

HOW TO SUBMIT AN APPEAL TO THE BOARD

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

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

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

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

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

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

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

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

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

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

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

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

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

II. APPEALS TO MAINE SUPERIOR COURT

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

ADDITIONAL INFORMATION

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

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