STATE OF MAINE

Department of Environmental Protection

JOHN ELIAS BALDACCI
GOVERNOR

David P. Littell
COMMISSIONER

August 24, 2009

Mr. Scott Noble
Town of Pittsfield
112 Somerset Avenue
Pittsfield, ME 04967
watersuper@pittsfield.org

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100528
Maine Waste Discharge License (WDL) Application #W001477-6D-G-R
FINAL MEPDES Permit/WDL

Dear Mr. Noble:

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

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

If you have any questions regarding the matter, please feel free to call me at 287-7659.

Sincerely,

Bill Hinkel

Bill Hinkel
Division of Water Quality Management
Bureau of Land and Water Quality

Enc.

Electronic copies: Denise Behr, DEP; Lori Mitchell, DEP; Sandy Mojica, USEPA

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

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF PITTSFIELD		)	MAINE POLLUTANT DISCHARGE
PITTSFIELD, SOMERSET COUNTY, MAINE		)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS		)	AND
#ME0100528		)	WASTE DISCHARGE LICENSE
#W001477-6D-G-R	**APPROVAL**	)	**RENEWAL**

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

APPLICATION SUMMARY

The Town has applied to the Department for renewal of Waste Discharge License (WDL) #W001477-5L-F-R / Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100528, which was issued on June 8, 2004, and expired on June 8, 2009. The 6/8/04 permit authorized the monthly average discharge of up to 1.5 million gallons per day (MGD) of secondary treated sanitary wastewaters to the Sebasticook River, Class C, in Pittsfield, Maine.

On April 10, 2006, the Department amended the 6/8/04 permit by incorporating the analytical chemistry and priority pollutant testing requirements of *Surface Water Toxics Control Program*, 06-096 CMR 530 (effective October 9, 2005).

PERMIT SUMMARY

This permitting action is similar to the 6/8/04 permitting action and 4/10/06 permit amendment in that it is:

1. Carrying forward the monthly average discharge flow limitation and the daily maximum discharge flow reporting requirement;

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

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

PERMIT SUMMARY (cont'd)

4. Carrying forward the seasonal daily maximum concentration limitation for *Escherichia coli* bacteria;

5. Carrying forward the technology-based monthly average and the water quality-based daily maximum limitations for total residual chorine (TRC);

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

7. Carrying forward analytical chemistry and priority pollutant testing requirements consistent with 06-096 CMR 530;

8. Carrying forward an annual certification statement requirement as Special Condition L, *06-096 CMR 530(2)(D)(4) Statement for Reduced/Waived Toxics Testing* of this permit (a requirement imposed in the 4/10/06 permit amendment); and

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

This permitting action is different from the 6/8/04 permitting action and 4/10/06 permit amendment in that it is:

1. Revising the monthly average *E. coli* bacteria limitation from 142 colonies/100 ml to 126 colonies/100 ml based on revisions to the State's Water Classification Program for Class C waters;

2. Eliminating the monthly average, water quality-based effluent concentration and mass limitations for total lead based on the results of facility testing;

3. Eliminating the technology-based daily maximum concentration limitation for settleable solids;

4. Revising the authorized volume of transported wastes from 3,000 gallons per day (GPD) to 4,000 GPD;

5. Revising the Treatment Plant Operator grade from a Grade III to a Grade II pursuant to *Regulations for Wastewater Operator Certification*, 06-096 CMR 531 (effective May 8, 2006);

6. Establishing daily maximum, water quality-based effluent concentration and mass limitations for total copper based on the results of facility testing;

7. Establishing monthly average, water quality-based effluent concentration and mass limitations for dibenzo (A,H)anthracene based on the results of facility testing;

8. Establishing monthly average, water quality-based effluent concentration and mass limitations for indeno (1,2,3-CD)pyrene based on the results of facility testing; and

9. Establishing Special Condition M, Toxicity Reduction Evaluation (TRE), for mass-based exceedences of dibenzo (A,H)anthracene and indeno (1,2,3-CD)pyrene.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated August 24, 2009, and subject to the Conditions listed below, the Department makes the following conclusions:

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

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

3. The provisions of the State's antidegradation policy, *Classification of Maine waters*, 38 M.R.S.A. § 464(4)(F), will be met, in that:

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

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

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

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

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

4. The discharge will be subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S.A. § 414-A(1)(D).

ACTION

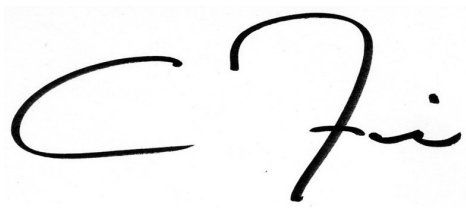
THEREFORE, the Department APPROVES the above noted application of the TOWN OF PITTSFIELD to discharge a monthly average of up to 1.5 million gallons per day (MGD) of secondary treated sanitary wastewater from a publicly owned treatment works to the Sebasticook River, Class C, in Pittsfield, Maine, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

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

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

3. The expiration date of this permit is five (5) years from the date of signature below.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES



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
2009.08.26 08:44:22 -04'00'

Date of initial receipt of application: April 14, 2009
Date of application acceptance: April 27, 2009

This Order prepared by William F. Hinkel, BUREAU OF LAND & WATER QUALITY

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge **secondary treated municipal waste waters via Outfall #001A** to the Sebasticook River. Such discharges shall be limited and monitored by the permittee as specified below[(1)]:

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
	as specified	as specified	as specified	as specified	as specified	as specified	as specified	as specified
Flow *[50050]*	1.5 MGD *[03]*	---	Report MGD *[03]*	---	---	---	Metered *[MT]*	Recorder *[RC]*
BOD_5 *[00310]*	375 lbs./day *[26]*	563 lbs./day *[26]*	626 lbs./day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	1/Week *[01/07]*	Composite *[24]*
BOD_5 Percent Removal[(2)] *[81010]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
TSS *[00530]*	375 lbs./day *[26]*	563 lbs./day *[26]*	626 lbs./day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	1/Week *[01/07]*	Composite *[24]*
TSS Percent Removal[(2)] *[81011]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
E. coli Bacteria[(3)] *[31633]*	---	---	---	126 col/100 ml [(4)] *[13]*	---	949 col/100 ml *[13]*	1/Week *[01/07]*	Grab *[GR]*
Total Residual Chlorine[(5)] *[50060]*	---	---	---	0.1 mg/L *[19]*	---	0.13 mg/L *[19]*	1/Day *[01/01]*	Grab *[GR]*
pH *[00400]*	---	---	---	---	---	6.0-9.0 SU [(6)] *[12]*	2/Week *[02/07]*	Grab *[GR]*
Copper (Total) *[01042]*	---	---	0.20 lbs./day *[26]*	---	---	16.0 ug/L *[28]*	1/Quarter *[01/90]*	Composite *[24]*
Dibenzo (A,H)Anthracene[(7)] *[34556]*	0.002 lbs./day *[26]*	---	---	0.19 ug/L *[28]*	---	---	1/Year *[01/YR]*	Composite *[24]*
Indeno (1,2,3-CD)Pyrene[(7)] *[34403]*	0.002 lbs./day *[26]*	---	---	0.19 ug/L *[28]*	---	---	1/Year *[01/YR]*	Composite *[24]*

The italicized numeric values bracketed in the table above and in text on subsequent pages are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports.

FOOTNOTES: See Pages 7-9 of this permit for the applicable footnotes.

SPECIAL CONDITIONS

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

2. Analytical chemistry and priority pollutant testing requirements for **Outfall #001A** [(1)].

SURVEILLANCE LEVEL **-** Beginning the effective date of this permit and lasting through 12 months prior to permit expiration (REDUCED TESTING).

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Analytical Chemistry [(8)] *[51477]*	---	---	---	Report ug/L *[28]*	1/ Year *[01/YR]*	Composite / Grab *[24/GR]*
Priority Pollutant [(9)] *[50008]*	---	---	---	---	---	---

SCREENING LEVEL **-** Beginning 12 months prior to expiration of the current permit or in the fifth year since the last screening test, which ever is sooner.

