STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

October 21, 2013

Mr. Richard Bronson, Town Manager
Town of Baileyville
P.O. Box 40
Baileyville, ME 04694
townmanager@baileyville.org

Transmitted via electronic mail
Delivery confirmation requested

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0101320
Maine Waste Discharge License (WDL) Application #W002649-6C-I-R
Final Permit

Dear Mr. Bronson,

Enclosed please find a copy of your **final** MEPDES permit and Maine WDL **renewal** which was approved by the Department of Environmental Protection. Please read this permit/license renewal 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 215-1579.

Sincerely,

Yvette Meunier

Yvette M. Meunier
Division of Water Quality Management
Bureau of Land and Water Quality

Enc.

cc: Matt Young, DEP/EMRO
Sandy Mojica, USEPA

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF BAILEYVILLE	)	MAINE POLLUTANT DISCHARGE
PUBLICLY OWNED TREATMENT WORKS	)	ELIMINATION SYSTEM PERMIT
BAILEYVILLE, WASHINGTON COUNTY, ME	)	AND
#ME0101320	)	WASTE DISCHARGE LICENSE
#W002649-6C-I-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 Department of Environmental Protection (Department) has considered the application of the TOWN OF BAILEYVILLE (TOWN/permittee), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The Town submitted a timely and complete application to the Department for renewal of Waste Discharge License (WDL) #W002649-5L-G-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0101320, which was issued on October 24, 2008, and is scheduled to expire on October 24, 2013. The 10/24/08 MEPDES permit authorized the Town to discharge a monthly average flow of 0.600 million gallons per day (MGD) of secondary treated municipal wastewater from a publicly owned treatment works to the St. Croix River, Class C, in Baileyville, Maine.

PERMIT SUMMARY

This permitting action is carrying forward all the terms and conditions of the previous permitting actions except for the following changes.

1. Revising the monitoring frequencies at Outfall #001A for biochemical oxygen demand (BOD_5), total suspended solids (TSS), settleable solids, *Escherichia coli*, and total residual chlorine (TRC) based on a statistical analysis in accordance with the methodology established in the U.S. Environmental Protection Agency's "*Interim Guidance for Performance Based Reductions of NPDES Permit Monitoring Frequencies*" (United States Environmental Protection Agency (USEPA) 1996);

2. Incorporating the interim mercury limits established by the Department for this facility 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); and

3. Eliminating the waiver from the requirement to achieve 85 percent removal for BOD_5 and TSS.

CONCLUSIONS

Based on the findings summarized in the attached Fact Sheet dated October 11, 2013, 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 discharges will be subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S.A. § 414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the above noted application of the TOWN OF BAILEYVILLE to discharge a monthly average flow of 0.600 million gallons per day (MGD) of secondary treated municipal wastewater from a publicly owned treatment works to the St. Croix River, Class C, in Baileyville, 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 and the authorization to discharge become effective upon the date of signature below and expire at midnight five (5) years from the effective date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the authorization to discharge and the terms and conditions of this permit and all 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 August, 25, 2013)]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS 17th DAY OF October 2013.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhns
for PATRICIA W. AHO, Commissioner

Filed
OCT 18 2013
State of Maine
Board of Environmental Protection

Date filed with Board of Environmental Protection _____

Date of initial receipt of application: July 29, 2013
Date of application acceptance: August 5, 2013

This Order prepared by Yvette Meunier, BUREAU OF LAND & WATER QUALITY

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge secondary treated municipal wastewater from **Outfall #001** to the St. Croix River. Such discharges are limited and shall be monitored by the permittee as specified below[1].

OUTFALL #001

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]*	0.600 MGD *[03]*	---	Report (MGD)	---	---	---	Continuous *[99/99]*	Recorder *[RC]*
Biochemical Oxygen Demand (BOD_5) *[00310]*	150 lbs/Day *[26]*	225 lbs/Day *[26]*	250 lbs/Day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	2/Month *[02/30]*	Composite *[24]*
BOD_5 Percent Removal *[81010]*	85 % *[23]*	---	---	---	---	---	1/Month *[01/30]*	Calculate *[CA]*
Total Suspended Solids (TSS) *[00530]*	150 lbs/Day *[26]*	225 lbs/Day *[26]*	250 lbs/Day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	2/Month *[02/30]*	Composite *[24]*
TSS Percent Removal *[81011]*	85 % *[23]*	---	---	---	---	---	1/Month *[01/30]*	Calculate *[CA]*
Settleable Solids *[00545]*	---	---	---	---	---	0.3 mL/L *[25]*	4/Week *[04/07]*	Grab *[GR]*
E. coli Bacteria [2] *(May 15- September 30) [31633]*	---	---	---	126/100 mL *[13]*	---	949/100 mL *[13]*	2/Month *[02/30]*	Grab *[GR]*
Total Residual Chlorine [3] *[50060]*	---	---	---	---	---	1.0 mg/L *[19]*	4/Week *[04/07]*	Grab *[GR]*
pH (Standard Units) *[00400]*	---	---	---	---	---	6.0-9.0 *[12]*	5/Week *[05/07]*	Grab *[GR]*
Mercury (Total) [4] *[71900]*	---	---	---	16.6 ng/L *[3M]*	---	24.9 ng/L *[3M]*	1/Year *[01/YR]*	Grab *[GR]*

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

FOOTNOTES: See Pages 5 through 6 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

Footnotes:

1. **Sampling Locations** – The permittee shall conduct influent sampling for BOD_5 and TSS before the mechanical screening equipment and before grit removal. For the purposes of this permitting action, BOD_5 and TSS samples taken at this location will serve as the influent values for calculating percent removals for secondary treated wastewater. The permittee shall sample secondary treated wastewater (Outfall #001) after the last treatment unit in the treatment process. Any change in sampling location must be reviewed and approved by the Department in writing.

   The permittee shall conduct sampling and analysis in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis must be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services for wastewater. Samples that are sent to a POTW licensed pursuant to *Waste discharge licenses*, 38 M.R.S.A. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended February 13, 2000). 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 this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report.

   All analytical test results must 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 current RLs. If a non-detect analytical test result is below the respective RL, the concentration result shall be reported as <Y where Y is the 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. **Percent Removal** - The treatment facility shall maintain a minimum of 85 percent removal of both total suspended solids and biochemical oxygen demand for all flows receiving secondary treatment. The percent removal shall be based on monthly average influent and effluent concentration values.

SPECIAL CONDITIONS

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

3. ***E. coli* bacteria** - *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 require year-round bacteria limits to protect the health, safety and welfare of the public. The monthly average *E. coli* limitation is a **geometric mean** limitation and results must be calculated and reported as such.

