STATE OF MAINE

Department of Environmental Protection

Paul R. LePage
GOVERNOR

Patricia W. Aho
COMMISSIONER

Mr. Robert Lento
Superintendent
Mars Hill Utility District
P.O. Box 342
Mars Hill, ME. 04758

November 2, 2012

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0101079
Maine Waste Discharge License (WDL) Application #W000842-6C-G-R
Final Permit

Dear Mr. Lento:

Enclosed, please find a copy of your **final** combination MEPDES Permit/Maine WDL, which was approved by the Department of Environmental Protection. Please read the permit 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 287-7693.

Sincerely,

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

Enc.

cc: William Sheehan, DEP/NMRO
Sandy Mojica, DEP/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

MARS HILL UTILITY DISTRICT)	MAINE POLLUTANT DISCHARGE
MARS HILL, AROOSTOOK COUNTY)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS)	AND
ME0101079)	WASTE DISCHARGE LICENSE
W000842-6C-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 hereinafter) has considered the application of MARS HILL UTILITY DISTRICT (MHUD/permittee hereinafter), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The MHUD has submitted a timely and complete application to the Department for the renewal of Waste Discharge License (WDL) #W000842-5L-F-R / Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0101079 (permit hereinafter), which was issued by the Department on October 22, 2007, for a five-year term. The permit authorized the monthly average discharge of up to 1.0 million gallons per day (MGD) of secondary treated municipal wastewater from a publicly owned treatment works (POTW) to Prestile Stream, Class B, in Mars Hill, Maine.

PERMIT SUMMARY

This permitting action is carrying forward all the terms and conditions of the previous permitting action except that this permit is;

1) Reducing the minimum monitoring frequency for settleable solids from 5/Week to 2/Week based on the historic compliance history dating back to 2002.

2) Incorporating the interim average and maximum numeric limitations for mercury into the permit and reducing the monitoring frequency from 4/Year to 1/Year pursuant to Maine law 38 M.R.S.A., §420 1-B,(B)(1).

3) Eliminating the requirement for ground water quality monitoring as test results to date indicate there has never been statistically significant differences in the test results and the permittee visually monitors the underdrain system 1/Month for leak detection.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated October 1, 2012, 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 natural 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 MARS HILL UTILITY DISTRICT to discharge a monthly average flow of up to 1.0 million gallons per day of secondary treated municipal wastewater to Prestile Stream, Class B, in Mars Hill, 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. This permit becomes effective upon the date of signature below and expires at midnight five (5) years after that date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of the this permit, the terms and conditions of the this permit and all subsequent modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S.A. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (effective April 1, 2003)].

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS 2ND DAY OF NOVEMBER, 2012.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhns
For Patricia W. Aho, Commissioner

Date of initial receipt of application: September 12, 2012.

Date of application acceptance: September 13, 2012.

Filed
NOV 5 2012
State of Maine
Board of Environmental Protection

Date filed with Board of Environmental Protection: _____

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

ME0101079 2012 11/2/12

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Between the period of **October 1 – November 30 and March 1 – May 31** when the dilution factor associated with the discharge is at least 50:1 or between the period **of June 1 – September 30 and December 1 – February 29** when the dilution factor associated with the discharge is at least 75:1, the permittee is authorized to discharge secondary treated municipal wastewater via **Outfall #001A** to Prestile Stream. Such discharges shall be limited and monitored by the permittee as specified below[1], [2]:

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow *[50050]*	1.0 MGD *[03]*	Report MGD *[03]*	Report MGD *[03]*	---	---	---	Continuous *[99/99]*	Recorder *[RC]*
BOD_5 *[00310]*	250 lbs./day *[26]*	375 lbs./day *[26]*	417 lbs./day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	2/Week *[02/07]*	24-Hour Composite *[24]*
BOD_5 Percent Removal[3] *[81010]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
TSS *[00530]*	250 lbs./day *[26]*	375 lbs./day *[26]*	417 lbs./day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	2/Week *[02/07]*	24-Hour Composite *[24]*
TSS Percent Removal[3] *[81011]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
Settleable Solids *[00545]*	---	---	---	---	---	0.3 ml/L *[25]*	2/Week *[02/07]*	Grab *[GR]*
E. coli* Bacteria**[4] *[31633]* ***(May 15 – Sept. 30)	---	---	---	64/100 ml[5] *[13]*	---	427/100 ml *[13]*	1/Week *[01/07]*	Grab *[GR]*
Total Residual Chlorine[6] *[50060]* ***(May 15 – May 30)***	---	---	---	0.1 mg/L *[19]*	---	0.3 mg/L *[19]*	5/Week *[05/07]*	Grab *[GR]*
(Jun 1 – Sept. 30)	---	---	---	0.83 mg/L *[19]*	---	1.0 mg/L *[19]*	5/Week *[05/07]*	Grab *[GR]*
pH *[00400]*	---	---	---	---	---	6.0 – 9.0 SU *[12]*	5/Week *[05/07]*	Grab *[GR]*

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

Footnotes: See Pages 7 through 11 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

1. Between the period **of October 1 – November 30 and March 1 – May 31** when the dilution factor associated with the discharge is at least 50:1 or between the period of **June 1 – September 30 and December 1 – February 29** when the dilution factor associated with the discharge is at least 75:1, the permittee is authorized to discharge secondary treated municipal wastewater via **Outfall #001A** to Prestile Stream. Such discharges shall be limited and monitored by the permittee as specified below[(1), (2)]:

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Mercury (Total)[(7)] *[71900]*	---	---	---	6.1 ng/L *[3M]*	---	9.1 ng/L *[3M]*	1/Year *[01/YR]*	Grab *[GR]*
Stream Flow[(8)] *[00060]*	Report cfs *[08]*	---	Report cfs *[08]*	---	---	---	Continuous[(7)] *[99/99]*	Recorder *[RC]*
Minimum Dilution Factor *[80093]*								
Oct 1 – Nov 30, Mar 1 – May 31	---	---	50:1 *[1U]*	---	---	---	1/Day *[01/01]*	Calculate *[CA]*
Jun 1 – Sep 30, Dec 1 – Feb 28			75:1 *[1U]*				1/Day *[01/01]*	Calculate *[CA]*

Footnotes: **See Pages 7 through 11 of this permit for applicable footnotes.**

SPECIAL CONDITIONS

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

2. Whole effluent toxicity, analytical chemistry and priority pollutant testing requirements.

SURVEILLANCE LEVEL – Beginning upon issuance and lasting until 24 months prior to permit expiration and commencing again 12 months prior to permit expiration and lasting through permit expiration (Years 1,2,3 and 5 of the term of the permit).

	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Whole Effluent Toxicity (9)						
Acute – NOEL						
Ceriodaphnia dubia (Water flea) *[TDA3B]*	---	---	---	Report % *[23]*	1/2 Years *[01/2Y]*	Composite *[24]*
Salvelinus fontinalis (Brook trout) *[TDA6F]*	---	---	---	Report % *[23]*	1/2 Years *[01/2Y]*	Composite *[24]*
Chronic – NOEL						
Ceriodaphnia dubia (Water flea) *[TBP3B]*	---	---	---	Report % *[23]*	1/2 Years *[01/2Y]*	Composite *[24]*
Salvelinus fontinalis (Brook trout) *[TBQ6F]*	---	---	---	Report % *[23]*	1/2 Years *[01/2Y]*	Composite *[24]*
Analytical Chemistry (10,12) *[51168]*	---	---	---	Report ug/L *[28]*	1/2 Years *[01/2Y]*	Composite/Grab *[24]*
Priority Pollutant (11,12) *[50008]*	---	---	---	---	---	---

SCREENING LEVEL - Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4) and every five years thereafter.