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Analytical Chemistry [(8)] *[51477]*	---	---	---	Report ug/L *[28]*	1/ Quarter *[01/90]*	Composite / Grab *[24/GR]*
Priority Pollutant [(9)] *[50008]*	---	---	---	Report ug/L *[28]*	1/Year *[01/YR]*	Composite / Grab *[24/GR]*

The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports.

FOOTNOTES: See Pages 7-9 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

FOOTNOTES:

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

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

2. **Percent Removal –** The treatment facility shall maintain a minimum of 85 percent removal of both BOD_5 and TSS for all flows receiving secondary treatment during all months that the facility discharges. Compliance with the limitation shall be based on a twelve-month rolling influent and twelve-month rolling effluent averages. Calendar monthly percent removal values, as reported in the monthly Discharge Monitoring Report, shall be calculated using the current twelve-month rolling average influent and twelve-month rolling average effluent concentrations. For the purposes of this permitting action, the twelve-month rolling average calculation is based on the most recent twelve-month period. For months when the rolling average influent concentration is less than 200 mg/L, the percent removal shall not be calculated. Instead, the applicant shall record a NODI-9 code on the DMR. The permittee is required to report the percent removal values on the monthly Discharge Monitoring Report and on the Department's "49" form. During periods of freezing weather, the percent removal may be calculated based on assumed BOD_5 and TSS influent values of 286 mg/L and actual effluent concentration values. A comment must be added in the comments column of the 49 form and/or DMR sheet (for example, "assumed value being utilized due to freezing temperatures"); and air temperature must be noted in the comments section of the 49 form and/or DMR sheet.

SPECIAL CONDITIONS

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

FOOTNOTES:

3. **Bacteria Limits –** *E. coli* bacteria limits and monitoring requirements are seasonal and apply between May 15 and September 30 of each year. The Department reserves the right to reopen this permit in accordance with Special Condition N, *Reopening of Permit for Modifications*, to establish year-round bacteria limitations to protect the health, safety and welfare of the public.

4. **Bacteria Reporting** – The monthly average *E. coli* bacteria limitation is a geometric mean limitation and sample results shall be reported as such.

5. **TRC Monitoring** – Monitoring for TRC is only required when elemental chlorine or chlorine-based compounds are in use for effluent disinfection. TRC shall be tested using Amperometric Titration or the DPD Spectrophotometric Method. The USEPA approved methods are found in Standard Methods for the Examination of Water and Waste Water, (Most current edition), Method 4500-CL-E and Method 4500-CL-G or USEPA Manual of Methods of Analysis of Water and Wastes. For instances when chlorine or chlorine-based compounds have not been used for effluent disinfection for an entire reporting period, the permittee shall report "NODI-9" on the monthly DMR.

6. **pH Range Limitation –** The pH value of the effluent shall not be lower than 6.0 standard units (SU) nor higher than 9.0 SU at any time unless these limitations are exceeded due to natural causes. The permittee shall provide oral notification of any exceedence within 24 hours from the time the permittee becomes aware of the circumstances and shall submit a written explanation of the exceedence within 5 days of the time the permittee becomes aware of the circumstances.

7. **Monitoring for Dibenzo (A,H)Anthracene and Indeno (1,2,3-CD)Pyrene** – Effluent monitoring for these two compounds shall be conducted once per year in a different calendar quarter for the first 4 years then in any quarter in the fifth year. Compliance with the respective limitations shall be based on the Department's minimum reporting level (RL) of 5 µg/L. All analytical test results shall be reported to the Department including results which are detected below the RL of 5 µg/L.

8. **Analytical chemistry** – Pursuant to 06-096 CMR 530(2)(C)(4), analytical chemistry refers to a suite of thirteen (13) chemical tests that consist of: ammonia nitrogen (as N), total aluminum, total arsenic, total cadmium, total chromium, total copper, total cyanide, total hardness, total lead, total nickel, total silver, total zinc and total residual chlorine.

    a. **Surveillance level testing** – Beginning the effective date of this permit and lasting through 12 months prior to permit expiration, the permittee shall conduct surveillance level analytical chemistry testing at a reduced minimum frequency of once per year in different calendar quarters for 4 successive years.

SPECIAL CONDITIONS

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

FOOTNOTES:

b. **Screening level testing** – Beginning 12 months prior to expiration of the current permit or in the fifth year since the last screening test, which ever is sooner, the permittee shall conduct analytical chemistry testing at a minimum frequency of once per calendar quarter for four consecutive calendar quarters.

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

a. **Screening level testing** – Beginning 12 months prior to expiration of the current permit or in the fifth year since the last screening test, which ever is sooner, the permittee shall conduct screening level priority pollutant testing at a minimum frequency of once per year.

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

Priority pollutant and analytical chemistry testing shall be conducted using methods that permit detection of a pollutant at existing levels in the effluent or that achieve minimum reporting levels of detection as specified by the Department.

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

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

SPECIAL CONDITIONS

B. NARRATIVE EFFLUENT LIMITATIONS

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

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

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

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

C. DISINFECTION

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

D. TREATMENT PLANT OPERATOR

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

SPECIAL CONDITIONS

E. 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
Bureau of Land & Water Quality
Division of Water Quality Management
17 State House Station
Augusta, Maine 04333-0017

Alternatively, if you are submitting an electronic Discharge Monitoring Report (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.

F. LIMITATIONS FOR INDUSTRIAL USERS

Pollutants introduced into POTWs by a non-domestic source (user) shall not pass through the POTW or interfere with the operation or performance of the works.

SPECIAL CONDITIONS

G. NOTIFICATION REQUIREMENTS

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

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

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

3. For the purposes of this section, adequate notice shall include information on:
   a. The quality and quantity of waste water introduced to the waste water collection and treatment system; and
   b. Any anticipated impact of the change in the quantity or quality of the waste water to be discharged from the treatment system.

H. AUTHORIZED DISCHARGES

The permittee is authorized to discharge only: 1) in accordance with the permittee's General Application for Waste Discharge License, accepted for processing on April 27, 2009; 2) in accordance with the terms and conditions of this permit; and 3) via Outfall #001A. Discharges of wastewater from any other point source are not authorized under this permit, and shall be reported in accordance with Standard Condition B(5), *Bypasses*, of this permit.

I. WET WEATHER MANAGEMENT PLAN

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

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

SPECIAL CONDITIONS

J. OPERATIONS AND MAINTENANCE (O&M) PLAN

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

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

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

K. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY

During the effective period of this permit, the permittee is authorized to receive and introduce into the treatment process or solids handling stream up to **a daily maximum of 4,000 gallons per day** of transported wastes, subject to the following terms and conditions.

1. **"**Transported wastes" means any liquid non-hazardous waste delivered to a wastewater treatment facility by a truck or other similar conveyance that has different chemical constituents or a greater strength than the influent described on the facility's application for a waste discharge license. Such wastes may include, but are not limited to septage, industrial wastes or other wastes to which chemicals in quantities potentially harmful to the treatment facility or receiving water have been added.

2. Of the 4,000 GPD authorized by this permit, the permittee may receive and introduce into the treatment process or solids handling stream up to a daily maximum of 3,000 GPD of septage wastes and up to a daily maximum of 1,000 GPD of automotive garage holding tank wastewater.

3. The character and handling of all transported wastes received must be consistent with the information and management plans provided in application materials submitted to the Department.

4. At no time shall the addition of transported wastes cause or contribute to effluent quality violations. Transported wastes may not cause an upset of or pass through the treatment process or have any adverse impact on the sludge disposal practices of the wastewater treatment facility. Wastes that contain heavy metals, toxic chemicals, extreme pH, flammable or corrosive materials in concentrations harmful to the treatment operation must be refused. Odors and traffic from the handling of transported wastes may not result in adverse impacts to the

SPECIAL CONDITIONS

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

surrounding community. If any adverse effects exist, the receipt or introduction of transported wastes into the treatment process or solids handling stream shall be suspended until there is no further risk of adverse effects.

5. 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.

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

7. 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.

8. During wet weather events, transported wastes may be added to the treatment process or solids handling facilities only in accordance with a current high flow management plan approved by the Department pursuant to Special Condition I of this permit that provides for full treatment of transported wastes without adverse impacts.