4. **Total Residual Chlorine** – Limitations and monitoring requirements are in effect any time elemental chlorine or chlorine-based compounds are utilized to disinfect the discharge(s). The permittee shall utilize a USEPA-approved test method capable of bracketing the TRC limitations specified in this permitting action. Monitoring for TRC is only required when elemental chlorine or chlorine-based compounds are in use for effluent disinfection. For instances when a facility has not disinfected with chlorine-based compounds for an entire reporting period, the facility shall report "NODI-9" for this parameter on the monthly DMR or "N9" if the submittal is an electronic DMR.

5. **Mercury** – The permittee shall conduct all mercury sampling required by this permit or required to determine compliance with interim limitations established pursuant to 06-096 CMR 519 in accordance with the USEPA's "clean sampling techniques" found in USEPA Method 1669, *Sampling Ambient Water For Trace Metals At EPA Water Quality Criteria Levels.* All mercury analysis shall be conducted in accordance with USEPA 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. Compliance with the monthly average limitation established in Special Condition A of this permit will be based on the cumulative arithmetic mean of all mercury tests results that were conducted utilizing sampling Methods 1669 and analysis Method 1631E on file with the Department for this facility.

B. NARRATIVE EFFLUENT LIMITATIONS

1. The permittee shall not discharge effluent that contains 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 permittee shall not discharge effluent that contains 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 permittee shall not discharge effluent that causes visible discoloration or turbidity in the receiving waters or that impairs the usages designated for the classification of the receiving waters.

SPECIAL CONDITIONS

B. NARRATIVE EFFLUENT LIMITATIONS (cont'd)

4. The permittee shall not discharge effluent that lowers the quality of any classified body of water below such classification, or lowers the existing quality of any body of water if the existing quality is higher than the classification.

C. DISINFECTION

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

D. TREATMENT PLANT OPERATOR

The treatment facility must be operated by a person holding a minimum of a Maine **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.

E. LIMITATIONS FOR INDUSTRIAL USERS

Pollutants introduced into the wastewater collection and treatment system by a non-domestic source (user) must not pass through or interfere with the operation of the treatment system. The permittee shall conduct an Industrial Waste Survey (IWS) 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 must 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).

F. 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 July 29, 2013; 2) the terms and conditions of this permit; and 3) only from Outfall #001. Discharges of wastewater from any other point source(s) are not authorized under this permit, and shall be reported in accordance with Standard Condition B(5), *Bypasses*, of this permit.

SPECIAL CONDITIONS

G. NOTIFICATION REQUIREMENT

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

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

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

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

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

H. WET WEATHER FLOW MANAGEMENT PLAN

The permittee 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 must be to maximize the volume of wastewater receiving secondary treatment under all operating conditions. The revised plan must 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.

SPECIAL CONDITIONS

I. OPERATION & MAINTENANCE (O&M) PLAN

The permittee shall maintain a current written comprehensive Operation & Maintenance (O&M) Plan for the facility. The plan must 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 wastewater treatment facility to ensure that it is up-to-date. The O&M Plan must be kept on-site at all times and made available to Department and USEPA personnel upon request.

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

J. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY

Pursuant to this permit and *Standards for the Addition of Transported Wastes to Waste Water Treatment Facilities,* 06-096 CMR 555 (last amended February 5, 2009), during the effective period of this permit, the permittee shall receive up to 8,000 gallons of septage into its septage holding facilities and up to a daily maximum of 1,500 GPD of septage wastes into its treatment process.

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

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

SPECIAL CONDITIONS

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

3. At no time shall the addition of transported wastes cause or contribute to effluent quality violations. Transported wastes may not cause an upset of or pass through the treatment process or have any adverse impact on the sludge disposal practices of the wastewater treatment facility. Wastes that contain heavy metals, toxic chemicals, extreme pH, flammable or corrosive materials in concentrations harmful to the treatment operation must be refused. Odors and traffic from the handling of transported wastes may not result in adverse impacts to the surrounding community. If any adverse effects exist, the receipt or introduction of transported wastes into the treatment process or solids handling stream shall be suspended until there is no further risk of adverse effects.

4. The permittee shall maintain records for each load of transported wastes in a daily log which shall include at a minimum the following.
   (a) The date;
   (b) The volume of transported wastes received;
   (c) The source of the transported wastes;
   (d) The person transporting the transported wastes;
   (e) The results of inspections or testing conducted;
   (f) The volumes of transported wastes added to each treatment stream; and
   (g) The information in (a) through (d) for any transported wastes refused for acceptance.
   These records shall be maintained at the treatment facility for a minimum of five years.

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

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

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

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

SPECIAL CONDITIONS

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

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

10. The authorization in the Special Condition is subject to annual review and, with notice to the permittee and other interested parties of record, may be suspended or reduced by the Department as necessary to ensure full compliance with 06-096 CMR 555 and the terms and conditions of this permit.

K. 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 *[ICIS Code 75305]*. See **Attachment D** 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;

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

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

(d) Changes in stormwater collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge; and

(e) Increases in the type or volume of transported (hauled) wastes accepted by the facility.

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

SPECIAL CONDITIONS

L. MONITORING AND REPORTING

Monitoring results obtained during the previous month must 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 (13th) day of the month or hand-delivered to the Department's Regional Office such that the DMR's are received by the Department on or before the fifteenth (15th) day of the month** following the completed reporting period. A signed copy of the DMR and all other reports required herein shall be submitted to the Department assigned inspector (unless otherwise specified by the Department) at the following address:

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

Alternatively, if the permittee submits 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.

M. REOPENING OF PERMIT FOR MODIFICATION

In accordance with 38 M.R.S.A. § 414-A(5) and upon evaluation of the tests results or monitoring requirements specified in Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at 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.

SPECIAL CONDITIONS

N. SEVERABILITY

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

ATTACHMENT A

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

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

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

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.

	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
This form is for reporting laboratory data and facility information. Official compliance reviews will be done by DEP.