	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Whole Effluent Toxicity (9)						
Acute – NOEL						
Ceriodaphnia dubia (Water flea) *[TDA3B]*	---	---	---	Report % *[23]*	2/Year *[02/YR]*	Composite *[24]*
Salvelinus fontinalis (Brook trout) *[TDA6F]*	---	---	---	Report % *[23]*	2/Year *[02/YR]*	Composite *[24]*
Chronic – NOEL						
Ceriodaphnia dubia (Water flea) *[TBP3B]*	---	---	---	Report % *[23]*	2/Year *[02/YR]*	Composite *[24]*
Salvelinus fontinalis (Brook trout) *[TBQ6F]*	---	---	---	Report % *[23]*	2/Year *[02/YR]*	Composite *[24]*
Analytical Chemistry (10,11) *[51168]*	---	---	---	Report ug/L *[28]*	1/Quarter *[01/90]*	Composite/Grab *[24]*
Priority Pollutant (11,12) *[50008]*	---	---	---	Report ug/L *[28]*	1/Year *[01/YR]*	Composite/Grab *[24]*

Footnotes: See Pages 7 through 11 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

Footnotes

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

   All analytical test results shall be reported to the Department including results which are detected below the respective reporting limits (RLs) specified by the Department or as specified by other approved test methods. See **Attachment A** of this permit for a list of the Department's 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 RL achieved by the laboratory for each respective parameter. Reporting a value of <Y that is greater than an established RL or reporting an estimated value ("J" flagged) is not acceptable and will be rejected by the Department. Reporting analytical data and its use in calculations must follow established Department guidelines specified in this permit or in available Department guidance documents.

2. **Minimum Dilution Required for Discharge** – The permittee shall maintain a minimum dilution factor of 50:1 (between the stream flow and discharge) at all times during the periods October 1st – November 30th and March 1st – May 31th, and a minimum dilution factor of 75:1 at all times during the periods June 1st - September 30th and December 1st – February 28th of each year. Effluent dilution ratios shall be calculated by the permittee prior to commencing discharge each day using the following formula:

   $$\text{Dilution Ratio} = \frac{[(0.6464)(Q_s) + Q_e]}{Q_e}$$

   Where,
   Q_s = stream flow in cfs as measured using calibrated equipment; and
   Q_e = effluent flow in units of MGD.

SPECIAL CONDITIONS

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

Footnotes:

3. **Percent Removal** - The treatment facility shall maintain a minimum of 85 percent removal of both biochemical oxygen demand and total suspended solids 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 average. Calendar monthly average percent removal values shall be calculated based on influent and effluent concentrations. For the purposes of this permitting action, the twelve-month rolling average calculation is based on the most recent twelve-month period. Percent removal limitations are not applicable if a measured influent used to calculate the removal is <200 mg/L. The permittee shall enter "NODI-9" on the monthly Discharge Monitoring Report (DMR) and on the "49" form when the twelve-month rolling average calculation for BOD_5 and TSS for the month is less than 200 mg/L.

4. **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 impose year-round bacteria limitations to protect the health, safety and welfare of the public.

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

6. **TRC Monitoring** – Limitations and monitoring requirements are applicable whenever elemental chlorine or chlorine based compounds are being used to disinfect the discharge. The permittee shall utilize approved test methods that are capable of bracketing the limitations in this permit.

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

   The limitation in the monthly average column in table Special Condition A of this permit is defined as the arithmetic mean of all the mercury tests ever conducted for the facility utilizing sampling Methods 1669 and analysis Method 1631E.

SPECIAL CONDITIONS

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

Footnotes

8. **Stream Flow** – Report the monthly average and minimum daily stream flows recorded for the month. Stream flow in the vicinity of the outfall pipe shall be measured on a continuous basis when the facility is discharging and on a 1/Day basis when the facility is not discharging. Annually (at a minimum) the permittee shall re-calibrate or verify that the flow measurement devices (stream and discharge) are accurate.

9. **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 2.0%), 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. The critical acute and chronic thresholds were derived as the mathematical inverse of the applicable acute and chronic dilution factor of 50:1.

   a. **Surveillance level testing** – Beginning upon issuance and lasting until 24 months prior to permit expiration and commencing again 12 months prior to permit expiration and lasting through permit expiration (Years 1,2,3 and 5 of the term of the permit), the permittee shall initiate surveillance level acute and chronic WET testing at a minimum frequency of once every two years (reduced testing) using the brook trout (*Salvelinus fontinalis*) and the water flea (*Ceriodaphnia dubia*). Tests using the brook trout shall be conducted in a different calendar quarter each year, when practicable. Since this is a hold and release operation, collection of samples in each of the four calendar quarters may not be possible.

   b. **Screening level testing** – Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4) and every five years thereafter, the permittee shall conduct screening level acute and chronic WET testing at a minimum frequency of twice per year using both the water flea and the brook trout. Tests shall be conducted with a minimum of 6 months separating test events.

   WET 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 2.0 %.

SPECIAL CONDITIONS

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

Footnotes:

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

a. Short Term Methods for Estimating the Chronic Toxicity of Effluent and Receiving Water to Freshwater Organisms, Fourth Edition, October 2002, EPA-821-R-02-013.

b. Methods for Measuring the Acute Toxicity of Effluent and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition, October 2002, EPA-821-R-02-012.

Results of WET tests shall be reported on the "WET Results Report – Fresh Waters" form included as **Attachment C** of this permit each time a WET test is performed. The permittee is required to analyze the effluent for the parameters specified on the "WET and Analytical Chemistry Results – Fresh Waters" form included as **Attachment A** of this permit each time a WET test is performed.

10. **Analytical chemistry** – Refers to a suite of chemicals in **Attachment A** of this permit.

a. **Surveillance level testing** – Beginning upon issuance and lasting until 24 months prior to permit expiration and commencing again 12 months prior to permit expiration and lasting through permit expiration (Years 1,2,3 and 5 of the term of the permit),, the permittee shall conduct analytical chemistry testing at a minimum frequency of once every other year (reduced testing). Tests shall be conducted in a different calendar quarter each year, when practicable. Since this is a hold and release operation, collection of samples in each of the four calendar quarters may not be possible.

b. **Screening level testing** – Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4) and every five years thereafter, the permittee shall conduct analytical chemistry testing at a minimum frequency of four times per year for four consecutive calendar quarters, when practicable. Since this is a hold and release operation, collection of samples in each of the four calendar quarters may not be possible.

SPECIAL CONDITIONS

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

Footnotes:

11. **Priority pollutant testing** – Refers to a suite of chemicals in Attachment A of this permit

    a. **Surveillance level testing** - Is not required pursuant to 06-096 CMR 530.

    b. **Screening level testing** - Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4) and every five years thereafter, the permittee shall conduct screening level priority pollutant testing at a minimum frequency of once per year.

12. **Priority pollutant and analytical chemistry testing** – Test results shall be conducted on samples collected at the same time as those collected for whole effluent toxicity tests when applicable. 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.

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 for 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 for 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 for 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. TREATMENT PLANT OPERATOR

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

D. AUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on September 13, 2012; 2) the terms and conditions of this permit; and 3) only from Outfall #001A. Discharges of wastewater from any other point source are not authorized under this permit, and shall be reported in accordance with Standard Condition B(5), *Bypasses*, of this permit.

