STATE OF MAINE

Department of Environmental Protection

JOHN ELIAS BALDACCI
GOVERNOR

David P. Littell
COMMISSIONER

May 11, 2010

Mr. David Bolstridge
City of Rockland
Pollution Control Facility
40 Tillson Avenue
Rockland, Maine 04841
dbolstridge@ci.rockland.me.us

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100595
Maine Waste Discharge License (WDL) #W000681-5M-I-M
Activation of Terms and Conditions of 11/21/09 Modification

Dear Mr. Bolstridge:

This letter is in response to your April 12, 2010 letter notifying the Department that the previously approved outfall upgrade construction project was successfully completed on April 8, 2010. This letter serves as written notification that the terms and conditions of the above-referenced permit modification issued by the Department on November 21, 2009 are now in effect and enforceable.

The 11/21/09 permit modification facilitates the following changes to the 12/21/07 permit:

1. Revises the acute, chronic and harmonic mean dilution factors from 6.5:1, 73.0:1, and 219:1 to 18.2:1, 139.7:1 and 419:1, respectively.
2. Establishes waived surveillance level whole effluent toxicity (WET) and analytical chemistry testing.
3. Eliminates the daily maximum, water quality-based concentration and mass limitations for total copper.
4. Revises the monthly average, water quality-based concentration and mass limitations for inorganic arsenic.
5. Revises the daily maximum, water quality-based concentration limitation for total residual chlorine.
6. Eliminates the daily maximum, water quality-based concentration and mass limitations for cyanide.
7. Eliminates the numeric, water quality-based limitation for the sea urchin.

A copy of the 11/21/09 permit modification is attached for your convenience.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-3901FAX: (207) 287-3435
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 764-3143

web site: www.maine.gov/dep

Please let me know if you have any questions regarding this letter or the terms and conditions of the 12/21/07 permit or 11/21/09 permit modification. The appropriate staff at the Department have been notified to ensure proper coding of the facility Discharge Monitoring Reports.

Sincerely,

Bill Hinkel
Division of Water Quality Management
Bureau of Land and Water Quality
e-mail: bill.hinkel@maine.gov
ph: 207.485.2281

Enc.

cc: Jim Crowley, MeDEP
Lori Mitchell, MeDEP
Sandy Mojica, USEPA
All copies sent via electronic mail

STATE OF MAINE
Department of Environmental Protection

JOHN ELIAS BALDACCI
GOVERNOR

David P. Littell
COMMISSIONER

November 16, 2009

Mr. David Bolstridge
City of Rockland
Pollution Control Facility
40 Tillson Avenue
Rockland, Maine 04841
dbolstridge@ci.rockland.me.us

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100595
Maine Waste Discharge License (WDL) #W000681-5M-I-M
FINALIZED Permit / WDL Modification
Certified Mail # 7008 1830 0000 8209 7531

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*."

Sincerely,

Bill Hinkel

Bill Hinkel
Division of Water Quality Management
Bureau of Land and Water Quality
bill.hinkel@maine.gov

Enc.

cc: Bill Taylor, Esq., Pierce Atwood wtaylor@pierceatwood.com
Jim Crowley, Lori Mitchell, MeDEP
Sandy Mojica, USEPA
All copies sent via electronic mail

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

DEPARTMENT ORDER

IN THE MATTER OF

CITY OF ROCKLAND	)	MAINE POLLUTANT DISCHARGE
ROCKLAND, KNOX COUNTY, MAINE	)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS	)	AND
#ME0100595	)	WASTE DISCHARGE LICENSE
#W000681-5M-I-M **APPROVAL**	)	**MODIFICATION**

Pursuant to the provisions of the *Federal Water Pollution Control Act*, Title 33 USC, §1251, *Conditions of licenses*, 38 M.R.S.A. § 414-A, and applicable regulations, the Department of Environmental Protection (Department) has considered the application of the CITY OF ROCKLAND (City) to modify Waste Discharge License (WDL) #W000681-5M-G-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0100595, which was issued to the City on December 21, 2007. With its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