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

FACILITY PRIORITY POLLUTANT DATA REPORT

Data Date Range: 01/Apr/2008-26/Apr/2013

Facility name: **BAILEYVILLE** Permit Number: **ME0101320**

Parameter: MERCURY

Test date	Result (ug/l)	Lsthan
10/10/2008	0.001	N
12/03/2008	0.003	N
04/01/2009	0.003	N
11/18/2009	0.002	N
07/13/2010	0.001	Y
12/03/2010	0.000	N
09/02/2011	0.001	N
11/30/2011	0.001	N
10/09/2012	0.006	N

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
MAINE WASTE DISCHARGE LICENSE

FACT SHEET

DATE: **October 11, 2013**

PERMIT NUMBER: **#ME0101320**

WASTE DISCHARGE LICENSE: **#W002649-6C-I-R**

NAME AND ADDRESS OF APPLICANT:

TOWN OF BAILEYVILLE
PUBLICLY OWNED TREATMENT WORKS
27 BROADWAY STREET
BAILEYVILLE, MAINE 04694

COUNTY: **WASHINGTON**

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

22 ELM STREET
BAILEYVILLE, MAINE 04694

RECEIVING WATER CLASSIFICATION: **ST. CROIX RIVER, CLASS C**

COGNIZANT OFFICIAL CONTACT INFORMATION: **MR. RICHARD BRONSON**
TOWN MANAGER
(207) 427-6208
EMAIL: townmanager@baileyville.org

1. APPLICATION SUMMARY

Application – The Town of Baileyville (Town) submitted a timely and complete application to the Department for renewal of Waste Discharge License (WDL) #W002649-5L-F-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0101320, which was issued on October 24, 2008, and is scheduled to expire on October 24, 2013. The 10/24/08 MEPDES permit authorized the Town to discharge a monthly average flow of 0.600 million gallons per day (MGD) of secondary treated municipal wastewater from a publicly owned treatment works to the St. Croix River, Class C, in Baileyville, Maine.

2. PERMIT SUMMARY

a. Terms and Conditions: This permitting action is carrying forward all the terms and conditions of the previous permitting actions except for the following changes.

1. Revising the monitoring frequencies at Outfall #001A for biochemical oxygen demand (BOD_5), total suspended solids (TSS), settleable solids, *Escherichia coli*, and total residual chlorine (TRC) based on a statistical analysis in accordance with the methodology established in the U.S. Environmental Protection Agency's "*Interim Guidance for Performance Based Reductions of NPDES Permit Monitoring Frequencies*" (USEPA 1996);

2. Incorporating the interim mercury limits established by the Department for this facility 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); and

3. Eliminating the waiver from the requirement to achieve 85 percent removal of BOD_5 and TSS.

b. History: The most recent regulatory actions include the following:

October 9, 1997 – The U.S. Environmental Protection Agency (USEPA) issued NPDES permit #ME0101320 in lieu of Department WDL #W002649-6C-R issued on June 17, 1997.

June 27, 2000 – The Department issued a modification of the 10/09/97 WDL by establishing interim average and maximum concentration limits for mercury.

January 12, 2001 – The Department received authorization from the USEPA to administer the NPDES permitting program in Maine, excluding areas of special interest to Maine Indian Tribes. From this point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) program, and MEPDES permit #ME0101320 has been utilized for this facility. On March 26, 2011, the USEPA authorized the Department to administer the MEPDES program in Indian territories of the Penobscot Nation and Passamaquoddy Tribe.

January 31, 2001 – The Department issued WDL modification #W002649-5L-D-M, increasing the monthly flow average from 0.30 MGD to 0.60 MGD and the corresponding biochemical oxygen demand (BOD_5) and total suspended solids (TSS) mass limits due to the installation of 2.5 miles of additional collection system infrastructure and various upgrades of plant equipment at the wastewater treatment facility.

2. PERMIT SUMMARY (cont'd)

April 10, 2006 – The Department issued a modification of the 10/03/01 permit for testing requirements for the Surface Water Toxics Control Program.

October 24, 2008 – The Department issued combination MEPDES permit #ME0101320/WDL #W002649-5L-G-R for a five-year term. The October 24, 2008 permit superseded previous WDLs issued on October 3, 2001 and June 17, 1997.

July 29, 2013 – The Town submitted a timely and complete General Application to the Department for renewal of the October 24, 2008 MEPDES permit. The application was accepted for processing on July 29, 2013, and was assigned WDL #W002649-6C-I-R / MEPDES #ME0101320.

c. Source Description – The wastewater treatment facility receives sanitary wastewater from approximately 700 residential and commercial entities within the Town of Baileyville. See **Attachment A** of this Fact Sheet for a location map. The collection system is a separated system approximately 20 miles in length with six pump stations and no combined sewer overflows. The pump stations are equipped with electrical hook-ups such that back-up power can be provided by a portable generator. There are no significant industrial sources contributing wastewater to the treatment facility. The facility is permitted to treat 1,500 gallons per day of septic tank waste.

d. Wastewater Treatment – The wastewater treatment facility was upgraded in 2008. The upgrade included retrofitting the existing sludge drying beds with new HDPE dewatering tiles, a new greenhouse enclosure and a new sludge transfer connection to allow sludge to bypass the sludge drying beds and be trucked offsite. A new sludge transfer pump was also installed as part of the upgrade.

The wastewater treatment facility provides a secondary level of treatment via a mechanical bar screen, a grit removal system, an oxidation ditch and two secondary clarifiers each measuring 40 feet in diameter. A previously unused secondary clarifier was converted into an aerated sludge tank in 2002. The permittee has onsite drying beds for sludge dewatering. Thickened waste activated sludge and dried sludge are trucked to Domtar Maine Corporation in Baileyville, Maine, for disposal.

The facility has two pipes used as chlorine contact chambers for seasonal disinfection. The effluent is chlorinated with sodium hypochlorite and dechlorinated with sodium bisulfite. The treated effluent is discharged to the St. Croix River via an outfall pipe measuring 18 inches in diameter and extending into the river for approximately 40 feet.

See **Attachment B** of this Fact Sheet for a schematic of the wastewater treatment plant processes.

3. CONDITIONS OF PERMITS

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

4. RECEIVING WATER STANDARDS

Classification of major river basins, 38 M.R.S.A. § 467(13)(A)(4) classifies the St. Croix River main stem from Grand Falls to tidewater as a Class C waters. *Standards for classification of fresh surface waters,* 38 M.R.S.A. § 465(4) describes the standards for Class C waters.

5. RECEIVING WATER 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 59.28 mile reach of the St. Croix River between Grand Falls and tidewater, (ABD Assessment Unit ID ME0105000108_503R) in the following category.

"Category 3: Rivers and Streams with Insufficient Data or Information to Determine if Designated Uses are Attained (One or More Uses may be Impaired)." The 59.28 mile reach of the St. Croix River between Grand Falls and tidewater, (ABD Assessment Unit ID ME0105000108_503R) has insufficient data to determine if this segment is attaining the designated uses of its assigned classification. A long term study to determine if designated uses are attained is scheduled for the near future.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

a. Flow: The previous permitting action established, and this permitting action is carrying forward, a monthly average discharge flow limit of 0.600 MGD based on the design capacity for the treatment facility, and a daily maximum discharge flow reporting requirement.