E. LIMITATIONS FOR INDUSTRIAL USERS

Pollutants introduced into the waste water collection and treatment system by a non-domestic source (user) shall not pass through or interfere with the operation of the treatment system. The licensee shall conduct an Industrial Waste Survey (IWS) at any time a new industrial user proposes to discharge within its jurisdiction, an existing user proposes to make a significant change in its discharge, or, at an alternative minimum, once every permit cycle. The IWS shall identify, in terms of character and volume of pollutants, any Significant Industrial Users discharging into the POTW subject to Pretreatment Standards under section 307(b) of the federal Clean Water Act, 40 CFR Part 403 (general pretreatment regulations) or *Pretreatment Program*, 06-096 CMR 528 (last amended March 17, 2008).

SPECIAL CONDITIONS

F. 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.

G. OPERATIONS AND MAINTENANCE (O&M) PLAN

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

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

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

SPECIAL CONDITIONS

H. WET WEATHER MANAGEMENT PLAN

The treatment facility staff shall maintain a Wet Weather Management Plan to direct the staff on how to operate the facility effectively during periods of high flow. The Department acknowledges that the existing collection system may deliver flows in excess of the monthly average design capacity of the treatment plant during periods of high infiltration and rainfall. A specific objective of the plan shall be to maximize the volume of wastewater receiving secondary treatment under all operating conditions. The revised plan shall include operating procedures for a range of intensities, address solids handling procedures (including septic waste and other high strength wastes if applicable) and provide written operating and maintenance procedures during the events.

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

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

By December 31 of each calendar year, the permittee shall provide the Department with a certification describing any of the following that have occurred since the effective date of this permit *[PCS Code 95799]*: See **Attachment E** of the Fact Sheet for an acceptable certification form to satisfy this Special Condition.

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

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

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

SPECIAL CONDITIONS

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

In addition, in the comments section of the certification form, the permittee shall provide the Department with statements describing;

(d) Changes in storm water collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge.
(e) Increases in the type or volume of hauled wastes accepted by the facility.

The Department reserves the right to reinstate annual (surveillance level) testing or other toxicity testing if new information becomes available that indicates the discharge may cause or have a reasonable potential to cause exceedences of ambient water quality criteria/thresholds.

J. STREAM FLOW MONITORING/DILUTION

When the treatment facility is discharging, the flow in Prestile Stream at the point of discharge shall be monitored continuously, and the dilution of the effluent with the receiving water shall be calculated daily. Copies of the stream flow monitoring data and the effluent dilution data shall be submitted monthly with the Discharge Monitoring Report (DMR). Stream flow monitoring device(s) shall be calibrated at least once per year. The permittee shall keep copies of the stream flow monitoring data, effluent dilution data , and equipment calibration records on file for a period of at least three years and make these records available to Department or USEPA staff upon request.

K. MONITORING AND REPORTING

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

Department of Environmental Protection
Northern Maine Regional Office
Bureau of Land and Water Quality
Division of Water Quality Management
1235 Central Park Drive - Skyway Park
Presque Isle, Maine 04769

SPECIAL CONDITIONS

K. MONITORING AND REPORTING (cont'd)

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

L. 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.

M. SEVERABILITY

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

ATTACHMENT A

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

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

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

Date Sample Collected _____ Date Sample Analyzed _____

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

Last Revision - April 25, 2012

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

Maine Department of Environmental Protection

WET and Chemical Specific Data Report Form

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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	5									
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	20									
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	5									
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	5									
BN	BENZO(G,H,I)PERYLENE	5									
BN	BENZO(K)FLUORANTHENE	5									
BN	BIS(2-CHLOROETHOXY)METHANE	5									
BN	BIS(2-CHLOROETHYL)ETHER	6									
BN	BIS(2-CHLOROISOPROPYL)ETHER	6									
BN	BIS(2-ETHYLHEXYL)PHTHALATE	10									
BN	BUTYLBENZYL PHTHALATE	5									
BN	CHRYSENE	5									
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									
BN	FLUORANTHENE	5									

Maine Department of Environmental Protection

WET and Chemical Specific Data Report Form

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BN	FLUORENE	5									
BN	HEXACHLOROBENZENE	5									
BN	HEXACHLOROBUTADIENE	5									
BN	HEXACHLOROCYCLOPENTADIENE	10									
BN	HEXACHLOROETHANE	5									
BN	INDENO(1,2,3-CD)PYRENE	5									
BN	ISOPHORONE	5									
BN	N-NITROSODI-N-PROPYLAMINE	10									
BN	N-NITROSODIMETHYLAMINE	5									
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									
V	ACROLEIN	NA									
V	ACRYLONITRILE	NA									
V	BENZENE	5									

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.

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:

ATTACHMENT B

Maine Department of Environmental Protection

Effluent Mercury Test Report

Name of Facility: _____ Federal Permit # ME _____

Pipe # _____

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

SAMPLE COLLECTION INFORMATION

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

Sampling Location:

Weather Conditions: _____

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

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

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

ANALYTICAL RESULT FOR EFFLUENT MERCURY

Name of Laboratory: _____

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

Please Enter Effluent Limits for your facility

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

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

CERTIFICATION

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

By: _____ Date: _____

Title: _____

PLEASE MAIL THIS FORM TO YOUR ASSIGNED INSPECTOR

ATTACHMENT C

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
WHOLE EFFLUENT TOXICITY REPORT
FRESH WATERS

Facility Name _____ MEPDES Permit # _____

Facility Representative _____ Signature _____

By signing this form, I attest that to the best of my knowledge that the information provided is true, accurate, and complete.

Facility Telephone # _____ Date Collected _____ (mm/dd/yy) Date Tested _____ (mm/dd/yy)

Chlorinated? _____ Dechlorinated? _____

Results **% effluent**

	water flea	trout
A-NOEL		
C-NOEL		

Effluent Limitations

A-NOEL	
C-NOEL	

Data summary

	water flea			trout		
	% survival		no. young	% survival		final weight (mg)
QC standard	**A>90**	**C>80**	**>15/female**	**A>90**	**C>80**	**> 2% increase**
lab control						
receiving water control						
conc. 1 (%)						
conc. 2 (%)						
conc. 3 (%)						
conc. 4 (%)						
conc. 5 (%)						
conc. 6 (%)						
stat test used						

place * next to values statistically different from controls

for trout show final wt and % incr for both controls

Reference toxicant

	water flea		trout	
	A-NOEL	C-NOEL	A-NOEL	C-NOEL
toxicant / date				
limits (mg/L)				
results (mg/L)				

Comments _____

Laboratory conducting test

Company Name _____ Company Rep. Name (Printed) _____

Mailing Address _____ Company Rep. Signature _____

City, State, ZIP _____ Company Telephone # _____

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

DATE: **October 1, 2012**

PERMIT NUMBER: **ME0101079**
WASTE DISCHARGE LICENSE: **W000842-6C-G-R**

NAME AND ADDRESS OF APPLICANT:

MARS HILL UTILITY DISTRICT
P.O Box 342, 70 Mill Street
Mars Hill, Maine 04758

COUNTY: **Aroostook County**

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

70 Mill Street
Mars Hill, Maine 04758

RECEIVING WATER/CLASSIFICATION: **Prestile Stream/Class B**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Robert Lento, Superintendent**
(207) 425-2620
e-mail: utility.district@ainop.com