9. 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.

10. 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)

11. The authorization in the Special Condition is subject to annual review and, with notice to the permitee and other interested parties of record, may be suspended or reduced by the Department as necessary to ensure full compliance with *Standards for the Addition of Transported Wastes to Waste Water Treatment Facilities,* 06-096 CMR 555 (last amended February 5, 2009) and the terms and conditions of this permit.

L. 06-096 CMR 530(2)(D)(4) STATEMENT FOR REDUCED/WAIVED TOXICS TESTING

This permitting action establishes reduced surveillance level testing for analytical chemistry. **On or before December 31st of each year** of the effective term of this permit ***[PCS Code 95799]***, the permittee shall provide the Department with statements describing the following:

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

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

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

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

M. TOXICITY REDUCTION EVALUATION (TRE)

Within forty-five (45) days of the effective date of this permit, the permittee shall submit to the Department for review and approval, a TRE plan which outlines a strategy to identify the source(s) and action items to be implemented to mitigate or eliminate exceedences of ambient water quality criteria associated with dibenzo (A,H)anthracene and indeno (1,2,3-CD)pyrene ***[PCS code 02199]***.

N. REOPENING OF PERMIT FOR MODIFICATION

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

O. SEVERABILITY

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

ATTACHMENT A

Printed 7/27/2009

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

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

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

FRESH WATER VERSION

Please see the footnotes on the last page.

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

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

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

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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 POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
MAINE WASTE DISCHARGE LICENSE

FACT SHEET

DATE: **AUGUST 24, 2009**

MEPDES PERMIT NUMBER: **#ME0100528**
WASTE DISCHARGE LICENSE: **#W001477-6D-G-R**

NAME AND ADDRESS OF APPLICANT:

TOWN OF PITTSFIELD
112 SOMERSET AVENUE
PITTSFIELD, MAINE 04967

COUNTY: **SOMERSET**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

PITTSFIELD WASTEWATER TREATMENT FACILITY (WWTF)
MCCARTHY ROAD
PITTSFIELD, MAINE 04967

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

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **MR. SCOTT NOBLE**
watersewersuper@pittsfield.org
(207) 487-3136

1. APPLICATION SUMMARY

a. Application: The Town of Pittsfield (Town) has applied to the Department of Environmental Protection (Department) for renewal of Waste Discharge License (WDL) #W001477-5L-F-R / Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100528, which was issued on June 8, 2004, and expired on June 8, 2009. The 6/8/04 permit authorized the monthly average discharge of up to 1.5 million gallons per day (MGD) of secondary treated sanitary wastewaters to the Sebasticook River, Class C, in Pittsfield, Maine.

On April 10, 2006, the Department amended the 6/8/04 permit by incorporating the whole effluent toxicity (WET), analytical chemistry and priority pollutant testing requirements of *Surface Water Toxics Control Program*, 06-096 CMR 530 (effective October 9, 2005).

2. PERMIT SUMMARY

a. Terms and Conditions **This permitting action is similar to the 6/8/04 permitting action and 4/10/06 permit amendment in that it is:**

1. Carrying forward the monthly average discharge flow limitation and the daily maximum discharge flow reporting requirement;

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

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

4. Carrying forward the seasonal daily maximum concentration limitation for *Escherichia coli* bacteria;

5. Carrying forward the technology-based monthly average and the water quality-based daily maximum limitations for total residual chorine (TRC);

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

7. Carrying forward analytical chemistry and priority pollutant testing requirements consistent with 06-096 CMR 530;

8. Carrying forward an annual certification statement requirement as Special Condition L, *06-096 CMR 530(2)(D)(4) Statement for Reduced/Waived Toxics Testing* of this permit (a requirement imposed in the 4/10/06 permit amendment); and

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

2. PERMIT SUMMARY (cont'd)

This permitting action is different from the 6/8/04 permitting action and 4/10/06 permit amendment in that it is:

1. Revising the monthly average *E. coli* bacteria limitation from 142 colonies/100 ml to 126 colonies/100 ml based on revisions to the State's Water Classification Program for Class C waters;

2. Eliminating the monthly average, water quality-based effluent concentration and mass limitations for total lead based on the results of facility testing;

3. Eliminating the technology-based daily maximum concentration limitation for settleable solids;

4. Revising the authorized volume of transported wastes from 3,000 gallons per day (GPD) to 4,000 GPD;

5. Revising the Treatment Plant Operator grade from a Grade III to a Grade II pursuant to *Regulations for Wastewater Operator Certification*, 06-096 CMR 531 (effective May 8, 2006);

6. Establishing daily maximum, water quality-based effluent concentration and mass limitations for total copper based on the results of facility testing;

7. Establishing monthly average, water quality-based effluent concentration and mass limitations for dibenzo (A,H)anthracene based on the results of facility testing;

8. Establishing monthly average, water quality-based effluent concentration and mass limitations for indeno (1,2,3-CD)pyrene based on the results of facility testing; and

9. Establishing Special Condition M, Toxicity Reduction Evaluation (TRE), for mass-based exceedences of dibenzo (A,H)anthracene and indeno (1,2,3-CD)pyrene.

b. History: This section provides a summary of recent, relevant licensing/permitting actions that have been completed for the Pittsfield WWTF.

September 29, 1999 – The USEPA issued NPDES permit #ME0100528 to the Town of Pittsfield for the monthly average discharge of up to 1.5 MGD secondary treated sanitary wastewater. This permitting action superseded previous NPDES permits issued on 9/20/94, 9/23/92, 3/1/91, 9/30/87, and 9/3/82, and expired on March 31, 2003.

December 17, 1998 – The Department issued WDL #W001477-5L-D-R for a five-year term.

May 23, 2000 – Pursuant to *Certain deposits and discharges prohibited*, 38 M.R.S.A. § 420 and *Waste discharge licenses*, 38 M.R.S.A. § 413 and *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001), the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby

2. PERMIT SUMMARY (cont'd)

administratively modifying WDL # W001477-5L-D-R by establishing interim monthly average and daily maximum effluent concentration limits of 4.5 parts per trillion (ppt) and 6.8 ppt, respectively, and a minimum monitoring frequency requirement of 2 tests per year for mercury. It is noted the limitations have not been incorporated into Special Condition A, *Effluent Limitations And Monitoring Requirements*, of this permit as limitations and monitoring frequencies are regulated separately through 38 M.R.S.A. § 413 and 06-096 CMR 519. However, the interim limitations remain in effect and enforceable and any modifications to the limits and or monitoring requirements will be formalized outside of this permitting document.

July 21, 2000 – The Department administratively modified WDL #W001477-5L-D-R through issuance of a letter and revised effluent limitations table. The modification included a new provision, described in the footnotes section of the effluent limits table, that allowed for excursions of pH above and below the licensed limits, provided that excursions were the result of natural causes and that the licensee provide the Department with a written explanation for all excursions. The pH range was the only parameter addressed in the letter accompanying the revised limits table. However, the revised limits table contained a requirement to collect 24-hour composite samples for BOD_5 and TSS while the original limits table required grab samples. This change was not coded into the permit compliance system (PCS) database and the sample type continued to appear as a grab sample type on the facility's monthly discharge monitoring reports (DMR). The revised limits table also included a reporting requirement for the daily maximum discharge flow values, while the original table did not have a reporting requirement. The revised limits table included a daily maximum concentration limit of 0.3 ml/L for settleable solids, while the original table contained a less restrictive reporting requirement. The aforementioned changes to the discharge flow and settleable solids parameters were properly coded into the PCS database and appeared on the facility's DMR.

January 12, 2001 – The Department received authorization from the USEPA to administer the NPDES permit program in Maine, excluding areas of special interest to Maine Indian Tribes. From that point forward, the program has been referred to as the MEPDES program, and MEPDES permit #ME0100528 has been utilized as the primary reference number for the Pittsfield Wastewater Treatment Facility.

June 8, 2004 – The Department issued WDL #W001477-5L-F-R / MEPDES Permit #ME0100528 to the Town for a five-year term. The 6/8/04 permit superseded WDL #W001477-5L-D-R issued on 12/17/98, WDL #W001477-46-C-R issued on 8/20/92, WDL #W001477-46-B-R issued on 2/4/88, WDL #1477 issued on 11/23/82, and WDL #1477 issued on 6/13/77.