The Department reviewed 52 Discharge Monitoring Reports (DMRs) that were submitted for the period November 2008 – February 2013. During this time period, the monthly average flow discharge exceeded the limit on three occasions (April 2009 was 0.62 MGD; December 2010 was 0.70 MGD; and March 2011 was 0.71 MGD). A review of data indicates the following:

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

Flow

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	0.600	0.10 – 0.71	0.33
Daily Maximum	Report	0.13 – 2.98	0.95

b. Dilution Factors – Dilution factors associated with the permitted discharge flow of 0.600 MGD from the facility were derived in accordance with 06-096 CMR 530(4)(A) and were calculated as follows:

$$\text{Dilution Factor} = \frac{\text{River flow(cfs)(Conv. Factor)} + \text{Discharge Flow(MGD)}}{\text{Discharge Flow(MGD)}}$$

Acute: 1Q10 = 850 cfs $\Rightarrow \frac{(850 \text{ cfs})(0.6464) + (0.600 \text{ MGD})}{(0.600 \text{ MGD})} = 917{:}1$

Acute ¼ of 1Q10[(2)] = 213 cfs $\Rightarrow \frac{(213 \text{ cfs})(0.6464) + (0.600 \text{ MGD})}{(0.600 \text{ MGD})} = 230{:}1$

Chronic: 7Q10 = 850 cfs[(1)] $\Rightarrow \frac{(850 \text{ cfs})(0.6464) + (0.600 \text{ MGD})}{(0.600 \text{ MGD})} = 917{:}1$

Harmonic Mean[(3)] = 1,812 cfs $\Rightarrow \frac{(1812 \text{ cfs})(0.6464) + (0.600 \text{ MGD})}{(0.600 \text{ MGD})} = 1{,}953{:}1$

Footnotes:

(1) Based on 7Q10 of 850 cfs at the Domtar Mill site. See **Attachment C** of this Fact Sheet that provides justification of the 7Q10 that was established for calculating applicable dilution factors and corresponding water quality-based limits at the Domtar Mill site.

(2) 06-096 CMR 530(4)(B)(1) states that analyses using numeric acute criteria for aquatic life must be based on 1/4 of the 1Q10 stream design flow to prevent substantial acute toxicity within any mixing zone. The 1Q10 is the lowest one day flow over a ten-year recurrence interval. The regulation goes on to say that where it can be demonstrated that a discharge achieves rapid and complete mixing with the receiving water by way of an efficient diffuser or other effective method, analyses may use a greater proportion of the stream design, up to including all of it. The Department has made the determination that the discharge does not receive rapid and complete mixing. Therefore, the default stream flow of ¼ of the 1Q10 is applicable in acute statistical evaluations.

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

Footnotes (cont'd):

(3) Calculated in 1991 using historic flow records for the St. Croix River.

c. Biochemical Oxygen Demand (BOD_5) & 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 a Department best professional judgment (BPJ) of best practicable treatment (BPT) for secondary treated wastewater. The technology-based monthly average, weekly average and daily maximum average mass limits of 150 lbs/day, 225 lbs/day, and 250 lbs/day, respectively, established in the previous permitting action for BOD_5 and TSS are based on the monthly average flow design criterion of 0.600 MGD and the applicable concentration limits, and are also being carried forward in this permitting action. This permitting action is carrying forward a requirement for a minimum of 85% removal of BOD_5 & TSS pursuant to 06-096 CMR 525(3)(III)(a&b)(3). The permittee has not demonstrated that it qualifies for special considerations pursuant to 06-096 CMR 525(3)(IV). Therefore, this permitting action is eliminating the waiver from the 85% removal requirement provided in the previous permitting action when influent concentration is less than 200 mg/L.

The Department reviewed 52 DMRs that were submitted for the period November 2008 – February 2013. A review of data indicates the following:

BOD_5 mass

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	150	0 – 32	8
Weekly Average	225	0 – 82	16
Daily Maximum	250	2 – 82	16

BOD_5 concentration

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	1 – 8	3
Weekly Average	45	2 – 14	4
Daily Maximum	50	2 – 14	4

TSS mass

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	150	1 – 37	11
Weekly Average	225	2 – 93	21
Daily Maximum	250	2 – 133	24

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

TSS concentration

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	1 – 13	4
Weekly Average	45	2 – 39	7
Daily Maximum	50	2 – 39	7

On April 19, 1996, the USEPA issued a guidance document entitled, "*Interim Guidance for Performance Based Reductions of NPDES Permit Monitoring Frequencies*" (USEPA 1996) as the basis for determining reduced monitoring frequencies. The guidance document was issued to reduce unnecessary reporting while at the same time maintaining a high level of environmental protection for facilities that have a good compliance record and pollutant discharges at levels below permit requirements. Monitoring requirements are not considered effluent limitations under section 402(o) of the Clean Water Act and therefore, anti-backsliding prohibitions would not be triggered by reductions in monitoring frequencies.

The USEPA guidance indicates "*...the basic premise underlying a performance-based reduction approach is that maintaining a low average discharge relative to the permit limits results in a low probability of the occurrence of a violation for a wide range of sampling frequencies.*" The monitoring frequency reductions in USEPA's guidance were designed to maintain approximately the same level of reported violations as that experienced with the existing baseline sampling frequency in the permit. To establish baseline performance the long term average (LTA) discharge rate for each parameter is calculated using the most recent two-year data set of monthly average effluent data representative of current operating conditions. The LTA/permit limit ratio is calculated and then compared to the matrix in Table I of USEPA's guidance to determine the potential monitoring frequency reduction. It is noted Table I of USEPA's guidance was derived from a probability table that used an 80% effluent variability or coefficient of variation (cv). The permitting authority can take into consideration further reductions in the monitoring frequencies if the actual cv for the facility is significantly lower than the default 80% utilized by the USEPA in Table I.

In addition to the parameter-by-parameter performance history via the statistical evaluation cited above, the USEPA recommends the permitting authority take into consideration the facility enforcement history and the parameter-by-parameter compliance history and factors specific to the State or facility. If the facility has already been given monitoring reductions due to superior performance, the baseline may be a previous permit.