1. APPLICATION SUMMARY

a. Application: The Mars Hill Utility District (MHUD) has submitted a timely and complete application to the Department for the renewal of Waste Discharge License (WDL) #W000842-5L-F-R / Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0101079 (permit hereinafter), which was issued by the Department on October 22, 2007, for a five-year term. The permit authorized the monthly average discharge of up to 1.0 million gallons per day (MGD) of secondary treated municipal wastewater from a publicly owned treatment works (POTW) to Prestile Stream, Class B, in Mars Hill, Maine.

b. Source Description: The waste water treatment facility receives sanitary waste water flows generated by approximately 1,200 commercial and residential users within the MHUD boundaries. The collection system is a separated system approximately 5.5 miles in length with two pump stations and no combined sewer overflow (CSO) points. The two pump stations in the collection system are equipped with a back-up power source. One station has an on-site generator while the other is served by a portable generated. It is noted that a bypass structure at the Pleasant Street pump station identified in Part I.D. of the 9/25/00 NPDES permit renewal has been permanently blocked off and is no longer capable of discharging. The permittee has indicated that no industry contributes more

1. APPLICATION SUMMARY (cont'd)

than 10% of the volume of waste water received by the treatment facility. In December of 1998, the MHUD installed a limestone contactor corrosion control system for the drinking water supply in an effort to reduce copper and lead concentrations in waste waters being conveyed to the waste water treatment facility. The treatment facility is not authorized to accept septage from local septage haulers.

A map created by the Department showing the location of the treatment facility and point of discharge is included as **Attachment A** of this Fact Sheet.

c. Waste Water Treatment: The facility provides a secondary level of treatment via four lagoons, three aerated lagoons and one storage lagoon. The storage lagoon has a capacity of 32 million gallons. Each of the four lagoons has a high density polyethylene synthetic liner. Major components of the treatment system include a bar screen, a grit chamber, four lagoons operated in series totaling 10.7 acres in area with fine-bubbled diffused aeration in three of the four lagoons. The facility is equipped with a diesel-powered generator that enables the facility to continue to provide a secondary level of treatment in the event of a power failure. The treated effluent is disinfected with sodium hypochlorite and discharged to Prestile Stream via a ductile iron pipe measuring 8-inches in diameter that extends out into the thread of the stream. The outfall does not have a diffuser on the end of it as rapid and completely mixing of the effluent with the receiving water is achieved without a diffuser. The facility has the necessary equipment to provide for de-chlorination with sodium bisulfite if necessary. It is noted it is the MHUD's normal practice (not prohibited by this permit or the previous permitting action) is not to discharge between May 15th and September 30th of each year to avoid the potential of adversely impacting ambient water quality during the summer months when receiving waters are most at risk.

See **Attachment B** of this fact sheet for a process flow schematic for the MHUD.

The MHUD stated that they have the equipment in-place to operate, maintain and verify that a pre-determined fixed dilution factor is achieved at all times. That equipment includes a magnetic flow meter on the effluent discharged that is accurate to 1 gpm and calibrated annually, a Check Well Water Level Monitor (stream gauge) to determine the flow in Prestile Stream at all times that is calibrated annually, a SCADA computer system that automatically adjusts the discharge flow based on the stream flow and has the U.S. Geological Survey verify the stream flow and provide the MHUD with an annual rating curve for the stream

2. PERMIT SUMMARY

a. Terms and Conditions: This permitting action is carrying forward all the terms and conditions of the previous permitting actions except that this permit is;

1) Reducing the minimum monitoring frequency for settleable solids from 5/Week to 2/Week based on the historic compliance history dating back to 2002.

2) Incorporating the interim average and maximum numeric limitations for mercury into the permit and reducing the monitoring frequency from 4/Year to 1/Year pursuant to Maine law 38 M.R.S.A., §420 1-B,(B)(1).

3) Eliminating the requirement for ground water quality monitoring as test results to date indicate there has never been statistically significant differences in the test results and the permittee monitors the underdrain system 1/Month for leak detection.

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

April 30, 1992 – The Department issued *Site Location of Development, Natural Resource Protection Water Quality Certification Findings of Fact Order #L-17896-29-A-N* for the construction of the waste water treatment facility.

November 1993 – The MHUD commenced operation of a new secondary wastewater treatment facility.

May 25, 2000 – Pursuant to *Certain deposits and discharges prohibited*, 38 M.R.S.A. § 420 and *Waste discharge licenses*, 38 M.R.S.A. § 413 and *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001), the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL #W000842-5L-C-R by establishing interim monthly average and daily maximum effluent concentration limits of 6.1 parts per trillion (ppt) and 9.1 ppt, respectively, and a minimum monitoring frequency requirement of 4 tests per year for mercury.

September 25, 2000 – The U.S. Environmental Protection Agency (USEPA) issued a renewal of National Pollutant Discharge Elimination System (NPDES) permit #ME0101079 to the MHUD. The 9/25/00 permit superseded the NPDES permit issued to the MHUD by the USEPA on September 28, 1995 (earliest NPDES permit on file with the Department).

January 12, 2001 – The Department received authorization from the USEPA to administer the NPDES permit program in Maine, excluding areas of special interest to Maine Indian Tribes. From that point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System program.

2. PERMIT SUMMARY (cont'd)

December 10, 2002 – The Department issued WDL Modification/Renewal #W000842-5L-E-M / MEPDES permit #ME0101079 to the MHUD for a five-year term. The 12/10/02 permit superseded WDL #W000842-5L-C-R issued on November 24, 1999, and WDL #W000842-46-C-R issued on May 29, 1991 (earliest Order on file with the Department with secondary treatment limitations).

September 10, 2003 – The Department administratively modified the 12/10/02 permit by revising Special Condition A, Footnote #7 to require continuous stream flow monitoring only when the facility was discharging. During periods when the facility was not discharging, the 9/10/03 administrative modification required the facility to monitor stream flow on a daily basis.

April 10, 2006 – The Department amended the 12/10/02 permit to incorporate testing requirements of 06-096 CMR Chapter 530, *Surface Water Toxics Control Program.*

October 22, 2007 – The Department issued MEPDES permit #ME0101079/WDL #W000842-5L-F-R for a five-year term.

February 6, 2012 – The Department issued a minor revision of the 10/22/07 permit that reduced the monitoring frequency for mercury from 4/Year to 1/Year.

September 13, 2012 – The MHUD submitted a timely and complete application to the Department to renew the MEPDES permit/WDL.

3. CONDITIONS OF PERMIT

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

4. RECEIVING WATER QUALITY STANDARDS

Classification of major river basins, 38 M.R.S.A. § 467(15)(F)(1) classifies the Prestile Stream at the point of discharge as Class B waters. *Standards for classification of fresh surface waters*, 38 M.R.S.A. § 465(4) describes the standards for Class B waters.

Class B waters must be of such quality that they are suitable for the designated uses of drinking water supply after treatment; fishing; agriculture; recreation in and on the water; industrial process and cooling water supply; hydroelectric power generation, except as prohibited under Title 12, section 403; navigation; and as habitat for fish and other aquatic life. The habitat must be characterized as unimpaired.

The dissolved oxygen content of Class B waters may not be less than 7 parts per million or 75% of saturation, whichever is higher, except that for the period from October 1st to May 14th, in order to ensure spawning and egg incubation of indigenous fish species, the 7-day mean dissolved oxygen concentration may not be less than 9.5 parts per million and the 1-day minimum dissolved oxygen concentration may not be less than 8.0 parts per million in identified fish spawning areas. Between May 15th and September 30th, the number of

Escherichia coli bacteria of human and domestic animal origin in these waters may not exceed a geometric mean of 64 per 100 milliliters or an instantaneous level of 236 per 100 milliliters. In determining human and domestic animal origin, the department shall assess licensed and unlicensed sources using available diagnostic procedures.