PERMIT MODIFICATION SUMMARY

The Department is modifying the aforementioned WDL / MEPDES permit to update applicable dilution factors and water quality-based effluent limitations based on a proposed upgrade to the City's outfall pipe. The outfall pipe improvements were reviewed and approved by the Department on August 26, 2009. The City has proposed to modify the diffuser design to improve mixing and dispersion of the effluent with the receiving waters. The revised dilution factors and effluent limits established herein shall go into effect upon successful completion of the outfall pipe and diffuser improvements and notification to the City by the Department that the revised limits are in effect. This permit modification facilitates the following changes to the 12/21/07 permit:

1. Revising the acute, chronic and harmonic mean dilution factors from 6.5:1, 73.0:1, and 219:1 to 18.2:1, 139.7:1 and 419:1, respectively.
2. Establishing waived surveillance level whole effluent toxicity (WET) and analytical chemistry testing.
3. Eliminating the daily maximum, water quality-based concentration and mass limitations for total copper.
4. Revising the monthly average, water quality-based concentration and mass limitations for inorganic arsenic.
5. Revising the daily maximum, water quality-based concentration limitation for total residual chlorine.
6. Eliminating the daily maximum, water quality-based concentration and mass limitations for cyanide.
7. Eliminating the numeric, water quality-based limitation for the sea urchin.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated November 16, 2009, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

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

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

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

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

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

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

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

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

4. The discharges (including the three CSO points) 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 hereby APPROVES the above noted application of the CITY OF ROCKLAND to MODIFY Waste Discharge License #W000681-5M-G-R / Maine Pollutant Discharge Elimination System permit #ME0100595, which was issued to the City on December 21, 2007, 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 to 12/21/07 permit.

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

3. All terms and conditions in combination WDL #W000681-5M-G-R / MEPDES permit #ME0100595, dated December 21, 2007, not modified by this permitting action remain in effect and enforceable.

4. The terms and conditions of this permit modification shall **go into effect upon written notification by the Department** following successful completion of the outfall upgrade construction project approved by the Department on August 26, 2009.

5. Once the terms and condition of this modification go into effect, this modification shall expire on December 21, 2012, concurrent with the 12/21/07 WDL / MEPDES permit.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE THIS 21ST DAY OF NOVEMBER, 2009
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Date of initial receipt of application: August 15, 2009
Date of application acceptance: August 24, 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 sanitary wastewater from Outfall #001A** to the Atlantic Ocean at Rockland Harbor. Such discharges shall be limited and monitored by the permittee as specified below[(1)]:

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average as specified	Weekly Average as specified	Daily Maximum as specified	Monthly Average as specified	Weekly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Flow ***[50050]***	Report MGD *[03]*	---	Report MGD *[03]*	---	---	---	Continuous *[99/99]*	Recorder *[RC]*
BOD_5 ***[00310]***	826 lbs./day *[26]*	1,238 lbs./day *[26]*	Report lbs./day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	3/Week *[03/07]*	24-Hour Composite *[24]*
BOD_5 Percent Removal[(2)] ***[81010]***	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
TSS ***[00530]***	826 lbs./day *[26]*	1,238 lbs./day *[26]*	Report lbs./day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	3/Week *[03/07]*	24-Hour Composite *[24]*
TSS Percent Removal[(2)] ***[81011]***	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
Settleable Solids ***[00545]***	---	---	---	---	---	0.3 ml/L *[25]*	1/Day *[01/01]*	Grab *[GR]*
Fecal Coliform Bacteria[(3)] ***[31616]***	---	---	---	15/100 ml[(4)] *[13]*	---	50/100 ml *[13]*	5/Week *[05/07]*	Grab *[GR]*
Total Residual Chlorine[(5)] ***[50060]***	---	---	---	0.1 mg/L *[19]*	---	0.2 mg/L *[19]*	2/Day *[02/01]*	Grab *[GR]*
pH ***[00400]***	---	---	---	---	---	6.0 – 9.0 SU *[12]*	1/Day *[01/01]*	Grab *[GR]*
Arsenic (Total)[(9)] ***[01002]*** *(Upon effective date of modification)*	---	---	---	---	---	Report µg/L *[28]*	1/Quarter *[01/90]*	24-Hour Composite *[24]*
Arsenic (Inorganic)[(10)] ***[00997]*** *(Upon test method approval)*	0.24 lbs./day *[26]*	---	---	13.2 µg/L *[28]*	---	---	1/Quarter *[01/90]*	24-Hour Composite *[24]*

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

FOOTNOTES: See Pages 6 through 10 of this permit modification for applicable footnotes.