July 9, 2004 – The Town filed an appeal of the 6/8/04 permitting decision with the Maine Board of Environmental Protection (Board). The basis for the appeal is summarized in Section 4 of Board Order #W001477-5L-F-Z. The Board unanimously upheld Department Order #W001477-5L-F-R and denied the Town's appeal in the November 4, 2004 Board Order #W001477-5L-F-Z.

April 10, 2006 – The Department amended the 6/8/04 permit to incorporate testing requirements of 06-096 CMR 530.

2. PERMIT SUMMARY (cont'd)

April 14, 2009 – The Town submitted a timely and complete General Application to the Department for renewal of the 6/8/04 MEPDES permit. The application was accepted for processing on April 27, 2009, and was assigned WDL #W001477-6D-G-R / MEPDES #ME0100528.

c. Source Description: The Town of Pittsfield operates a municipal wastewater treatment facility (Pittsfield WWTF) located on the McCarthy Road in Pittsfield, Maine, which has been online since 1978. The treatment facility currently serves a population of approximately 1,200 customers with two known minor industrial users, CM Almy & Son, Inc. and G. E. Security, which are both manufacturing companies that include metals finishing processes. The Pittsfield WWTF cited a 1998 study which indicates that the industrial users contributed less than 10% of the total wastewater volume received by the facility. The Pittsfield WWTF is not required to implement a formal pretreatment program. There are no combined sewer overflow (CSO) points associated with the collection system and the system consists of approximately 26.7miles of various types and diameter sewer lines with one pump station.

The previous permitting action authorized the Pittsfield facility to receive and introduce into the treatment works a maximum of 3,000 gallons per day of septage wastes. This permitting action is revising this authorization up to a daily maximum of up to 4,000 gallons per day of transported wastes in accordance with *Standards for the Addition of Transported Wastes to Waste Water Treatment Facilities,* 06-096 CMR 555 (last amended February 5, 2009) and the Town's written Septage Management Plan.

A map showing the location of the treatment facility, freshwater wetland, and Sebasticook River is included as Attachment A of this Fact Sheet.

d. Wastewater Treatment: The Pittsfield WWTF provides a secondary level of treatment via a facultative lagoon system operated in series. Two main interceptor sewer pipes carry wastewater from the collection system to the treatment facility. The West Branch of the Sebasticook River flows through the center of downtown Pittsfield and sewage is conveyed across the river from the east side of Town via the east interceptor. The east interceptor pipe conveys flows through a grit collection chamber located on Hunniwell Avenue. The west interceptor pipe carries flows from the west side of town, and the two interceptors converge to a single 30-inch diameter sewer line on McCarthy Road, which continues to the treatment lagoons. The system does not provide for grit removal from the west interceptor. The facility reported that twice annually (once in the spring and once in the fall) a few cubic yards of heavy settled sludge are removed from the grit chamber and hauled to the influent structure at the head end of the first treatment lagoon for biological treatment.

The influent flow is measured using two Parshall flumes located in the inlet measuring chamber, and is conveyed through an influent gate located at the head end of the lagoon system. The two facultative lagoons each occupy approximately 35 acres of land area and have a combined total capacity of approximately 144,000,000 gallons at an average depth of five (5) feet. The lagoon system provides a total retention time of approximately 180 days during normal weather conditions. Treated wastewater is conveyed through a weir gate installed on the west end of the second lagoon to a Parshall flume located in the adjacent treatment facility building. Influent

2. PERMIT SUMMARY (cont'd)

and effluent flows are recorded using an ultrasonic flow meter. The treatment plant was designed with a gas chlorination system and a contact chamber with a designed contact time of approximately 30 minutes. However, the facility has been able to achieve compliance with the applicable bacteria limits established in previous permits without the need to chlorinate the effluent.

The treated effluent is conveyed for discharge to a palustrine scrub-shrub wetland via a 30-inch diameter reinforced concrete outfall pipe identified as Outfall #001A. The wetland serves as a conveyance to the Sebasticook River.

The lagoon system was designed with the intent that each lagoon cell would be drained once every ten to twenty years, on average, for sludge removal. The Town of Pittsfield reported that they have not removed any sludge from either lagoon cell since the facility went online in 1978. Most recently, the Town submitted to the Department "*Town of Pittsfield, Maine, Sludge Removal and Disposal Options Analysis, Pittsfield Wastewater Treatment Facility Report – October 2008"*. The report was reviewed and commented on by Department staff within the Division of Water Quality Management and Division of Solid Waste. Residuals management is regulated outside of this permitting action.

A wastewater schematic prepared by the permittee is included as Attachment B of this fact sheet.

3. CONDITIONS OF PERMITS

Conditions of licenses, 38 M.R.S.A. § 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, 38 M.R.S.A. § 420 and 06-096 CMR 530 require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective October 9, 2005), and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

4. RECEIVING WATER QUALITY STANDARDS

Classification of major river basins, 38 M.R.S.A. §467(4)(H)(1)(a) classifies the Sebasticook River at the point of discharge as a Class C waterway. The freshwater wetland at the point of discharge is hydrologically connected to the Sebasticook River via surface and ground water flows and is also considered to be a Class C waterbody. *Standards for classification of fresh surface waters*, 38 M.R.S.A. § 465(4) describes the standards for Class C waters.

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2008 Integrated Water Quality Monitoring and Assessment Report, (Report) prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists relevant segments of the of the Sebasticook River as *"Category 5-A: Rivers and Streams Impaired by Pollutants Other Than Those Listed in 5-B Through 5-D (TMDL Required)."* Impairment in this context refers to a fish consumption advisory due to the presence of dioxin from upstream sources. With regard to dioxin in the Sebasticook River, *Evaluation of the Health Implications of Levels of Polychlorinated Dibenzo-p-Dioxins (dioxins) and Polychlorinated Dibenzofurans (furans) in Fish from Maine Rivers, 2008 Update, Prepared by Andrew E. Smith, SM, ScD, State Toxicologist Eric Frohmberg, MA, Toxicologist Environmental and Occupational Health Programs Maine Center for Disease Control Maine Department of Health and Human Services January, 2008*, states,

> *Sebasticook River: Levels of dioxins and furans in gamefish collected on the Sebasticook have tended to fluctuate around the 0.4 ppt FTAL on the Main Stem and West Branch, but have remained well above on the East Branch. The addition of coplanars causes this FTAL to be exceeded, considerably so for the Main Stem.*

The Department's Division of Environmental Assessment commented on this listing as follows:

> *Actually, concentrations of dioxins and furans and dioxin-like PCBs combined are just above the new lower Fish Tissue Action Level of 0.4 ppt and have been dropping in the last couple of years, to the extent that no sampling was conducted in 2008.*

The Department has no information that the discharge from the Pittsfield WWTF causes or contributes to the non-attainment status for the presence of dioxin.

The 2008 Report also lists the Sebasticook River as *"Category 5-D: Rivers and Streams Impaired by Legacy Pollutants."* Impairment in this context refers to the presence of polychlorinated biphenyls (PCBs) in some fish tissues. The presence of PCBs is not typically associated with any identifiable source but is rather a legacy of practices that predate the national ban on the use of PCB in 1979. The Department has no information that the discharge from the Pittsfield WWTF causes or contributes to this non-attainment status.

The 2008 Report also lists Maine's fresh waters as *"Category 4-A: Rivers and Streams with Impaired Use, TMDL Completed."* All freshwaters formerly listed in Category 5-C are moved to Category 4-A (TMDL Completed) due to US EPA approval of a Regional Mercury TMDL. Impairment in this context refers to a statewide fish consumption advisory due to elevated levels of mercury in some fish tissues. The Report states, *"Impairment caused by atmospheric deposition of mercury; a regional scale TMDL has been approved. 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*

5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

recommends limits on consumption. Maine has already instituted statewide programs for removal and reduction of mercury sources."

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, and this permitting action is carrying forward, a monthly average discharge flow limitation of 1.5 MGD for Outfall #001A based on the average dry weather design criterion. This permitting action is carrying forward a daily maximum discharge flow reporting requirement to assist in compliance evaluations.