Discharges to Class B waters may not cause adverse impact to aquatic life in that the receiving waters must be of sufficient quality to support all aquatic species indigenous to the receiving water without detrimental changes in the resident biological community.

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2010 Integrated Water Quality Monitoring and Assessment Report, prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the Prestile Stream and tributaries entering below the dam in Mars Hill (Hydrologic Unit Code #ME0101000501 / Waterbody ID #149R01) as "*Category 4-A: Rivers and Streams With Impaired Use other Than Mercury, TMDL Completed.*" Impairments in this context refer to benthic macroinvertebrate bioassessments,(streams), nutrient eutrophication/biological indicators and dissolved oxygen. The report states that the USEPA approved a TMDL (Christina Reservoir) on May 10, 2010, addressing the impairments. The MHUD was never cited for causing or contributing to the impairments.

The report also lists all of Maine's fresh waters as, *"Category 4-A: Rivers and Streams with Impaired Use, TMDL Completed Waters Impaired by Atmospheric Deposition of Mercury."* . The report states the impairment is 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

5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

consuming a fish to know whether the mercury level exceeds the action level, The Maine Department of Health and Human Services decided to establish a statewide advisory for all freshwater fish that recommends limits on consumption. Maine has already instituted statewide programs for removal and reduction of mercury sources.

The Department has no information at this time that the discharge from the MHUD will cause or contribute to the failure of the receiving water to meet the designated uses of its assigned classification.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

a. Flow: The previous permitting action established a monthly average flow limitation of 1.0 MGD which is considered representative of the volume of discharge necessary to comply with the annual discharge restrictions in this permitting action. The flow limit is being carried forward in this permitting action. This permitting action is also carrying forward from the previous permitting action the weekly average and daily maximum discharge flow monitoring and reporting requirements to assist in compliance evaluations.

A summary of the discharge flow data as reported on the monthly Discharge Monitoring Reports (DMRs) for the period of January 2009 – November 2011 (months when facility reported no discharge are not included) is as follows:

Flow (DMRs = 19)

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	1.0	0.313 – 0.932	0.6365
Daily maximum	Report	0.653 – 0.999	0.8596

b. Dilution Factors: With regard to the derivation of dilution factors associated with the discharge from the MHUD, Section 6(b) of the Fact Sheet associated with the previous permitting action stated,

> *...the Department conducted an up-to-date statistical evaluation of the most current 60 months of WET and chemical specific test results to determine if the discharge over said period exceeded or had a reasonable potential to exceed AWQC. The October 4, 2002, statistical evaluation indicates that with a dilution threshold as low as 50:1, the discharge does not exceed or have a reasonable potential to exceed AWQC for any of the chemical specific elements/compounds or WET species tested to date. Therefore, this permitting action is seasonally reducing the dilution factor threshold that must be maintained at all times when discharging from 114:1 to 50:1. The MHUD has agreed to the threshold of 50:1.*

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

The MHUD has indicated that though they have not been discharging to Prestile Stream between May 15th – September 30th they would like to retain the option to do so. To provide for a margin of safety during the time of year when receiving water quality is most at risk (summer) and when flows in the river may be less than accurate due to icing on the river (winter), the Department has multiplied the spring and fall dilution factor threshold of 50:1 by a factor of 1.5 (arbitrary) to establish a summer time dilution factor threshold of 75:1.

In summary, the annual discharge restrictions and applicable acute, chronic and harmonic mean dilution factors being carried forward in this permitting action are as follows:

December 1st through February 28 – Maintain dilution factor of 75:1.

March 1st through May 31st – Maintain a dilution factor of 50:1.

June 1st through September 30th – Maintain a dilution factor of 75:1.

October 1st through November 30th - Maintain a dilution factor of 50:1.

06-096 CMR 530(4)(A) states,

With a non-continuous discharge (such as a lagoon which can be impounded or a continuous discharge prohibited from discharging under specified conditions), the dilution factors can be based on a guaranteed minimum stream flow or tidal stage below which a discharge will not occur. The discharger must submit a request for a license modification that reflects a different minimum stream flow. If the Department approves an alternate stream flow, the license must include a monitoring and reporting requirement, and must include an accurate means of measuring stream flow that is calibrated annually.

The permittee has guaranteed a minimum dilution factor of 50:1 associated with the discharge based on the stream flow and controlled effluent discharge. Therefore, this permitting action is utilizing acute and chronic dilution factors of 50:1 for purposes of calculating water quality-based thresholds. The Department is making a best professional judgment that this manner of establishing applicable dilution factors for this facility is consistent with the provisions of 06-096 CMR Department rule Chapter 530.

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

c. Biochemical Oxygen Demand (BOD_5) and Total Suspended Solids (TSS): The previous permitting action established, and this permitting action is carrying forward, monthly average and weekly average technology-based concentration limits of 30 mg/L and 45 mg/L, respectively, for BOD_5 and TSS based on the secondary treatment requirements specified at *Effluent Guidelines and Standards*, 06-096 CMR 525(3)(III) (effective January 12, 2001), and a daily maximum concentration limit of 50 mg/L, which is based on BPJ of BPT for secondary treated municipal wastewater. The technology-based monthly average, weekly average and daily maximum mass limits of 250 lbs./day, 375 lbs./day, and 417 lbs./day established in the previous permitting action for BOD_5 and TSS are also being carried forward in this permitting action and were derived as follows:

Monthly Average Mass Limit: (30 mg/L)(8.34 lbs./gallon)(1.0 MGD) = 250 lbs./day
Weekly Average Mass Limit: (45 mg/L)(8.34 lbs./day)(1.0 MGD) = 375 lbs./day
Daily Maximum Mass Limit: (50 mg/L)(8.34 lbs./day)(1.0 MGD) = 417 lbs./day

This permitting action is carrying forward a 30-day average percent removal requirement of 85 percent for BOD_5 and TSS as required pursuant to 06-096 CMR 525(3)(III)(a&b)(3). Compliance with the limitation shall be based on a twelve-month rolling average.

This permitting action is carrying forward a minimum monitoring frequency requirement of twice per week for BOD_5 and TSS based on Department guidance.

A summary of effluent BOD_5 and TSS data as reported on the monthly DMRs for the period of January 2009 – November 2011 (discharging months only) is as follows:

BOD mass (DMRs = 19)

Value	Limit (lbs/day)	Range (lbs/day)	Mean (lbs/day)
Monthly Average	250	23 – 102	64
Weekly Average	375	23 - 106	77
Daily Maximum	417	24 - 135	86

BOD concentration (DMRs = 19)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	30	5.2 – 19	11
Weekly Average	45	5.6 - 26	14
Daily Maximum	50	5.6 - 33	15

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

TSS mass (DMRs = 19)

Value	Limit (lbs/day)	Range (lbs/day)	Mean (lbs/day)
Monthly Average	250	12 - 158	59
Weekly Average	375	14 – 158	76
Daily Maximum	417	16 - 194	85

TSS concentration (DMRs = 19)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	45	2 - 18	10
Weekly Average	60	2 - 34	13
Daily Maximum	65	2 - 39	15

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

A summary of effluent settleable solids data as reported on the monthly DMRs for the period of August 2002 – November 2011 (discharging months only, # DMRs = 48) indicates the daily maximum settleable solids concentration discharge has been <0.3 ml/L 100% of the time.