SPECIAL CONDITIONS

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

2. ***SCREENING LEVEL*** **-** Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter[(1)].

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Whole Effluent Toxicity[(6)] **Acute – NOEL** *Mysidopsis bahia* (Mysid Shrimp) *[TDA3E]*	---	---	---	Report % *[23]*	2/Year *[02/YR]*	Composite *[24]*
Chronic – NOEL *Arbacia punctulata* (Sea Urchin) *[TBH3A]*	---	---	---	Report % *[23]*	2/Year *[02/YR]*	Composite *[24]*
Analytical Chemistry [(7)] *[51477]*	---	---	---	Report µg/L *[28]*	1/Quarter *[01/90]*	Composite/Grab *[24]*
Priority Pollutants [(8)] *[50008]*	---	---	---	Report µg/L *[28]*	1/Year *[01/YR]*	Composite/Grab *[24]*

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

FOOTNOTES: See Pages 6 through 10 of this permit modification 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.

   All analytical test results shall be reported to the Department including results which are detected below the respective reporting limits (RLs) specified by the Department. See Attachment C of the 12/21/07 permit for a list of the Department's current RLs. If a non-detect analytical test result is below the respective RL, the concentration result shall be reported as <Y where Y is the actual detection limit achieved by the laboratory for each respective parameter. Reporting a value of <Y that is greater than an established RL is not acceptable and will be rejected by the Department. For mass, if the analytical result is reported as <Y or if a detectable result is less than a RL, report a <X lbs/day, where X is the parameter specific limitation established in the permit. Compliance with this permit will be evaluated based on whether or not a compound is detected at or above the Department's RL.

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

3. **Bacteria Limits –** Fecal coliform bacteria limits and monitoring requirements (for secondary and primary treated waste waters) are seasonal and apply between May 15 and September 30 of each year. The Department reserves the right to require disinfection on a year-round basis to protect the health and welfare of the public.

4. **Bacteria Reporting –** The monthly average fecal coliform 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 approved methods that are capable of bracketing the concentration limitations in this permit.

SPECIAL CONDITIONS

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

FOOTNOTES:

6. **Whole Effluent Toxicity (WET) Testing** – Definitive WET testing is a multi-concentration testing event (a minimum of five dilutions bracketing the critical acute and chronic thresholds of 5.5% and 0.7%, respectively), which provides a point estimate of toxicity in terms of No Observed Effect Level, commonly referred to as NOEL or NOEC. A-NOEL is defined as the acute no observed effect level with survival as the end point. C-NOEL is defined as the chronic no observed effect level with survival, reproduction and growth as the end points.

   a. **Surveillance level testing** - Surveillance level testing is waived pursuant to *Surface Waters Toxics Control Program*, 06-096 CMR 530(2)(D)(3)(b) (effective October 9, 2005).

   b. **Screening level testing - Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter**, the permittee shall conduct **screening level WET testing** at a minimum frequency of twice per year using the mysid shrimp and sea urchin. Screening level tests shall be conducted in the calendar period between January and June and the other test conducted six months later.

   Test results must be submitted to the Department not later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, that the permittee may review the toxicity reports for up to 10 business days of their availability before submitting them. The permittee shall evaluate test results being submitted and identify to the Department possible exceedences of the critical acute and chronic water quality thresholds of 5.5% and 0.7%, respectively.

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

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

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

SPECIAL CONDITIONS

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

FOOTNOTES:

Results of WET tests shall be reported on the "Whole Effluent Toxicity Report Marine Waters" form included as Attachment B of the 12/21/07 permit each time a WET test is performed. The permittee is required to analyze the effluent for the analytical chemistry parameters specified on the "WET and Chemical Specific Data Report Form" form included as Attachment C of the 12/21/07 permit each time a WET test is performed.