A summary of the discharge flow data as reported on the Discharge Monitoring Reports (DMRs) submitted to the Department for Outfall #001A for the period January 2005 through July 2008 is as follows:

Discharge Flow	Minimum	Maximum	Arithmetic Mean	# DMRs
Monthly Average	0.344 MGD	2.7 MGD[1]	1.06 MGD	35
Daily Maximum	0.99 MGD	7.7 MGD	2.35 MGD	35

b. Dilution Factors: Dilution factors associated with the average design flow of 1.5 MGD were derived in accordance with 06-096 CMR 530(4)(A) and were calculated as follows:

Acute: 1Q10 =13.0 cfs $\Rightarrow \frac{(13.0 \text{ cfs})(0.6464) + 1.5 \text{ MGD}}{1.5 \text{ MGD}} = 6.6:1$

Chronic: 7Q10 = 28.7 cfs $\Rightarrow \frac{(28.7 \text{ cfs})(0.6464) + 1.5 \text{ MGD}}{1.5 \text{ MGD}} = 13.4:1$

Harmonic Mean = 189.9 cfs $\Rightarrow \frac{(189.9 \text{ cfs})(0.6464) + 1.5 \text{ MGD}}{1.5\text{MGD}} = 82.8:1$

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

> *Analyses using numerical acute criteria for aquatic life must be based on 1/4 of the 1Q10 stream design flow to prevent substantial*

[1] The maximum reported value of 2.7 MGD was reported for the month of April 2007. No other monthly average flow values exceed the 1.5 MGD limitation during the specified reporting period.

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

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

The fact sheet associated with the previous permitting action stated, *"Effluent discharged by the Pittsfield WWTF flows through a freshwater wetland before entering the surface of the Sebasticook River as sheet flow. Due to uncertainties of the impacts and mixing within the wetland, the Department is making a best professional judgment determination to utilize the entire river flow (1Q10) in calculating dilution factors associated with this discharge recognizing that, at least in terms of the river, there is probably additional dilution from the wetland."*

c. Biochemical Oxygen Demand (BOD5) and Total Suspended Solids (TSS): The previous permitting action established, and this permitting action is carrying forward, monthly average and weekly average and daily maximum technology-based concentration limits of 30 mg/L and 45 mg/L, respectively, for BOD_5 and TSS based on the secondary treatment requirements specified at *Effluent Guidelines and Standards*, 06-096 CMR 525(3)(III) (effective January 12, 2001), and a daily maximum concentration limit of 50 mg/L, which is based on a Department best professional judgment of best practicable treatment for secondary treated municipal wastewater. The technology-based monthly average, weekly average and daily maximum mass limits of 375 lbs./day, 563 lbs./day and 626 lbs./day, respectively, established in the previous permitting action for BOD_5 and TSS and that are based on the monthly average flow limit of 1.5 MGD and the applicable concentration limits are also being carried forward in this permitting action.

This permitting action is carrying forward a requirement for a minimum of 85% removal of BOD_5 & TSS pursuant to 06-096 CMR 525(3)(III)(a&b)(3) for all flows receiving secondary treatment. Percent removal is based on a rolling average calculation as described in Special Condition A, Footnote #2 of the permit.

A summary of the effluent BOD_5 and TSS data as reported on the DMRs submitted to the Department for the period January 2005 through July 2008 is as follows:

BOD_5	**Minimum**	**Maximum**	**Arithmetic Mean**	**# DMRs**
Monthly Average	19 lbs./day	604 lbs./day	160 lbs./day	35
	4 mg/L	36 mg/L	16 mg/L	35
Weekly Average	29 lbs./day	1,331 lbs./day	257 lbs./day	35
	4.9 mg/L	50 mg/L	21.5 mg/L	35
Daily Maximum	29 lbs./day	1,331 lbs./day	257 lbs./day	35
	4.9 mg/L	50 mg/L	21.5 mg/L	35

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

TSS	Minimum	Maximum	Arithmetic Mean	# DMRs
Monthly Average	6.5 lbs./day	499 lbs./day	81 lbs./day	35
	1.2 mg/L	21 mg/L	8 mg/L	35
Weekly Average	9 lbs./day	1,331 lbs./day	146 lbs./day	35
	1.2 mg/L	21 mg/L	12 mg/L	35
Daily Maximum	16 lbs./day	1,331 lbs./day	153 lbs./day	34
	1.2 mg/L	21 mg/L	12 mg/L	35

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

d. Settleable Solids: The previous permitting established a daily maximum concentration limitation of 0.3 ml/L for settleable solids based on a Department best professional judgment of best practicable treatment. The Department has since reconsidered the need to monitor and limit settleable solids at lagoon facilities and has made a best professional judgment decision to eliminate both the numeric limitation and monitoring requirements for this parameter. It is noted for the record, however, that a summary of settleable solids data as reported on the monthly DMRs for the period of January 2005 through July 2008 (# DMRs = 35) indicates the daily maximum settleable solids concentration discharge has been in compliance with the 0.3 ml/L limit 100% of the time.

e. *Escherichia coli* bacteria: The previous permitting action established seasonal (May 15-September 30 of each year) monthly average and daily maximum *E. coli* bacteria concentration limits of 142 colonies/100 ml and 949 colonies/100 ml, respectively, based on the State's Water Classification Program criteria for Class C waters in effect at the time the previous permit was issued. Subsequent to issuance of the 6/8/04 permit, 38 M.R.S.A. § 465(4) was amended to require that the *E. coli* bacteria of human and domestic animal origin in Class C waters may not exceed a geometric mean (monthly average) of 126 colonies/100 ml or an instantaneous level (daily maximum) of 236 colonies/100 ml. Therefore, this permitting action is revising the monthly average (geometric mean) limitation for *E. coli* bacteria from 142 colonies/100 ml to 126 colonies/100 ml. The Department has determined that end-of-pipe limitations for the instantaneous concentration standard of 236 colonies/100 ml will be achieved through available dilution of the effluent with the receiving waters and need not be revised in MEPDES permits for facilities with adequate dilution, such as that for the Pittsfield WWTF.

A summary of the *E. coli* bacteria data as reported on the DMRs submitted to the Department for Outfall #001A for the period of May 2005 through July 2008 (applicable months when bacteria limits are in effect only) is as follows:

***E. coli* bacteria**	**Minimum**	**Maximum**	**Arithmetic Mean**	**# DMRs**
Monthly Average	1.01 col / 100 ml	48.3 col / 100 ml	13.6 col / 100 ml	13
Daily Maximum	4 col / 100 ml	162 col / 100 ml	42.7 col / 100 ml	13

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

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

f. Total Residual Chlorine (TRC): The previous permitting action established a water quality-based daily maximum concentration limit of 0.13 mg/L and a technology-based monthly average limit of 0.1 mg/L for TRC. Limitations on TRC are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. Department licensing/permitting actions impose the more stringent of either the water quality-based or technology-based based limits.

With acute and chronic dilution factors associated with the discharge, water quality-based concentration thresholds for the discharge may be calculated as follows:

			Calculated	
Acute (A) Criterion	Chronic (C) Criterion	A & C Dilution Factors	Acute EOP Threshold	Chronic EOP Threshold
0.019 mg/L	0.011 mg/L	6.6:1 (A) 13.4:1 (C)	0.125 mg/L	0.147 mg/L

The Department has established a daily maximum BPT limitation for TRC of 1.0 mg/L for facilities that disinfect their effluent with elemental chlorine or chlorine-based compounds. For facilities that need to dechlorinate the discharge to meet water quality based thresholds, the Department has established daily maximum and monthly average BPT limits of 0.3 mg/L and 0.1 mg/L, respectively. The Pittsfield WWTF was designed and constructed with all necessary structures and mechanisms to administer chlorine-based compounds to the effluent prior to discharge if deemed necessary to meet the *E. coli* limits established in this permit. However, the retention time provided by the lagoon system has allowed the facility to discharge treated wastewater without chlorination or other means of disinfection while maintaining compliance with *E. coli* limits for Class C waters, and the Pittsfield WWTF has not used chlorine or any other chemicals for disinfection since it went online in 1978. Although the facility does not disinfect the final effluent prior to discharge, the protocol for sludge removal requires one of the two lagoons to be taken offline, during which disinfection may be necessary. Therefore, the Department is carrying forward numeric discharge limits for TRC.