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

The USEPA's 1996 guidance recommends evaluation of the most current two-years of effluent data for a parameter. A review of the monitoring data for BOD_5 and TSS indicate the ratios (expressed in percent) of the long term effluent average to the monthly average limits can be calculated as follows:

BOD_5

Long term average = 8 lbs./day
Monthly average limit = 150 lbs./day
Current monitoring frequency = 1/Week

Ratio = $\frac{8 \text{ lbs./day}}{150 \text{ lbs./day}} = 5\%$

According to Table I of the USEPA guidance, a 1/Week monitoring requirement can be reduced to 1/2 Months. However, the Department has determined that a reduction to 2/Month testing for BOD_5 is consistent with our analysis of the data and BPJ. Therefore, the monitoring frequency for BOD_5 has been reduced to 2/Month in this permitting action.

TSS

Long term average = 11 lbs./day
Monthly average limit = 150lbs./day
Current monitoring frequency = 1/Week

Ratio = $\frac{11 \text{ lbs./day}}{150 \text{ lbs./day}} = 7\%$

According to Table I of the USEPA guidance, a 1/Week monitoring requirement can be reduced to 1/2 Months. However, the Department has determined that a reduction to 2/Month testing for TSS is consistent with our analysis of the data and BPJ. Therefore, the monitoring frequency for TSS has been reduced to 2/Month in this permitting action.

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

The Department reviewed 52 DMRs that were submitted for the period November 2008 – February 2013. During this time period the daily maximum limit was exceeded during December 2010 with a daily maximum settleable solids concentration of 0.8 mL/L, and in April of 2012 (5.0 mL/L). A review of data indicates the following:

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

Settleable solids concentration

Value	Limit (mL/L)	Range (mL/L)	Average (mL/L)
Daily Maximum	0.3	0.1 – 5.0	0.2

A review of the monitoring data for settleable solids indicates the ratios (expressed in percent) of the long term effluent average to the monthly average limits can be calculated as follows:

Long term average = 0.2 mL/L
Daily maximum limit = 0.3 mL/L
Current monitoring frequency = 5/Week

$$\text{Ratio} = \frac{0.2 \text{ ml/L}}{0.3 \text{ ml/L}} = 67\%$$

According to Table I of the USEPA guidance, a 5/Week monitoring requirement can be reduced to 4/Week. Therefore, the monitoring frequency for settleable solids has been reduced to 4/Week in this permitting action.

e. *E. coli* Bacteria –The previous permitting action established and this permitting action is carrying forward, seasonal (May 15 – September 30) monthly average and daily maximum *E. coli* bacteria limits of 142 colonies/100 mL and 949 colonies/100 mL respectively. The monthly average concentration limit is based on 38 M.R.S.A. § 465(4) which requires that the *E. coli* bacteria of human and domestic animal origin in Class C waters may not exceed a geometric mean of 126 colonies/100 ml or an instantaneous level of 236 colonies/100 ml. The Department has determined that end-of-pipe limitations for the instantaneous concentration standard of 236 colonies/100 ml will be achieved through available dilution of the effluent with the receiving waters and need not be revised in MEPDES permits for facilities with adequate dilution, such as that for Baileyville.

Although *E. coli* bacteria limits are seasonal and apply between May 15 and September 30 of each year, the Department reserves the right to impose year-round bacteria limits if deemed necessary to protect the health, safety and welfare of the public.

The Department reviewed 20 DMRs that were submitted for the period May 2009 – September 2012. A review of data indicates the following:

***E. coli* bacteria**

Value	Limit (col/100 mL)	Range (col/100 mL)	Mean (col/100 mL)
Monthly Average	142	1 – 4.35	2.06
Daily Maximum	949	1 – 20	6.5

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

A review of the monitoring data for *E. coli.* bacteria indicates the ratios (expressed in percent) of the long term effluent average to the monthly average limits can be calculated as follows:

Long term average = 2.06 col/100 ml
Monthly average limit = 142 col/100 ml
Current monitoring frequency = 1/Week

$$\text{Ratio} = \frac{2.06 \text{ col/100 ml}}{142 \text{ col/100 ml}} = 2\%$$

According to Table I of the USEPA Guidance, a 1/Week monitoring requirement can be reduced to 1 /2 Months. However, the Department has determined that a reduction to 2/Month testing for *E. coli* is consistent with our analysis of the data and BPJ. Therefore, the monitoring frequency for *E. coli* bacteria has been reduced to 2/Month during the monitoring period of May 15 – September 30 in this permitting action.

f. Total Residual Chlorine – The previous permitting action established a technology-based daily maximum concentration limit of 1.0 mg/L for TRC. Limitations on TRC are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. Department licensing/permitting actions impose the more stringent of either a water quality-based or BPT based limit.

With modified acute (¼ 1Q10) and chronic dilution factors associated with the discharge water quality-based concentration thresholds the discharge may be calculated as follows:

			Calculated	
Acute (A) Criterion	Chronic (C) Criterion	Mod. A & C Dilution Factors	Acute Threshold	Chronic Threshold
0.019 mg/L	0.011 mg/L	230:1 (Mod.A) 917:1 (C)	4.4 mg/L	10.1 mg/L

The Department has established a daily maximum BPT limitation of 1.0 mg/L for facilities that disinfect their effluent with elemental chlorine or chlorine-based compounds. The daily maximum BPT-based limit of 1.0 mg/L is more stringent than either calculated water quality-based threshold and is therefore being carried forward in this permitting action.

The Department reviewed 23 DMRs that were submitted for the period November 2008 – February 2013. A review of data indicates the following:

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

Total residual chlorine

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	1.0	0.14 – 0.97	0.64

A review of the monitoring data for TRC indicates the ratios (expressed in percent) of the long term effluent average to the monthly average limits can be calculated as follows:

Long term average = 0.64 mg/L
Monthly average limit = 1.0 mg/L
Current monitoring frequency = 1/Day

$$\text{Ratio} = \frac{0.64 \text{ mg/L}}{1.0 \text{ mg/L}} = 64\%$$

According to Table I of the EPA Guidance, a 1/Day monitoring requirement can be reduced to 4/Week. Therefore, the monitoring frequency for TRC has been reduced to 4/Week in this permitting action.

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 (SU), which is based on 06-096 CMR 525(3)(III), and a minimum monitoring frequency requirement of five times per week.

The Department reviewed 52 DMRs that were submitted for the period November 2008 – February 2013. A review of data indicates the following:

pH

Value	Limit (SU)	Minimum (SU)	Maximum (SU)
Daily Maximum	6.0 – 9.0	6.1	7.9

h. Mercury – On June 27, 2000, the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL #W002649-5L-F-R by establishing interim monthly average and daily maximum effluent concentration limits of 16.6 parts per trillion (ppt) and 24.9 ppt, respectively, and a minimum monitoring frequency requirement of two (2) tests per year for mercury. The interim limits were established pursuant to *Certain deposits and discharges prohibited*, 38 M.R.S.A. § 420 and *Waste discharge licenses*, 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). It is noted the limitations have been incorporated into Special Condition A, *Effluent Limitations And Monitoring Requirements*, of this permit.