7. **Analytical Chemistry** – Refers to a suite of twelve (12) chemical tests consisting of ammonia nitrogen (as N), total aluminum, total arsenic, total cadmium, total chromium, total copper, total cyanide, total lead, total nickel, total silver, total zinc and total residual chlorine.

   a. **Surveillance level testing** – Surveillance level testing is waived pursuant to 06-096 CMR 530(2)(D)(3)(b).

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

8. **Priority Pollutant Testing –**Priority 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 and lasting through permit expiration and every five years thereafter, the permittee shall conduct priority pollutant testing at a minimum frequency of once per year.

   Surveillance level priority pollutant testing is not required pursuant to 06-096 CMR 530(2)(D).

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

   Analytical chemistry and priority pollutant test results must be submitted to the Department not later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, that the permittee may review the laboratory reports for up to 10 business days of their availability before submitting them. The permittee shall evaluate test results being submitted and identify to the Department, possible

SPECIAL CONDITIONS

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

FOOTNOTES:

exceedences of the acute, chronic or human health AWQC as established in 06-096 CMR 584. For the purposes of DMR reporting, enter a "1" for yes, testing done this monitoring period or "NODI-9" monitoring not required this period.

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

9. **Arsenic (Total)** – **Beginning upon the effective date of this modification and lasting through a date on which the USEPA approves a test method for inorganic arsenic,** the permittee shall sample and analyze the discharge from the facility for total arsenic. The Department's most current reporting limit (RL) for total arsenic is 5 ug/L but may be subject to revision during the term of this permit. All detectable analytical test results shall be reported to the Department, including results which are detected below the Department's most current RL at the time of sampling and reporting. Only the detectable results greater than the 12-month rolling average total arsenic threshold of 26.4 ug/L (See page 8 of the Fact Sheet attached to this modification) or the Department's RL at the time (whichever is higher) will be considered as a possible exceedence of the inorganic limit. If a test result is determined to be a possible exceedence, the permittee shall submit a toxicity reduction evaluation (TRE) to the Department for review and approval within 45 days of receiving the test result of concern from the laboratory.

10. **Arsenic (Inorganic)** – The limitations and monitoring requirements for inorganic arsenic are not in effect until the USEPA approves of a test method for inorganic arsenic. See Special Condition J, *Schedule of Compliance – Inorganic Arsenic*, of the 12/21/07 permit. Once effective, compliance will be based on a 12-month rolling average basis beginning 12 months after the effective date of the limits. **Following USEPA approval of a test method for inorganic arsenic, and based on recent available data, the permittee may request that the Department reopen this permit in accordance with Special Condition C of this permit modification to establish a schedule of compliance for imposition of the numeric inorganic arsenic limitations.**

11. **Instantaneous Flow Rate –** The instantaneous flow rate limitation of 3,958 gallons per minute (5.7 MGD) is based on "*Table 2-1 Rockland, Maine WWTF Upgrade and CSO Abatement Program Design Criteria August 1997*." Additionally, the permittee is authorized to discharge primary treated wastewater to Lermond Cove via Outfall #002A only when the deep-water outfall (Outfall #001A) is hydraulically limited.

SPECIAL CONDITIONS

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

FOOTNOTES:

12. **Surface Loading Rate** – The surface loading rate is the average hourly rate per overflow occurrence in a discharge day. The permittee must provide this information to establish data on the effectiveness of peak flows receiving primary treatment.

13. **Discharge Day** – For the purposes of this permitting action, a discharge day is defined as a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.

14. **Overflow Occurrences –** An overflow occurrence is defined as the period of time between initiation of flow from the primary bypass and ceasing discharge from the primary bypass. Overflow occurrences are reported in discharge days.

    Multiple intermittent overflow occurrences in one discharge day are reported as one overflow occurrence and are sampled according to the measurement frequency specified. One composite sample for BOD_5 and total suspended solids shall be collected per discharge day and shall be flow proportioned from each intermittent overflow during that 24-hour period. Only one grab sample for fecal bacteria and total residual chlorine is required to be collected per discharge day.