Based on the compliance record above, this permitting action is reducing the minimum monitoring frequency requirement to two times per week for settleable solids to be consistent with the monitoring frequencies for BOD & TSS.

e. *Escherichia coli* bacteria: The previous permitting action established, and this permitting action carrying forward, seasonal (May 15-September 30 of each year) monthly average and daily maximum *E. coli* bacteria concentration limits of 64 colonies/100 ml and 427 colonies/100 ml, respectively, based on the State's Water Classification Program criteria for Class B waters. Subsequent to issuance of the previous permit, Maine's Legislature approved a new daily maximum water quality standards of 236 colonies/100 ml for water bodies designated as Class B and Class C. The Department has determined that end-of-pipe limitations for the instantaneous concentration standard of 427 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 as is the case with MHUD.

A review of the seasonal monthly DMR data for the period January 2009 – November 2011, *E. coli* bacteria as test results have been reported as follows:

***E. coli* bacteria (2 DMRs)**

Value	Limit (col/100 ml)	Range (col/100 ml)	Mean (col/100 ml)
Monthly average	64	33 - 101	67
Daily maximum	427	82 – 101	92

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

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

f. Total Residual Chlorine (TRC): The previous permitting action established separate limitations for TRC based on the applicable dilution factors associated with the discharge. During the period of May 15 – May 31 (corresponding to a minimum dilution factor of 50:1), the previous permitting action established technology based monthly average and daily maximum concentration limits of 0.1 mg/L and 0.3 mg/L, respectively, for TRC. For the period of June 1 – September 30 (corresponding to a minimum dilution factor of 75:1), the previous permitting action established water quality based monthly average and daily maximum concentration limits of 0.83 mg/L and 1.0 mg/L, respectively, for TRC.

Limitations on TRC are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. Department licensing/permitting actions impose the more stringent of either a water quality-based or BPT based limit. End-of-pipe acute and chronic water quality based concentration thresholds may be calculated as follows:

			Calculated	
Acute (A) Criterion	Chronic (C) Criterion	A & C Dilution Factors	Acute Threshold	Chronic Threshold
0.019 mg/L	0.011 mg/L	50:1 (A) 50:1 (C)	0.95 mg/L	0.55 mg/L

Acute (A) Criterion	Chronic (C) Criterion	A & C Dilution Factors	Acute Threshold	Chronic Threshold
0.019 mg/L	0.011 mg/L	75:1 (A) 75:1 (C)	1.4 mg/L	0.83 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 quality based thresholds(typically when the threshold is below 0.8 mg/L), the Department has established daily maximum and monthly average BPT limits of 0.3 mg/L and 0.1 mg/L, respectively.

During the periods when the applicable dilution factor is 50:1 (October 1 – November 30, March 1 – May 31), the technology-based monthly average standard of 0.1 mg/L is more stringent than the chronic threshold of 0.55 mg/L and is therefore being carried in this permitting action. The technology-based daily maximum standard of 0.3 mg/L is more stringent than the acute threshold of 0.95 mg/L and is therefore being carried in this permitting action.

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

During the periods when the applicable dilution factor is 75:1 (June 1 – September 30, December 1 – February 28), the water quality-based chronic threshold of 0.83 mg/L is more stringent than the technology-based threshold of 1.0 mg/L and is therefore being carried in this permitting action. The technology-based daily maximum standard of 1.0 mg/L is more stringent than the acute threshold of 1.4 mg/L and is therefore being carried in this permitting action.

It is noted for clarity that limitations for TRC are in effect on a year-round basis. The facility is only required to test for TRC when chlorine or chlorine-based compounds are used for effluent disinfection.

A review of the monthly Discharge Monitoring Report (DMR) data for the period January 2009 – November 2011 indicates TRC values have been reported as follows:

Total residual chlorine (DMRs = 1)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	0.83	0.2 – 0.2	0.2
Daily Maximum	1.0	0.2 – 0.2	0.2

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

g. pH: The previous permitting action established, and this permitting action is carrying forward, a technology-based pH limit of 6.0 – 9.0 standard units, which is based on 06-096 CMR 525(3)(III), and a minimum monitoring frequency requirement of five times per week for pH based on best professional judgment.

A summary of effluent pH data as reported on the monthly DMRs for the period of January 2009 – November 2011 (#DMRs = 19) indicates the facility has been in compliance with said pH range limitation 100% of the time.

h. Mercury – Pursuant to *Certain deposits and discharges prohibited*, Maine law, 38 M.R.S.A. § 420 and *Waste discharge licenses*, 38 M.R.S.A. § 413 and *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001), the Department established a 1/Quarter monitoring frequency for total mercury.

The previous permitting action contained the following italicized text; *"Maine law, 38 M.R.S.A. §413 subsection 11 states, "The department shall establish and may periodically revise interim discharge limits, based on procedures specified by rule, for each facility licensed under this section and subject to this subsection in order to reduce the discharge of mercury over time and achieve the ambient water quality criteria established in section 420, subsection 1-B." Department rule Chapter 519, Interim Effluent Limitations and Controls for the Discharge of Mercury, Section 3 specifies that facilities required to conduct toxics testing, as McCain is, shall complete a minimum of*

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

four mercury tests to provide the Department with information on which to establish interim effluent limits for mercury. Therefore, this permitting action is establishing effluent mercury testing at a minimum frequency of once per calendar quarter during the initial 12-month period following issuance of the permit. Upon completion of mercury testing required in this permit, the Department will establish interim mercury concentration limits and notify the facility as specified in Chapter 519."

The Department notified the permittee that interim average and maximum limits for mercury were established as 6.1 ng/L and 9.1 ng/L respectively, which are being carried forward in this permitting action. Maine law 38 M.R.S.A., §420 1-B,(B)(1) states that a facility is not in violation of the AWQC for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413, subsection 11. A review of the Department's data base for the period January 2007 through the present indicates the permittee has been in compliance with the interim limits for mercury as results have been reported as follows;

Mercury (n = 16)

Value	Limit (ng/L)	Range (ng/L)	Mean (ng/L)
Average	6.1	1.0 – 5.0	2.6
Maximum	9.2	1.0 – 5.0	2.6

The review of the monitoring data for total and mercury indicates the ratios (expressed in percent) of the long term effluent average to the average limit can be calculated as follows:

Mercury

Long term average = 2.6 lbs/day
Average limit = 6.1 lbs/day
Current monitoring frequency = 4/Year

$$\text{Ratio} = \frac{2.6 \text{ ug/L}}{6.1 \text{ ug/L}} = 43\%$$

Pursuant to Maine law 38, M.R.S.A. §420, sub-§1-B, ¶F, a minor revision of the permit October 22, 2007, MEPDES permit was issued on February 6, 2012, that reduced the monitoring frequency from 4/Year to 1/Year.

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

j. Stream Flow & minimum dilution factors: The previous permitting action established a monitoring and reporting requirement for stream flow in Prestile Stream, which is being carried forward in this permitting action to verify dilution factors associated with the discharge. The permittee shall report the monthly average and minimum daily stream flows recorded for the month. Stream flow in the vicinity of the outfall pipe shall be measured on a continuous basis when the facility is discharging and on a 1/Day basis when the facility is not discharging. Annually (at a minimum) the permittee shall re-calibrate or verify that the flow measurement devices (stream and discharge) are accurate. Copies of the stream flow monitoring data and the effluent dilution data shall be submitted monthly with the Discharge Monitoring Report (DMR). Also, the permittee shall keep copies of the stream flow monitoring data and effluent dilution data on file for a period of at least five years.