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

38 M.R.S.A. § 420(1-B)(B)(1) provides 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.

The Department reviewed 8 DMRs that were submitted for the period October 2008 – October 2012. A review of data indicates the following:

Mercury

Value	Limit (ng/L)	Range (ng/L)	Mean (ng/L)
Average	16.6	0 – 6	2.12
Daily Maximum	24.9		

On February 6, 2012, the Department issued a minor revision to the December 6, 2007 permit thereby revising the minimum monitoring frequency requirement from twice per year to once per year pursuant to 38 M.R.S.A. § 420(1-B)(F).

Pursuant to 38 M.R.S.A. §420(1-B)(F), this permitting action is carrying forward the 1/Year monitoring frequency established in the February 6, 2012, permit modification.

i. Septage– The previous permitting action authorized the Town to receive and treat up to 1,500 gpd of septic tank waste from local haulers. Department rule Chapter 555, *Addition of Septage To Waste Water Treatment Facilities*, 06-096 CMR 555 (last amended February 5, 2009), limits the quantity of septage treated at a facility to 1% of the design capacity of treatment facility. In their permit renewal application, the Town requested the Department carry forward the daily quantity of 1,500 gallons per day of septic tank waste that it is authorized to receive and treat. With a design capacity of 0.600 MGD, 1,500 gpd represents 0.25 % of said capacity. The permittee submitted an up-to-date Septage Management Plan as an exhibit to their 2013 application for permit renewal.

j. 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 (effective July 29, 2011), 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)

06-096 CMR 530(2)(B) categorizes dischargers subject to the toxics rule into one of four levels (Levels I through IV). Level IV dischargers are *"those dischargers having a chronic dilution factor of at least 500 to 1 and a permitted flow of less than 1 million gallons per day."* The chronic dilution factor associated with the discharge from the Town is 917 to 1, and the permitted flow is 0.600 MGD; therefore, the facility is considered a Level IV facility for purposes of toxics testing. 06-096 CMR 530(D)(1) states that *"routine testing requirements for Level IV are waived, except that the Department shall require an individual discharger to conduct testing under the following conditions:*

(a) The discharger's permit application or information available to the Department indicate that toxic compounds may be present in toxic amounts; or,
(b) Previous testing conducted by the discharger or similar dischargers indicates that toxic compounds may be present in toxic amounts."

The 4/10/06 permit amendment waived testing for this facility. Previous toxics testing conducted by this facility indicated the discharge did not exceed the critical ambient water quality standards for test organisms or chemical compounds. Therefore, this permitting action is carrying forward the toxics testing waiver pursuant to 06-096 CMR 530 and Department best professional judgment.

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."

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; and

(e) Increases in the type or volume of transported (hauled) wastes accepted by the facility.

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

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

This permitting action establishes Special Condition K, *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 or chemical-specific testing indicates the discharge exceeds or demonstrates a reasonable potential to exceed applicable critical water quality thresholds, this permit will be reopened in accordance with Special Condition M, *Reopening of Permit For Modification,* to establish effluent limitations and revised monitoring requirements as necessary.

7. DISPOSAL OF SEPTAGE WASTE IN WASTEWATER TREATMENT FACILITY

The Town has applied for, and pursuant to *Standards for the Addition of Transported Wastes to Waste Water Treatment Facilities,* 06-096 CMR 555, and the Town's written septage management plan, this permitting action authorizes the Town to receive up to 8,000 gallons of septage into its septage holding facilities and introduce into the treatment process or solids handling stream up to a daily maximum of 1,500 GPD of transported wastes (septage wastes). See Special Condition J of the permit.

8. 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 waterbody to meet standards for Class C classification.

9. PUBLIC COMMENTS

Public notice of this application was made in the *Calais Advertiser* newspaper on or about August 1, 2013. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR 522 (effective January 12, 2001).

10. DEPARTMENT CONTACTS

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

Yvette Meunier
Division of Water Quality Management
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017
Telephone (207) 215-1579 e-mail: yvette.meunier@maine.gov

11. RESPONSE TO COMMENTS

During the period of August 27, 2013, through the issuance date of this permit, the Department solicited comments on the proposed draft Maine Pollutant Discharge Elimination System Permit to be issued to Baileyville POTW for the proposed discharge. The Department received written comments from Olver Associates, Inc. in a letter, dated September 23, 2013. Therefore the Department has prepared a Response to Comments as follows:

Comment #1

Olver Associates, Inc. requested to carry forward the waiver from the requirement to achieve 85 percent removal of BOD_5 and TSS when concentrations are less than 200 mg/L on the basis that "In Baileyville, the added flow from significant snow melt and rain events demonstrates that stormwater is entering the sewer system and even though it was not intended to be combined, it has the same outcome as a combined system. It is not equitable for the DEP to provide combined communities an advantage over separated communities."

Response #1

On October 9, 2013, the Department sent a letter to all POTWs regarding the BOD and TSS waiver and the requirements of NPDES rules. Among other requirements, the POTW must demonstrate to the Department that, if it cannot meet the BOD and TSS percent removal requirements of the secondary treatment regulations, that the cause is not the result of excessive inflow and infiltration (often referred to as I/I). The criteria for such demonstration is contained in the October 9, 2013 letter. At this time, the permittee has not demonstrated that a waiver from the requirement to meet 85 percent removal of BOD and TSS for all flows is justified. Therefore, the Department cannot grant the request to carry forward the provision to waive percent removal requirements when influent is less than 200 mg/L.

Comment #2

Olver Associates, Inc. suggested that when there are no any Significant Industrial Users (SIU) in the service area, an Industrial Waste Survey (IWS) should not be required.

11. RESPONSE TO COMMENTS (cont'd)

Response #2

The State and EPA require all Publicly Owned Treatment Works covered by a MEPDES permit to perform an IWS at a minimum of once per permit cycle regardless of the presence or absence of SIUs in their service area. This language was determined by the State and EPA to satisfy concerns identified by EPA during the most recent EPA audit of MPDES permit writing program.