    For overflow occurrences exceeding one day in duration, sampling shall be performed each day of the event according to the measurement frequency specified. For example, if an overflow occurs for all or part of three discharge days, the permittee shall take three composite samples for BOD_5 and TSS, initiating samples at the start of the overflow and each subsequent discharge day thereafter and terminating samples at the end of the discharge day or the end of the overflow occurrence. Samples shall be flow-proportioned.

15. **BOD & TSS removal** – The permittee shall analyze both the influent of the treatment plant and effluent of the primary swirl separator for BOD_5 and TSS during the discharge of treated excess combined sewer waste waters via Outfall #001C or Outfall #002A, and report the percent removal on the monthly Discharge Monitoring Report (DMR). As an attachment to the DMR, the permittee shall report the individual BOD_5 and TSS test results used to calculate the percent removal rates reported. For the purpose of calculating BOD_5 and TSS percent removals on the treated excess combined sewer waste water, the influent sample shall only be collected during overflow occurrences.

16. **Grab samples** – Grab samples for fecal coliform bacteria and total residual chlorine are not required to be collected when Outfall #001C or #002A are active for a single continuous discharge event lasting less than 60 minutes or during intermittent discharge events over a course of a 24-hour period lasting less than 120 minutes and sampling is only required if said event(s) occur between the hours of 7:00 AM – 4:00 PM during the normal work week (Monday through Friday, holidays excluded).

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 impart color, taste, turbidity, toxicity, radioactivity or other properties which cause those waters to be unsafe for the designated uses and characteristics ascribed to their classification.

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. REOPENING OF PERMIT FOR MODIFICATION

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

D. SEVERABILITY

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: **NOVEMBER 16, 2009**

PERMIT NUMBER: **#ME0100595**
WASTE DISCHARGE LICENSE: **#W000681- 5M -I-M**

NAME AND ADDRESS OF APPLICANT:

CITY OF ROCKLAND
40 TILLSON AVENUE
ROCKLAND, ME 04841-3417

COUNTY: **KNOX**

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

ROCKLAND WASTEWATER TREATMENT FACILITY
40 TILLSON AVENUE
ROCKLAND, ME 04841-3417

RECEIVING WATER/CLASSIFICATION: **ROCKLAND HARBOR/CLASS SC**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **MR. DAVID BOLSTRIDGE**
(207) 594-0324
dbolstridge@ci.rockland.me.us

1. PERMIT MODIFICATION SUMMARY

The City of Rockland (City) has applied to the Maine Department of Environmental Protection (Department) to modify Waste Discharge License (WDL) #W000681-5M-G-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0100595, which was issued to the City on December 21, 2007. The Department is modifying the aforementioned WDL / MEPDES permit to update applicable dilution factors and water quality-based effluent limitations based on a proposed upgrade to the City's outfall pipe. The outfall pipe improvements were reviewed and approved by the Department on August 26, 2009. The City has proposed to modify the diffuser design to improve mixing and dispersion of the effluent with the receiving waters. The revised dilution factors and effluent limits established herein shall go into effect upon successful completion of the outfall pipe and diffuser improvements and notification to the City by the Department that the revised limits are in effect. This permit modification will facilitate the following changes to the 12/21/07 permit:

1. Revising the acute, chronic and harmonic mean dilution factors from 6.5:1, 73.0:1, and 219:1 to 18.2:1, 139.7:1 and 419:1, respectively.
2. Establishing waived surveillance level whole effluent toxicity (WET) and analytical chemistry testing.
3. Eliminating the daily maximum, water quality-based concentration and mass limitations for total copper.
4. Revising the monthly average, water quality-based concentration and mass limitations for inorganic arsenic.
5. Revising the daily maximum, water quality-based concentration limitation for total residual chlorine.
6. Eliminating the daily maximum, water quality-based concentration and mass limitations for cyanide.
7. Eliminating the numeric, water quality-based limitation for the sea urchin.

2. 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 *Surface Waters Toxics Control Program*, 06-096 CMR 530 (effective October 9, 2005) 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.

3. RECEIVING WATER QUALITY STANDARDS

Classifications of estuarine and marine waters, 38 M.R.S.A. § 469 classifies the Atlantic Ocean at Rockland Harbor and Lermond Cove, as Class SC waters. *Standards for classification of estuarine and marine waters*, 38 M.R.S.A. § 465-B(3) describes the standards for Class SC waters.

4. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

a. Dilution Factors: 06-096 CMR 530(4)(A)(2)(a) states that, *"For discharges to the ocean, dilution must be calculated as near-field or initial dilution, or that dilution available as the effluent plume rises from the point of discharge to its trapping level, at mean low water level and slack tide for the acute exposure analysis, and at mean tide for the chronic exposure analysis using appropriate models determined by the Department such as MERGE, CORMIX or another predictive model."* Based on the configuration of the proposed Outfall #001A modifications and increase in number of upward-facing diffuser ports from 14 to 28 and a monthly average discharge flow design criterion of 3.3 million gallons per day (MGD), dilution factors associated with the discharge of secondary treated waste waters via Outfall #001A following the outfall improvements are as follows:

Acute = 18.2:1 Chronic = 139.7:1 Harmonic mean[1] = 419.0:1

b. Total Residual Chlorine (TRC): The 12/21/07 MEPDES permit established an acute (daily maximum) water quality-based limit of 0.085 mg/L and a monthly average technology-based 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 permitting actions impose the more stringent of either a water quality-based or BPT-based limit. With dilution factors as determined above, end-of-pipe (EOP) water quality-based concentration thresholds for TRC that will be applicable following successful completion of the outfall upgrade may be calculated as follows:

Acute (A) Criterion	Chronic (C) Criterion	A & C Dilution Factors	Calculated Acute Threshold	Chronic Threshold
0.013 mg/L	0.0075 mg/L	18.2:1 (A) 139.7:1 (C)	0.2 mg/L	1.1 mg/L

The Department has established a daily maximum BPT limitation of 1.0 mg/L for facilities that disinfect their effluent with elemental chlorine or chlorine-based compounds. For facilities that need to dechlorinate the discharge in order to meet water

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

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

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 City dechlorinates the effluent prior to discharge in order to consistently achieve compliance with the water quality-based thresholds. The calculated acute water quality-based threshold of 0.2 mg/L is more stringent than the daily maximum technology-based standard of 0.3 mg/L and is therefore being established in this permit modification. The monthly average technology-based standard of 0.1 mg/L is more stringent than the calculated chronic water quality-based threshold of 1.1 mg/L and is therefore being carried forward in this permitting action.

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

WET, priority pollutant and analytical chemistry testing, as required by 06-096 CMR 530, is included in this permit in order to characterize the effluent. WET monitoring is required to assess and protect against impacts upon water quality and designated uses caused by the aggregate effect of the discharge on specific aquatic organisms. Acute WET tests are performed on invertebrate species mysid shrimp (*Mysidopsis bahia*); chronic WET tests are performed on sea urchin (*Arbacia punctulata*). 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 twelve (12) chemical tests for ammonia-nitrogen, aluminum, cadmium, chromium, copper, lead, nickel, silver, zinc, total arsenic, cyanide and total residual chlorine.

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

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

information on the background levels of metals in the water column in Rockland Harbor. Therefore, a default background concentration of 10% of applicable water quality criteria is being used in the calculations of this permitting action.

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

06-096 CMR 530(4)(F) requires evaluation of toxic pollutant impacts on a watershed basis. This section of the rule states, "*Where there is more than one discharge into the same fresh or estuarine receiving water or watershed, the Department shall consider the cumulative effects of those discharges when determining the need for and establishment of the level of effluent limits. The Department shall calculate the total allowable discharge quantity for specific pollutants, less the water quality reserve and background concentration, necessary to achieve or maintain water quality criteria at all points of discharge, and in the entire watershed.*" The Department is currently working to construct a computer program model to conduct this analysis. Until such time the model is complete and a multi-discharger statistical evaluation can be conducted, the Department is evaluating the impact of the City's discharge assuming it is the only discharger to the receiving water. Should the multi-discharger evaluation indicate there are parameters that exceed or have a reasonable potential to exceed applicable AWQC, this permit may be reopened pursuant to Special Condition P, *Reopening of Permit For Modifications*, of the 12/21/07 permit 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.