The Department has determined that the Pittsfield WWTF must dechlorinate the final effluent prior to discharge when using chlorine-based compounds for disinfection in order to meet the water quality based thresholds. Therefore, this permitting action is establishing the more stringent water quality-based daily maximum concentration limit of 0.13 mg/L (mathematically rounded from 0.125 mg/L) and the more stringent BPT-based monthly average limit of 0.1 mg/L. This permitting action is carrying forward the minimum monitoring frequency for TRC of once per day, which is required only when the facility is disinfecting the effluent, based on based on best professional judgment.

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

g. pH: The previous permitting action established, and this permitting action is carrying forward, a technology-based pH limit of 6.0 – 9.0 standard units, which is based on 06-096 CMR 525(3)(III), and allowance for excursions of pH above and below the permitted limits provided that excursions were the result of natural causes and that the permittee provides the Department with an oral explanation for all excursions within 24 hours of the permittee becoming aware of the circumstances and a written explanation within 5 days of the permittee becoming aware of the situation. This permitting action is carrying forward the minimum monitoring frequency of twice per week based on a Department best professional judgment.

A summary of pH data as reported on the monthly DMRs for the period of January 2005 through July 2008 (# DMRs = 34) indicates the effluent pH has ranged from 5.75 SU to 9.6 SU. The permittee has provided the Department with facility with explanations for excursions above and below the pH limit of 6.0 – 9.0 SU.

h. Whole Effluent Toxicity (WET), Priority Pollutant, and Analytical Chemistry Testing: 38 M.R.S.A. § 414-A and 38 M.R.S.A. § 420 prohibit the discharge of effluents containing substances in amounts that would cause the surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the USEPA. 06-096 CMR 530 sets forth effluent monitoring requirements and procedures to establish safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected and narrative and numeric water quality criteria are met. 06-096 CMR 584 sets forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

Priority pollutant and analytical chemistry testing, as required by 06-096 CMR 530, is included in this permit in order to characterize the effluent. WET monitoring is required to assess and protect against impacts upon water quality and designated uses caused by the aggregate effect of the discharge on specific aquatic organisms. Acute and chronic WET tests are performed on invertebrate water flea (*Ceriodaphnia dubia*) and vertebrate brook trout (*Salvelinus fontinalis*). The freshwater WET testing program, however, is typically applied to direct discharges to riverine systems and the Department made a best professional judgment determination in the previous permitting action to not require WET testing of the Pittsfield WWTF discharge since this discharge is directed into a freshwater wetland adjacent to the Sebasticook River. This determination is consistent with that of the USEPA, who determined that WET testing was not an adequate environmental indicator for the discharge associated with the Pittsfield WWTF and suspended WET testing requirements upon issuance of the facility's 9/29/99 NPDES permit. This permitting action is carrying forward the previous determination to not require WET testing using the Pittsfield WWTF effluent. The Department does, however, reserve the right to impose WET testing requirements at any time if deemed necessary and appropriate to protect water quality or aquatic life.

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

Chemical-specific monitoring is required to assess the levels of individual toxic pollutants in the discharge, comparing each pollutant to acute, chronic, and human health water quality criteria. Priority pollutant testing refers to the analysis for levels of priority pollutants listed in 06-096 CMR 525(4)(VI). Analytical chemistry refers to a suite of thirteen (13) chemical tests consisting of: ammonia-nitrogen, total aluminum, total cadmium, total chromium, total copper, total hardness (fresh water only), total lead, total nickel, total silver, total zinc, total arsenic, total cyanide and total residual chlorine.

06-096 CMR 530(2)(A) specifies the dischargers subject to the rule as, *"all licensed dischargers of industrial process wastewater or domestic wastes discharging to surface waters of the State must meet the testing requirements of this section. Dischargers of other types of wastewater are subject to this subsection when and if the Department determines that toxicity of effluents may have reasonable potential to cause or contribute to exceedences of narrative or numerical water quality criteria."* The Town discharges domestic-type municipal wastewater from the Pittsfield WWTF to surface waters (fresh water wetland and the Sebasticook River) via Outfall #001A and is therefore subject to the testing requirements of the toxics rule.

06-096 CMR 530(4)(C) states "*The background concentration of specific chemicals must be included in all calculations using the following procedures. The Department may publish and periodically update a list of default background concentrations for specific pollutants on a regional, watershed or statewide basis. In doing so, the Department shall use data collected from reference sites that are measured at points not significantly affected by point and non-point discharges and best calculated to accurately represent ambient water quality conditions."*

"The Department shall use the same general methods as those in section 4(D) to determine background concentrations. For pollutants not listed by the Department, an assumed concentration of 10% of the applicable water quality criteria must be used in calculations." The Department has insufficient information on the background levels of metals in the water column in the Sebasticook River and fresh water wetland. Therefore, a default background concentration of 10% of the applicable water quality criteria is being used in the calculations of this permitting action.

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

06-096 CMR 530(4)(F) requires evaluation of toxic pollutant impacts on a watershed basis. This section of the rule states, "*Where there is more than one discharge into the same fresh or estuarine receiving water or watershed, the Department shall consider the cumulative effects of those discharges when determining the need for and establishment of the level of effluent limits. The Department shall calculate the total allowable discharge quantity for specific pollutants,*

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

less the water quality reserve and background concentration, necessary to achieve or maintain water quality criteria at all points of discharge, and in the entire watershed." The Department is currently working to construct a computer program model to conduct this analysis. Until such time the model is complete and a multi-discharger statistical evaluation can be conducted, the Department is evaluating the impact of the Town's discharge assuming it is the only discharger to the river. Should the multi-discharger evaluation indicate there are parameters that exceed or have a reasonable potential to exceed applicable AWQC, this permit may be reopened pursuant to Special Condition N, *Reopening of Permit For Modifications*, to incorporate additional limitations and or revise monitoring requirements.

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

On October 9, 2005, a new Department rule, 06-096 CMR 530, became effective and replaced the previous toxics rule, Chapter 530.5. On April 10, 2006, the Department amended WDL #W001477-5L-F-R by issuing a Surface Waters Toxics Control Program fact sheet for this facility and establishing or revising test frequencies to be consistent with 06-096 CMR 530 requirements and provisions for reduced testing.

06-096 CMR 530(2)(B) categorizes dischargers subject to the toxics rule into one of four levels (Levels I through IV). Level I dischargers are *"Those dischargers having a chronic dilution factor of less than 20 to 1."* The chronic dilution factor associated with the discharge from the Pittsfield WWTF is 13.6:1; therefore, this facility is considered a Level I facility for purposes of toxics testing.

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

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

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

Screening level testing – Beginning 12 months prior to expiration of the current permit and in every fifth year since the last screening test, which ever is sooner.

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

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

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

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

Priority Pollutant Evaluation

On July 20, 2009, the Department conducted a statistical evaluation on the most recent 60 months of chemical-specific tests results on file with the Department for the Pittsfield WWTF in accordance with the statistical approach outlined above. The results of the statistical evaluation were compared to 06-096 CMR 584 and the Ambient Water Quality Criteria (AWQC) specified in Appendix A. Based on the 7/20/09 statistical evaluation, the Department has identified that the discharge has:

- on one occasion (test result of 8.0 µg/L on 3/21/06) demonstrated a reasonable potential (RP) to exceed the critical acute AWQC for copper;
- on one occasion (test result of 7.0 µg/L on 3/21/06) exceeded the critical human health-based (water and organisms) AWQC for dibenzo (A,H)anthracene; and
- on one occasion (test result of 8.0 µg/L on 3/21/06) exceeded the critical human health-based (water and organisms) AWQC for indeno (1,2,3-CD)pyrene.

The 7/20/09 statistical evaluation indicates that the discharge does not exceed or demonstrate RP for any other pollutants tested, including lead which was limited in the previous permitting action. See Attachment C of this fact sheet for a summary of priority pollutant test dates and test results for copper, dibenzo (A,H)anthracene and indeno (1,2,3-CD)pyrene.