Comment #3

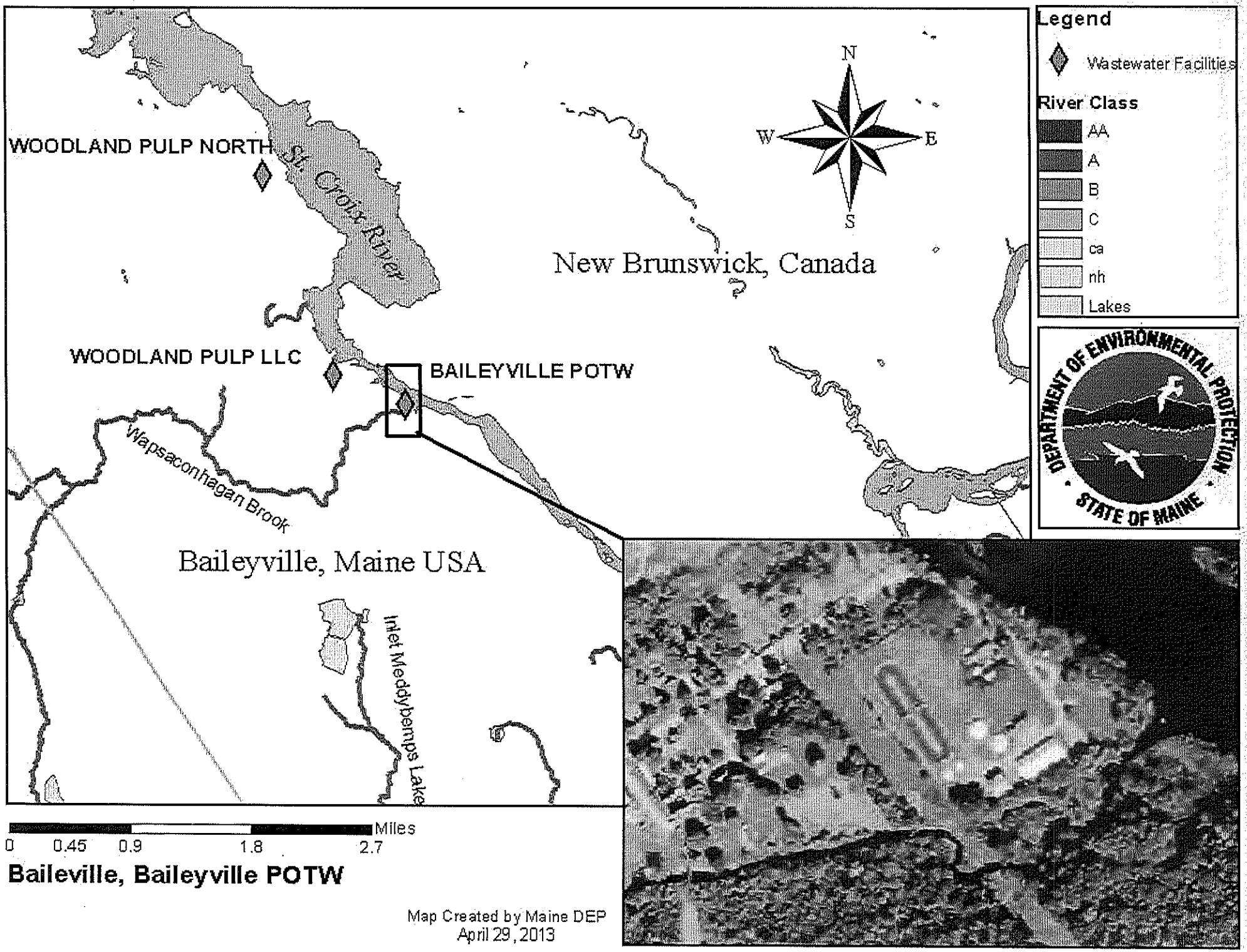
Olver Associates, Inc. suggested the following language to Special Condition J – Disposal of Transported Wastes in Wastewater Treatment Facility:

"The permittee is shall receive up to 8,000 gallons of septage into its septage holding facilities and up to a daily maximum of 1,500 GPD of septage wastes into its treatment process. (Septage is received at quantities up to 8,000 GPD into the holding tank but is only brought into the plant headworks at quantities less than or equal to 1,500 GPD)."

Response #3

The Department is amendable to this change and has incorporated similar language into the Fact Sheet which clarifies the volume of septage wastes in GPD allowed to be received and treated at the facility.