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

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

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

Level	WET Testing	Priority pollutant testing	Analytical chemistry
III	2 per year	1 per year	4 per year

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
III	1 per year	None required	2 per year

06-096 CMR 530(2)(D)(3)(b) states, *"Dischargers in Levels III and IV may be waived from conducting surveillance testing for individual WET species or chemicals provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedence as calculated pursuant to section 3(E)."*

On September 14, 2009, the Department conducted statistical evaluations on the most recent 60 months of WET and priority pollutant test results on file with the Department for the Rockland facility in accordance with the statistical approach outlined below using the revised dilution factors specified in Section 4(a) of this permit modification fact sheet.

WET Evaluation

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

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

The 9/14/09 statistical evaluation indicates that, with the revised dilution factors associated with the discharge, the discharge from the Rockland Wastewater Treatment Facility does not exceed or demonstrate a reasonable potential to exceed the critical acute or chronic water quality thresholds for the mysid shrimp or sea urchin. The 12/21/07 permit established a numeric limit for the sea urchin based on a reasonable potential to exceed the critical chronic water quality threshold for the sea urchin based on dilution factors associated with the discharge prior to upgrade of the outfall structure. This permit

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

modification is eliminating the numeric limitation for the sea urchin based on the 9/14/09 statistical evaluation.

Pursuant to 06-096 CMR 530(2)(D)(3)(b) (cited above) and Department best professional judgment, this permit modification is establishing waived surveillance level WET testing for this facility. Default screening level WET testing is being carried forward in this modification.

Priority Pollutant Evaluation

The 9/14/09 statistical evaluation indicates that numerous total arsenic test results potentially exceed the human health (organisms only) ambient water quality criterion (AWQC) for inorganic arsenic. The statistical evaluation indicates that the discharge from the facility following upgrade of the outfall structure does not demonstrate a reasonable potential to exceed the AWQC for any other parameter tested, including copper and cyanide which were limited in the 12/21/07 permit. On August 14, 2009 and in accordance with Special Condition I of the 12/21/07 permit, the City submitted a toxicity reduction evaluation (TRE) to the Department for cyanide. The TRE provided a total of nine (9) cyanide (amenable to chlorination) test results ranging from non-detectable to 3 µg/L. Previous cyanide test results submitted to the Department, including those that were evaluated in the 12/21/07 permit for establishment of effluent limitations and the TRE requirement, were *total* cyanide rather than *free* cyanide (for which the acceptable test method is 'cyanide amenable to chlorination'). The Department cannot accurately relate the total cyanide test results to the free cyanide limits and AWQC. The nine most recent cyanide (amenable to chlorination) test results indicate that the discharge does not demonstrate reasonable potential to exceed the AWQC for cyanide, which is regulated by 06-096 CMR 584 as "free cyanide".

Therefore, this permit modification is establishing revised water quality-based monthly average concentration and mass limits for inorganic arsenic based on the revised dilution factors; is eliminating the daily maximum concentration and mass limits for copper; and is eliminating the daily maximum and monthly average concentration and mass limits for cyanide. Pursuant to 06-096 CMR 530(2)(D)(3)(b) (cited above) and Department best professional judgment, this permit modification is establishing waived surveillance level analytical chemistry testing for this facility, except for the analytical chemistry parameters otherwise limited by this modification. Default screening level priority pollutant and analytical chemistry testing is being carried forward in this modification.

06-096 CMR 530(3)(D)(1) states, *"for specific chemicals, effluent limits must be expressed in total quantity that may be discharged and in effluent concentration. In actual flows that are lower than permitted flows and/or provide opportunities for flow reductions and pollution prevention provided water quality criteria are not exceeded."* The arithmetic mean of discharge flow data of 2.0 MGD (summarized on Page 12 of the 12/21/07 fact sheet) is less than the design capacity of 3.3 MGD. As not to penalize the permittee for operating at flows less than the permitted flow, the Department is

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

establishing concentration limits for inorganic arsenic based on a factor of 1.5.