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

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

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

Therefore, this permitting action is:

- eliminating the water quality-based monthly average concentration and mass limits of 8.25 µg/L and 0.69 lbs./day, respectively, for total lead that were established in the 6/8/04 permitting action based on new information regarding the effluent concentrations of lead;

- establishing water quality-based daily maximum concentration and mass limits for copper (total);

- establishing water quality-based monthly average concentration and mass limits and a requirement (Special Condition M of the permit) to submit a Toxicity Reduction Evaluation (TER) for exceedences of the AWQC for dibenzo (A,H)anthracene; and

- establishing water quality-based monthly average concentration and mass limits and a requirement (Special Condition M of the permit) to submit a Toxicity Reduction Evaluation (TER) for exceedences of the AWQC for indeno (1,2,3-CD)pyrene.

06-096 CMR 530(3)(C) states, in pertinent part, that if the test results *"indicate that the discharge is causing an exceedence of applicable water quality criteria, then: (1) the licensee must, within 45 days of becoming aware of an exceedence, submit a TRE plan for review and approval and implement the TRE after Department approval; and (2) the Department must, within 180 days of the Department's approval written of the TRE plan, modify the waste discharge license to specify effluent limits and monitoring requirements necessary to control the level of pollutants and meet receiving water classification standards."*

With a monthly average discharge flow limit of 1.5 MGD, water quality-based concentration and mass limits for copper (total), dibenzo (A,H)anthracene and indeno (1,2,3-CD)pyrene may be calculated using the following formulas:

Concentration Limit Formula =

$$[(\text{Dilution Factor})(0.75)(\text{criterion})] + (0.25)(\text{criterion})$$

Mass Limit Formula =

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

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

Copper (Total)

End-of-pipe (EOP), water quality-based daily maximum concentration and mass limits for copper (total) may be calculated as follows:

Daily Maximum Conc. = [(6.6)(0.75)(3.07 µg/L)] + (0.25)(3.07 µg/L)
= 15.2 + 0.8
= **16.0 µg/L**

Daily Maximum Mass = $\frac{(16\ \mu g/L)(8.34\ lbs./gallon)(1.5\ MGD)}{1000\ \mu g/mg}$ = **0.20 lbs./day**

The Department is establishing a minimum monitoring frequency requirement of once per calendar quarter for copper (total) based on the default analytical chemistry testing frequency prescribed by 06-096 CMR 530(2)(D) and in consideration of the timing, frequency and severity of test results on file.

Dibenzo (A,H)anthracene

End-of-pipe (EOP), water quality-based monthly average concentration and mass limits for dibenzo (A,H)anthracene may be calculated as follows:

Monthly Average Conc. = [(82.8)(0.75)(0.003 µg/L)] + (0.25)(0.003 µg/L)
= 0.19 + 0.00075
= **0.19 µg/L**

Monthly Average Mass = $\frac{(0.19\ \mu g/L)(8.34\ lbs./gallon)(1.5\ MGD)}{1000\ \mu g/mg}$ = **0.002 lbs./day**

The Department is establishing a minimum monitoring frequency requirement of once per year for dibenzo (A,H)anthracene based on the default screening level priority pollutant testing frequency prescribed by 06-096 CMR 530(2)(D) and in consideration of the timing, frequency and severity of test results on file.

Indeno (1,2,3-CD)pyrene

End-of-pipe (EOP), water quality-based monthly average concentration and mass limits for indeno (1,2,3-CD)pyrene may be calculated as follows:

Monthly Average Conc. = [(82.8)(0.75)(0.003 µg/L)] + (0.25)(0.003 µg/L)
= 0.19 + 0.00075
= **0.19 µg/L**

Monthly Average Mass = $\frac{(0.19\ \mu g/L)(8.34\ lbs./gallon)(1.5\ MGD)}{1000\ \mu g/mg}$ = **0.002 lbs./day**

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

The Department is establishing a minimum monitoring frequency requirement of once per year for indeno (1,2,3-CD)pyrene based on the default screening level priority pollutant testing frequency prescribed by 06-096 CMR 530(2)(D) and in consideration of the timing, frequency and severity of test results on file.

06-096 CMR 530(2)(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)."* The 4/10/06 Surface Water Toxics Control Program fact sheet issued to the Pittsfield WWTF authorized reduced surveillance level analytical chemistry testing for all applicable parameters except zinc based on an evaluation of effluent data on file with the Department at that time. In this permitting action, the Department has identified that copper, dibenzo (A,H)anthracene and indeno (1,2,3-CD)pyrene either exceed or have RP and do not qualify for reduced testing. The evaluation did not identify zinc as demonstrating RP. Based on the provisions of 06-096 CMR 530(2)(D)(3)(c), this permitting action is carrying forward reduced surveillance level analytical chemistry testing at a minimum frequency of once per year for all parameters except copper, which must be monitored quarterly. Dibenzo (A,H)anthracene and indeno (1,2,3-CD)pyrene must also be monitored once per year. This permitting action is carrying forward the default screening level priority pollutant and analytical chemistry testing requirements as specified in the table above and 06-096 CMR 530(2)(D).

06-096 CMR 530(2)(D)(4) states, *"All dischargers having waived or reduced testing must file statements with the Department on or before December 31 of each year describing the following.*

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

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

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

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

7. DISPOSAL OF SEPTAGE IN WASTEWATER TREATMENT FACILITY

The Town's request to accept a daily maximum of up to 4,000 gallons per day of transported wastes is consistent with the criteria established in *Standards for the Addition of Transported Wastes to Waste Water Treatment Facilities,* 06-096 CMR 555 (last amended February 5, 2009). The town stated in its application that no special receiving facilities are utilized for transported wastes. Transported wastes are delivered by truck and pumped directly into the Lagoon 1 inlet chamber to mix with influent from the collection system as it discharges into the lagoon system.

8. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

Based on information to date, the Department has determined the existing water uses will be maintained and protected provided the permittee complies with the terms and conditions established herein.

9. PUBLIC COMMENTS

Public notice of this application was made in *The Rolling Thunder* newspaper on or about March 23, 2009. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses,* 06-096 CMR 522 (effective January 12, 2001).

10. DEPARTMENT CONTACTS

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

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Bureau of Land & Water Quality
Department of Environmental Protection
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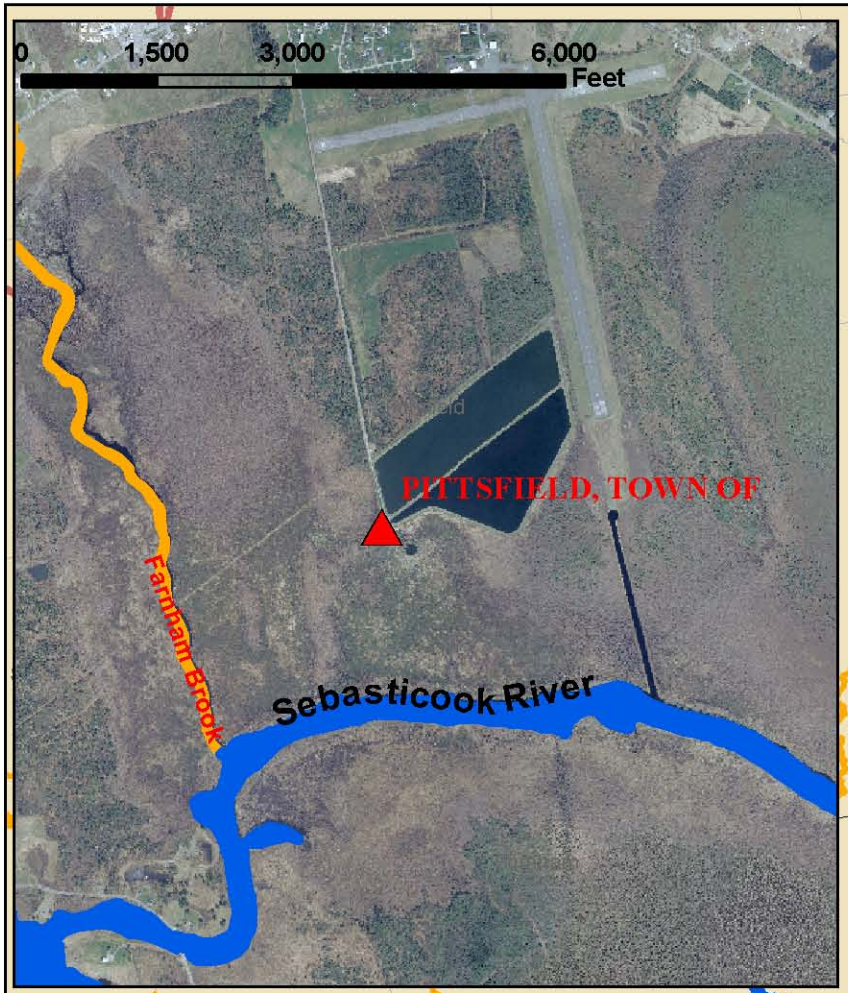
e-mail: bill.hinkel@maine.gov