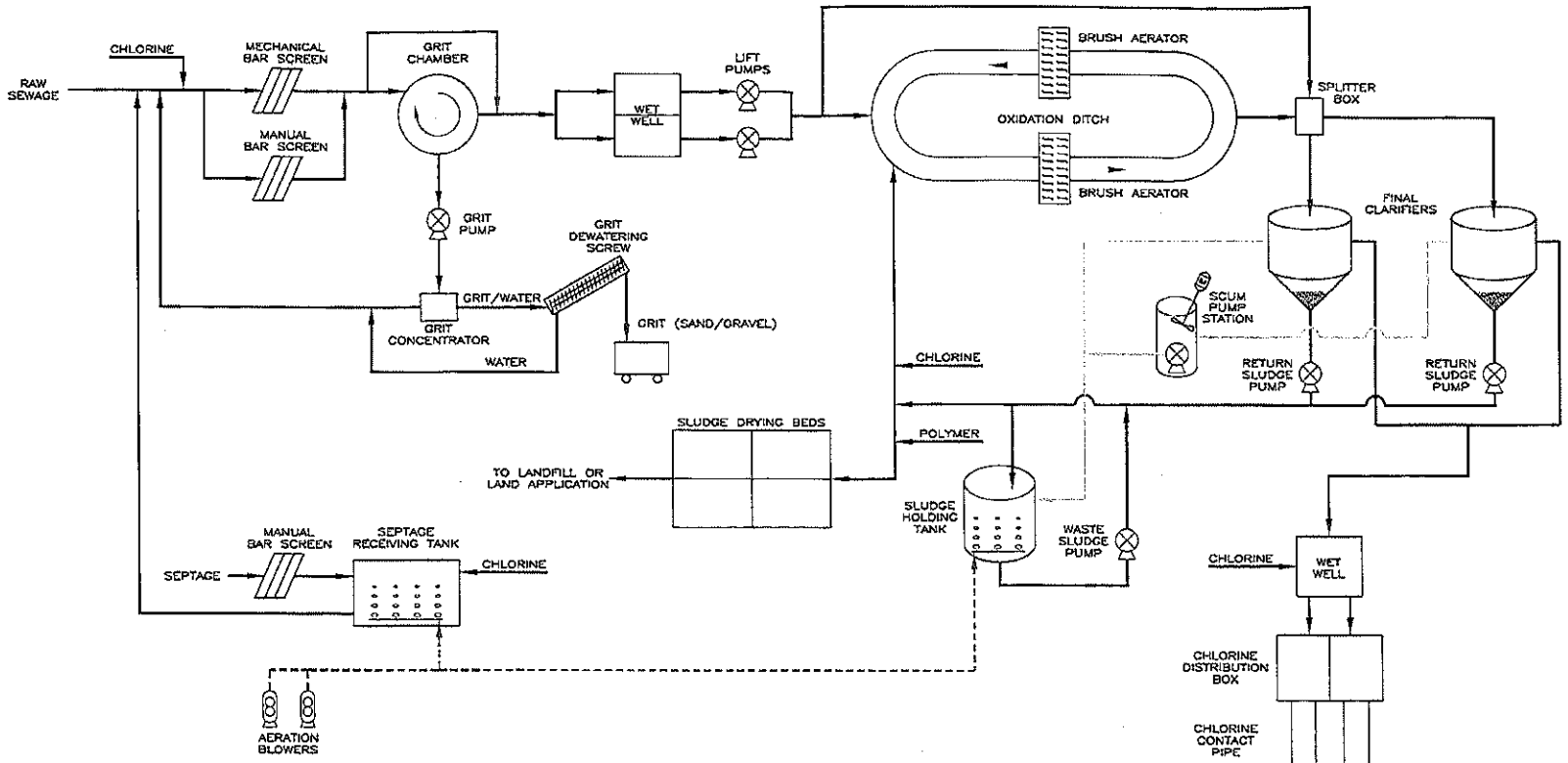
ATTACHMENT A



Baileville, Baileyville POTW

Map Created by Maine DEP
April 29, 2013

ATTACHMENT B



BAILEYVILLE WASTEWATER TREATMENT FACILITY

EXISTING TREATMENT PROCESS FLOW DIAGRAM

FIGURE 1

OLVER ASSOCIATES INC.
ENVIRONMENTAL ENGINEERS
290 MAIN STREET WINTERPORT, MAINE

ATTACHMENT C

ATTACHMENT C

River Flows

River flows at the point of discharge are regulated by upstream hydropower dam operations at Grand Falls and at Woodland. Additional upstream storage dam locations which contribute to river flows at the point of discharge include; Forest City, Vanceboro, Canoose, Clifford, West Grand, and Sysladobsis. An earthen dam at Farm Cove prevents uncontrolled discharge of impounded waters. This dam maintains a small constant flow to a brook flowing into Grand Falls Flowage. Domtar owns and operates all nine of these facilities. A run-of-river hydro power generating facility is located downstream of the mill in the Milltown area of St. Stephen, New Brunswick. This facility depends on upstream flow releases to generate Power and is outside the jurisdiction of the United States. Although hydro power is generated at Grand Falls and Woodland, the Federal Energy Regulatory Commission (FERC) concluded in 1997 that the reservoirs at Forest City, West Grand, Farm Cove, and Sysladobsis (grouped into two projects) have not been operated for downstream power benefits and thus no license under the Federal Power Act is required to operate and maintain the projects. This latter decision is currently undergoing a rehearing and appeal process. The FERC licenses for these two projects are in effect and valid through August 2000, with annual licenses issued by the FERC pending final resolution. The Vanceboro Project is licensed by FERC through 2016. FERC's 1997 decision did not include any direct review or discussion on decisions relative to this project, however the rehearing and appeal process does consider this project as all of these including Grand Falls are auxiliary to an interconnected with the Woodland dam in design and operation such that they form one complete unit of development. The Grand Falls and Woodland Projects were authorized by an Act of Congress prior to the Federal Power Act. Accordingly, FERC jurisdiction does not apply. The Canoose Dam is entirely in Canada, outside the jurisdiction of the United States. The Clifford Lake Dam is a small facility associated with the Grand Falls Project.

The Board of Control of the St. Croix River International Joint Commission (IJC) has the authority to establish (and has established) minimum and maximum levels and flows at Forest City, Vanceboro, and Grand Falls Projects all of which are on the US / Canada boundary. The Woodland Dam which is also on the US / Canada boundary is exempt from IJC jurisdiction because its construction predates the IJC's implementing Act (Boundary Water Treaty Act of 1909).

RIVER FLOW (cont'd)

The IJC currently has issued orders for a minimum flow of 75 cfs at Forest City and a minimum flow of 200 cfs at Vanceboro. As noted, the IJC orders also include maximum and minimum water levels at those dams. In addition, a minimum and maximum lake level is specified by order for Grand Falls Dam but no flow specification is made. The minimum hydropower generation design flow for this facility and Woodland below is 750 cfs. As early as the 1860's State Governmental surveys identified the St. Croix as having a dependable flow of around 1000 cfs and it was on this basis the lower minimum design flow was specified. This minimum design flow was utilized to design the systems integrated operation. The Board has not issued an order for the Woodland Dam. Over the last ten years, USGS records at the Baring gauging station, located 5.3 miles below Woodland Dam and the point of the Domtar discharge, show that a 7-day minimum of 850 cfs has been consistently maintained. (Note: During the drought of 2002 the DEP authorized a late winter minimum flow of 500- 550 cfs to conserve lake system water. While 750 cfs was achievable, environmental conditions at this time of year allowed a compromise to avoid summer public water use conflicts. The Department agreed that this emergency flow was not representative of a true minimum and accordingly would not be utilized as such for licensing and other assessment purposes.) The 1987 EPA permit and State WDL required the GPC to provide a minimum flow of 750 cfs at Baring from June 1 through September 30 as a condition of permit and license. The permittee has indicated that the IJC formerly specified a minimum flow of 750 cfs as a daily mean flow and not an instantaneous flow as specified in the 1987 EPA permit and 1996 State WDL. The permittee has provided the Department with a lengthy and well documented history of the flow management plan for the river indicating that minimum flow at and below the Domtar mill in said plan is 850 cfs. Consistent flows in the lower river equal to or higher than this value have been the basis for the construction and operation of the dams on the watershed since the early 1800's. The three power generating dams constructed in the early 1900's were also designed accordingly. As a result, 850 cfs is being utilized as the low flow (7Q10) in calculating applicable dilution factors and corresponding water quality based limits in this permitting action. Should the IJC or other regulatory authorities with appropriate jurisdiction establish a minimum flow regime lower or higher than 750 cfs, this permit may be re-opened (after notice to the permittee) pursuant to Special Condition O of this permit, to re-evaluate effects on water quality and the environment, the applicable dilution factors and water quality based limits.

ATTACHMENT D

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
(207) 941-4570 FAX: (207) 941-4584

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

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207)760-3143

web site: www.maine.gov/dep

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.

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.