Inorganic Arsenic

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

EOP Concentration Limit = (Dilution Factor)[(0.75)(criterion)] + (0.25)(criterion)

EOP Human Health-Based Monthly Average Concentration Limit =
(419)[(0.75)(0.028 µg/L)] + (0.25)(0.028 µg/L) = 8.8 µg/L X 1.5 = 13.2 µg/L

EOP Arsenic Mass Limit = (EOP Conc. Threshold)(8.34 lbs./gallon)(discharge flow limit, MGD)

Monthly Avg. EOP Inorganic Arsenic Mass Limit =

$$\frac{(8.8\ \mu g/L)(8.34\ lbs./gallon)(3.3\ MGD)}{1000\ \mu g/mg} = 0.24\ lbs./day$$

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

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

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

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

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

develop a larger database to establish statistically defensible ratios of inorganic and organic fractions in total arsenic test results, the Department is making a rebuttable presumption that the effluent contains a ratio of 50% inorganic arsenic and 50% organic arsenic in total arsenic results.

Being that the only approved test methods for compliance with arsenic limits established in permits is for total arsenic, the Department converted the water quality based end-of pipe monthly average concentration value of 13.2 ug/L for inorganic arsenic calculated on page 8 of this Fact Sheet into an equivalent total arsenic threshold (assuming 50% of the total arsenic is inorganic arsenic). This results in a total arsenic end-of-pipe monthly average concentration threshold of 26.4 ug/L. The calculation is as follows:

$$\frac{\text{13.2 ug/L inorganic arsenic}}{\text{0.5 ug/L inorganic arsenic/ 1.0 ug/L total arsenic}} = \text{26.4 ug/L total arsenic}$$

Therefore, a total arsenic value greater than a 12-month rolling average value of 26.4 ug/L is potentially exceeding the water quality based end-of pipe monthly average concentration value of 13.2 ug/L for inorganic arsenic. However, the Department's most current reporting limit (RL) for total arsenic is 5 ug/L and may be subject to revision during the term of this permit. All analytical test results shall be reported to the Department including results which are detected below the Department's most current RL at the time of sampling and reporting. Only the results greater than the 12-month rolling average total arsenic threshold of 26.4 ug/L or the Department's RL at the time of sampling (whichever is higher) will be considered a potential exceedence of the inorganic limit of 13.2 ug/L.

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

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

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

Special Condition J, *Schedule of Compliance*, of the 12/21/07 permit established a schedule, which remains in effect and enforceable.

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 12/21/07 permit established Special Condition H, *06-096 CMR 530 Statement for Reduced/Waived Toxics Testing*, pursuant to 06-096 CMR 530(2)(D)(4), which remains in effect and enforceable.

5. ANTI-BACKSLIDING

Waste Discharge License Conditions, 06-096 CMR 523(5)(l) (effective January 12, 2001) contains the criteria for what is often referred to as the anti-backsliding provisions of the Federal Water Pollution Control Act (Clean Water Act) (40 CFR Part 122.41). This permit modification is establishing less stringent effluent limitations for total residual chlorine (daily maximum limit only) and inorganic arsenic. The basis for these revised limitations is new information concerning available dilution associated with the discharge following upgrade of the outfall pipe and diffuser structure. In general, the anti-backsliding provision of the regulations authorizes a permit to be reissued with less stringent limitations if *"information is available which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified application of a less stringent effluent limitation at the time of permit issuance."* The action to revise the effluent limitations based on new information concerning the outfall characteristics is consistent with the provisions of the anti-backsliding regulation.

6. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

Based on all available information, the Department has determined that the modifications carried out through this permit modification will allow the existing water uses to be maintained and protected provided the permittee complies with the terms and conditions established herein and in the 12/21/07 permit.

7. PUBLIC COMMENTS

Public notice of this application was made in the *Herald Gazette* newspaper on or about August 6, 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).

8. DEPARTMENT CONTACTS

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

William F. Hinkel
Division of Water Quality Management
Bureau of Land & Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 287-7659 Fax: (207) 287-3435
e-mail: bill.hinkel@maine.gov

9. RESPONSE TO COMMENTS

During the period of October 8, 2009 through November 9, 2009, the Department solicited comments on the proposed draft MEPDES permit modification to be issued to the City of Rockland for the proposed discharges. The Department did not receive significant comments on the draft permit modification; therefore a Response to Comments was not prepared.