11. RESPONSE TO COMMENTS

During the period of July 20, 2009 through August 19, 2009, the Department solicited comments on the proposed draft MEPDES permit / WDL to be issued to the Town of Pittsfield for the proposed discharge. The Department did not receive significant comments on the draft permit; therefore, a response to comments was not prepared.

ATTACHMENT A



Harmony
Saint Albans
Corinna
Hartland
Newport
Palmyra
Canaan
Pittsfield
Detroit
Plymouth
Penobsc
Burnham
Clinton
Troy
Dixmont
Smithfield
Fairfield
Unity Twp
Waldo
Jackson
Monroe
Franklin
Benton
Thorndike
Unity
Rome
Oakland
Kennebec
Belgrade
Waterville
Winslow
Albion
Knox
Brooks
Freedom

Legend

- Major Facilities
- Minor Facilities

Wastewater Outfalls

- Combined Sewer Overflow

Wastewater Outfalls

- Major >1 MGD

Wastewater Outfalls

- Minor < 1 MGD

River Class

- AA
- A
- B
- C

Coastal Water Class

- sa
- sb
- sc

0 5 10 20 Miles

N
W E
S

Pittsfield Wastewater Treatment Facility
Pittsfield, Maine

Map created by Maine DEP
July 2009

DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF MAINE

ATTACHMENT B

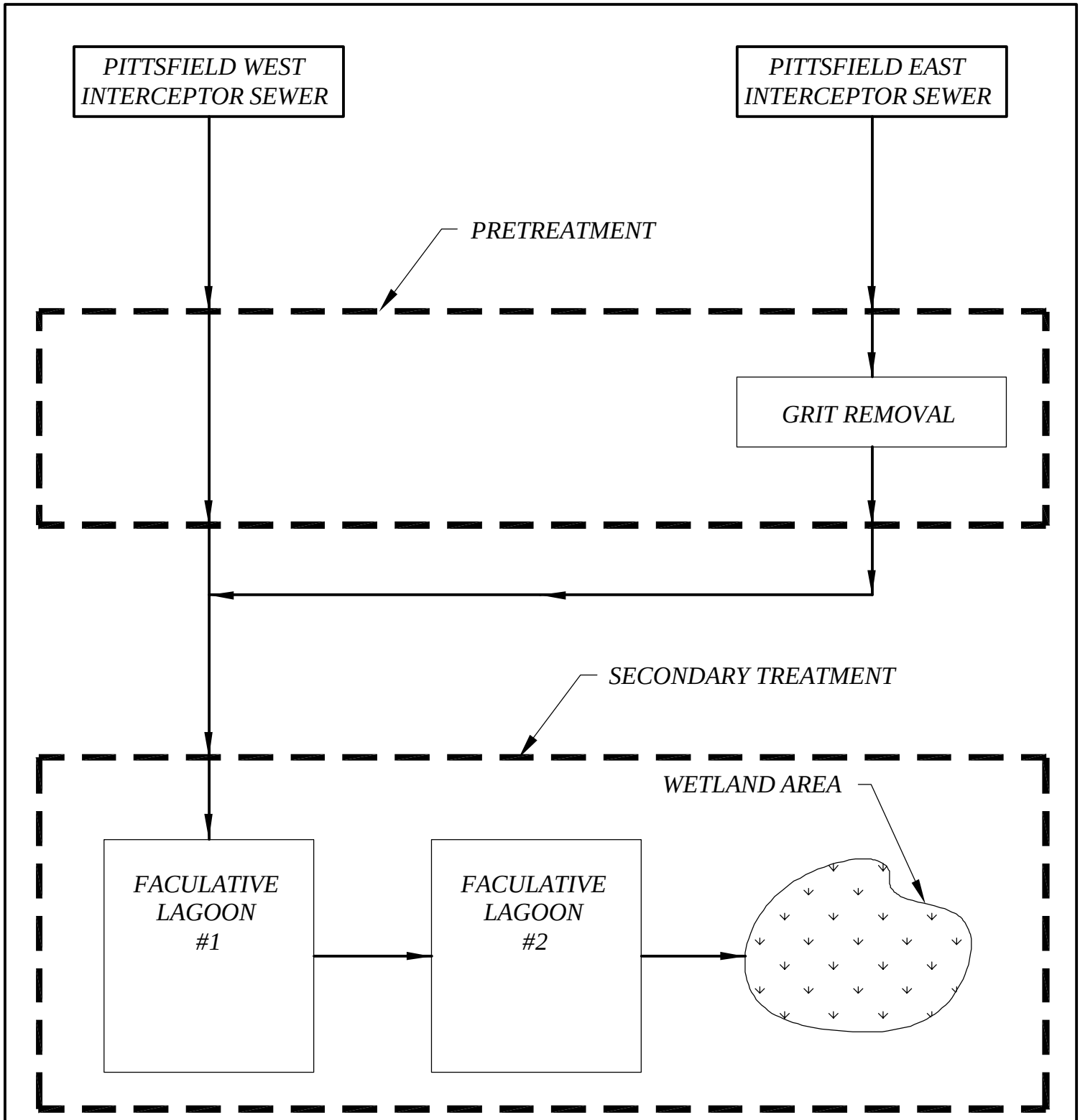


FIGURE 3
PITTSFIELD WASTEWATER TREATMENT FACILITY

ACHERON ENGINEERING SERVICES
Engineering, Environmental & Geologic Consultants

www.AcheronEngineering.com

147 Main St.
Newport, ME. 04953
(207)-368-5700

24466 Powell Rd.
Brooksville, Fl. 34602
(352)-796-6236

Acheron International, Inc.

JOB NO:	*02440*	*DWG NO:*	*A-1777*
SCALE:	*NTS*	*DATE:*	*3-4-09*

ATTACHMENT C

PP Data for "Hits" Only

PITTSFIELD

SEBASTICOOK RIVER

CHLORINE

No MDL

	Conc, ug/l	MDL	Sample Date	Date Entered
	140.000000	NS	03/21/2006	05/18/2006

COPPER

MDL = 3 ug/l

	Conc, ug/l	MDL	Sample Date	Date Entered
	5.000000	OK	05/08/2007	06/20/2007
	8.000000	OK	03/21/2006	05/18/2006
<	3.000000	OK	11/24/2008	12/31/2008
<	3.000000	OK	08/06/2008	11/17/2008
<	3.000000	OK	12/15/2004	02/07/2005
<	3.000000	OK	11/01/2005	05/18/2006

DIBENZO(A,H)ANTHRACENE

MDL = 5.0 ug/l

	Conc, ug/l	MDL	Sample Date	Date Entered
	7.000000	OK	03/21/2006	05/18/2006
<	2.000000	OK	08/06/2008	11/17/2008
<	5.000000	OK	11/01/2005	05/18/2006
<	5.000000	OK	12/15/2004	02/07/2005

INDENO(1,2,3-CD)PYRENE

MDL = 5.0 ug/l

	Conc, ug/l	MDL	Sample Date	Date Entered
	8.000000	OK	03/21/2006	05/18/2006
<	2.000000	OK	08/06/2008	11/17/2008
<	5.000000	OK	11/01/2005	05/18/2006
<	5.000000	OK	12/15/2004	02/07/2005

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.