A review of the monthly Discharge Monitoring Report (DMR) data for the period January 2009 – November 2011 indicates monthly average and the minimum daily maximum values have been reported as follows:

Stream flow (DMRs = 19)

Value	Limit (cfs)	Range (cfs)	Mean (cfs)
Monthly Average	Report	20 – 223	106
Daily Maximum	Report	55 - 389	298

Minimum Dilution factor(DMRs = 5) (Oct. 1 – Nov. 30 and Mar. 1 – May 31)

Value	Limit (ratio)	Range (ratio)	Mean (ratio)
Daily Maximum	75:1	117 – 233	146

Minimum Dilution factor(DMRs = 14) (Jun 1 – Sept. 30 and Dec. 1 – Feb. 28)

Value	Limit (ratio)	Range (ratio)	Mean (ratio)
Daily Maximum	50:1	50 - 248	114

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

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

WET, priority pollutant and analytical chemistry testing, as required by 06-096 CMR Department rule Chapter 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*). 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.

06-096 CMR Department rule Chapter 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 MHUD discharges domestic (sanitary) waste waters to surface waters 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 no information on the background levels of metals in the water column in Prestile Stream.

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.

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

06-096 CMR Department rule Chapter 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.*" It is noted the MHUD is the only permitted discharge on Prestile Stream.

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 Department rule Chapter 530(2)(B) categorizes dischargers subject to the toxics rule into one of four levels (Levels I through IV). Level II dischargers are *"having a chronic dilution factor of at least 20 but less than 100 to 1."* The (minimum) chronic dilution factor associated with the discharge from the MHUD is 50 to 1. Therefore, the facility is considered a Level II facility for purposes of toxics testing. 06-096 CMR 530(2)(D) specifies routine WET, priority pollutant, and analytical chemistry test schedules for Level II as follows:

Routine Screening level testing – Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (year 4 of the term of the permit) and every five years thereafter.

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

Routine Surveillance level testing – Beginning upon issuance and lasting until 24 months prior to permit expiration and commencing again 12 months prior to permit expiration and lasting through permit expiration (Years 1,2,3 and 5 of the term of the permit)

Level	WET Testing	Priority pollutant testing	Analytical chemistry
II	1 per year	None required	2 per year

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

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.

On September 14, 2012, the Department conducted a statistical evaluation on the most recent 60 months of WET test results on file with the Department for the MHUD in accordance with the statistical approach outlined above. **The 9/14/12 statistical evaluation indicates that the discharge does not exceed or demonstrate a reasonable potential to exceed the critical acute or chronic water quality thresholds for either the water flea or brook trout.** This permitting action is not establishing limitations for WET test species. See **Attachment C** of this fact sheet for a summary of WET test results.

06-096 CMR 530(2)(D)(3)(c) states, *"dischargers in Levels II may reduce surveillance testing to one WET or specific chemical series every other year provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedence."* Based on this provision and Department best professional judgment, this permitting action is establishing reduced surveillance level WET testing (1/2 Years) for the first three years of the term of this permit and commencing again in the fifth year of the permit. Beginning 24 months prior to the expiration date and lasting through 12 months prior to permit expiration (Year 4) of the permit and every five years thereafter, the permittee shall conduct screening level WET testing at a frequency of 2/Year.

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."

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

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

Priority Pollutant Evaluation

On September 14, 2012, the Department conducted a statistical evaluation on the most recent 60 months of chemical-specific tests results on file with the Department for the PISD in accordance with the statistical approach outlined above. **The 9/14/12 statistical evaluation indicates the discharge does not exceed or demonstrate a reasonable potential to exceed the acute, chronic, or human-health-based AWQC thresholds for any parameters tested.** This permitting action is not establishing limitations for WET test species. See **Attachment D** of this fact sheet for a summary of priority pollutant test dates.

Based on the provisions of 06-096 CMR 530 and best professional judgment, this permitting action is establishing reduced surveillance level analytical chemistry testing (1/2 Years) for the first three years of the term of this permit and commencing again the fifth year of the term of the permit. Beginning 24 months prior to the expiration date of the permit and lasting through 12 months prior to permit expiration (Year 4) and every five years thereafter, the permittee shall conduct screening level testing for analytical chemistry (1/Quarter) and priority pollutant (1/Year).

j. Ground Water Monitoring: The previous permitting action established ground water monitoring and reporting requirements for two ground water monitoring wells identified as MW-4 and MW-8 for the following parameters: 1) depth to water level below land surface; 2) nitrate-nitrogen; 3) chloride (total); 4) specific conductance; 5) temperature (degrees Fahrenheit); 6) pH; 7) total suspended solids; and 8) eight metals (arsenic, cadmium, chromium, copper, lead, mercury, nickel, and zinc). Monitoring was required once every five years. The origin of this monitoring requirement is Site Location of Development Order #L-17896-29-A-N issued to the MHUD on April 30, 1992. The previous permitting action incorporated these ground water monitoring requirements in the MEPDES permit and the Department amended the 4/30/92 Site permit to eliminate the requirement under that Department Order.

This permitting action is eliminating the ground water monitoring requirements as test results to date indicate there has never been statistically significant differences in the test results and the permittee monitors the underdrain system for leak detection.

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

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

8. PUBLIC COMMENTS

Public notice of this application was made in the *Star Herald* newspaper on or about August 28, 2012. 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).

9. DEPARTMENT CONTACTS

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

Gregg Wood
Division of Water Quality Management
Bureau of Land & Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 287-7693 Fax: (207) 287-3435
e-mail: gregg.wood@maine.gov

10. RESPONSE TO COMMENTS

During the period October 1, 2012 through the issuance date of the permit the Department solicited comments on the proposed draft permit for the permittee's facility. The Department did not receive comments from the permittee, state or federal agencies or interested parties that resulted in any substantive change(s) in the terms and conditions of the permit. Therefore, the Department has not prepared a Response to Comments.

ATTACHMENT A

Legend

- Major Facilities
- Minor Facilities

Wastewater Outfalls

- Combined Sewer Overflow

Wastewater Outfalls

- Major >1 MGD

Wastewater Outfalls

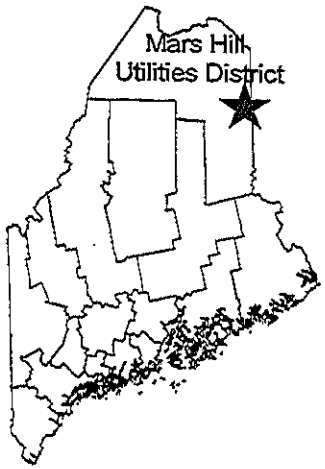
- Minor < 1 MGD

River Class

- AA
- A
- B
- C

Stream Class

- AA
- A
- B
- C



State of Maine Map Inset

0 0.05 0.1 0.2 Miles

N
W E
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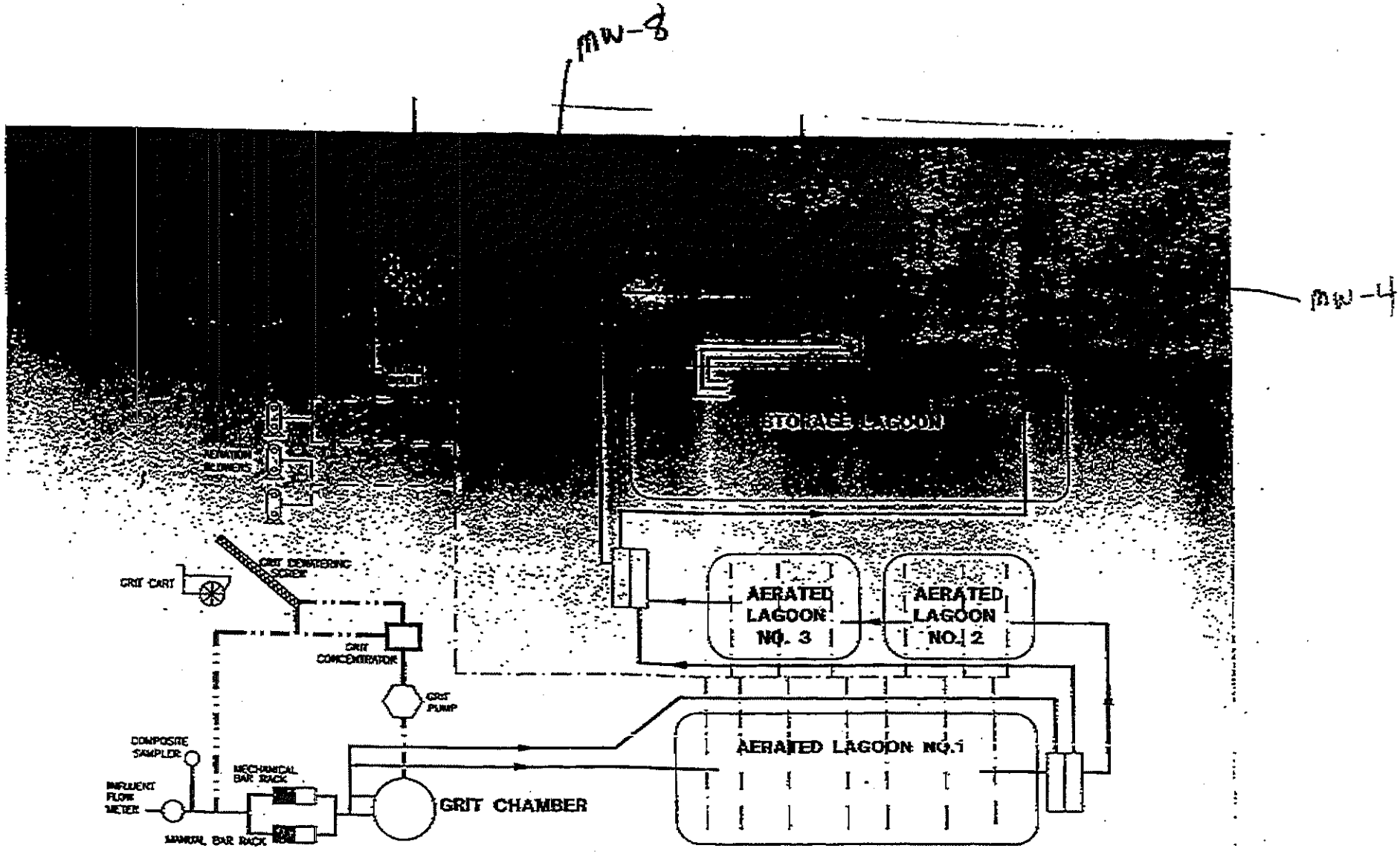
Mars Hill Utility District at Mars Hill , Maine

Map created by Maine DEP
September 14, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF MAINE

ATTACHMENT B


MW-8
MW-4
STORAGE LAGOON
AERATED LAGOON NO. 3
AERATED LAGOON NO. 2
AERATED LAGOON NO. 1
GRIT CHAMBER
GRIT CART
GRIT CONCENTRATOR
GRIT PUMP
COMPOSITE SAMPLER
INFLUENT FLOW METER
MECHANICAL BAR RACK
MANUAL BAR RACK

ATTACHMENT C

WET TEST REPORT

Data for tests conducted for the period

14/Sep/2007 - 14/Sep/2012

MARS HILL NPDES= ME010107 Effluent Limit: Acute (%) = 0.881 Chronic (%) = 0.881

Species	Test	Percent	Sample date	Critical %	Exception	RP
TROUT	A_NOEL	100	03/16/2009	0.881		
TROUT	A_NOEL	100	02/01/2011	0.881		
TROUT	A_NOEL	100	02/07/2012	0.881		
TROUT	C_NOEL	25	03/16/2009	0.881		
TROUT	C_NOEL	50	02/01/2011	0.881		
TROUT	C_NOEL	25	02/07/2012	0.881		
WATER FLEA	A_NOEL	100	03/16/2009	0.881		
WATER FLEA	A_NOEL	100	02/01/2011	0.881		
WATER FLEA	A_NOEL	100	02/07/2012	0.881		
WATER FLEA	C_NOEL	100	03/16/2009	0.881		
WATER FLEA	C_NOEL	100	02/01/2011	0.881		
WATER FLEA	C_NOEL	50	02/07/2012	0.881		

ATTACHMENT D

PRIORITY POLLUTANT DATA SUMMARY

Date Range: 14/Sep/2007 - 14/Sep/2012

Facility Name: **MARS HILL** NPDES: **ME0101079**

Test Date	Monthly (Flow MGD)	Daily (Flow MGD)	Total Test Number	Test # By Group M	V	BN	P	O	A	Clean	Hg
10/24/2007	0.51	0.55	11	10	0	0	0	1	0	F	0
03/16/2009	0.48	0.53	21	10	0	0	0	11	0	F	0
02/01/2011	0.46	0.48	21	10	0	0	0	11	0	F	0
02/07/2012	0.16	0.18	21	10	0	0	0	11	0	F	0

Key:

A = Acid O = Others P = Pesticides

BN = Base Neutral M = Metals V = Volatiles

ATTACHMENT E

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHAPTER 530.2(D)(4) CERTIFICATION

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
Commissioner

MEPDES# _____ Facility Name _____

Since the effective date of your permit, have there been;		NO	YES Describe in comments section
1	Increases in the number, types, and flows of industrial, commercial, or domestic discharges to the facility that in the judgment of the Department may cause the receiving water to become toxic?	☐	☐
2	Changes in the condition or operations of the facility that may increase the toxicity of the discharge?	☐	☐
3	Changes in storm water collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge?	☐	☐
4	Increases in the type or volume of hauled wastes accepted by the facility?	☐	☐

COMMENTS:

Name (printed): _____

Signature: _____ Date: _____

This document must be signed by the permittee or their legal representative.

This form may be used to meet the requirements of Chapter 530.2(D)(4). This Chapter requires all dischargers having waived or reduced toxic testing to file a statement with the Department describing changes to the waste being contributed to their system as outlined above. As an alternative, the discharger may submit a signed letter containing the same information.

Scheduled Toxicity Testing for the next calendar year

Test Conducted	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
WET Testing	☐	☐	☐	☐
Priority Pollutant Testing	☐	☐	☐	☐
Analytical Chemistry	☐	☐	☐	☐
Other toxic parameters [1]	☐	☐	☐	☐

Please place an "X" in each of the boxes that apply to when you will be conducting any one of the three test types during the next calendar year.

[1] This only applies to parameters where testing is required at a rate less frequently than quarterly.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
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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
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web site: www.maine.gov/dep

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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 Department Licensing Decision

Dated: March 2012 **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. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board 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 the Board's 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 a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of 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

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of 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 on the appeal 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, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that 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 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.

Other Considerations in Appealing a Decision to the Board

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, 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.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder 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 receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the 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 or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

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.