STATE OF MAINE
DEPARTMENT OF
ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PAUL MERCER
COMMISSIONER

May 2, 2017

Mr. Thomas Connolly
Town of Yarmouth
200 Main Street
Yarmouth, ME 04096
tconnolly@yarmouth.me.us

Sent via electronic mail
Delivery confirmation requested

RE: *Maine Pollutant Discharge Elimination System (MEPDES) Permit #* ME0100765
Maine Waste Discharge License (WDL) Application # W002644-6D-I-R
Proposed Draft MEPDES Permit Renewal

Dear Thomas Connolly:

Enclosed is a proposed draft MEPDES permit and Maine WDL which the Department proposes to issue for your facility as a final document after opportunity for your review and comment. By transmittal of this letter, you are provided with an opportunity to comment on the proposed draft permit and its conditions (special conditions specific to this permit are enclosed; standard conditions applicable to all permits are available upon request). If it contains errors or does not accurately reflect present or proposed conditions, please respond to this Department so that changes can be considered.

By copy of this letter, the Department is requesting comments on the proposed draft permit from various state and federal agencies, as required by our new regulations, and from any other parties who have notified the Department of their interest in this matter.
If you have any questions regarding the matter, please feel free to call me.

All comments must be received in the Department of Environmental Protection office on or before the close of business **Thursday, June 1, 2017.** Failure to submit comments in a timely fashion will result in the final document being issued as drafted.

Comments in writing should be submitted to my attention at the following address:

Maine Department of Environmental Protection
Bureau of Water Quality
Division of Water Quality Management
17 State House Station
Augusta, ME 04333-0017
Aaron.A.Dumont@maine

If you have any questions regarding the matter, please feel free to call me at (207)-592-7161.

Sincerely,

Aaron Dumont
Division of Water Quality Management
Bureau of Water Quality
Aaron.A.Dumont@maine.gov
Phone: 207-592-7161

Enclosure

cc: Matt Hight, DEP/SMRO
Lori Mitchell, DEP/CMRO
David Webster, EPA
David Pincumbe, EPA
Olga Vergara, EPA
Marelyn Vega, EPA
Richard Carvalho, EPA
DMR Environmental Review
IF&W Environmental Review
Ivy Frignoca, Friends of Casco Bay
Sean Mahoney, Conservation Law Foundation

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

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF YARMOUTH	)	MAINE POLLUTANT DISCHARGE
YARMOUTH, CUMBERLAND CTY., MAINE	)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS	)	AND
ME0100765	)	WASTE DISCHARGE LICENSE
W002644-6D-I-R **APPROVAL**	)	**RENEWAL**

In compliance with the applicable provisions of *Pollution Control*, 38 M.R.S. §§ 411 – 424-B, *Water Classification Program*, 38 M.R.S. §§ 464 – 470 and *Federal Water Pollution Control Act*, Title 33 U.S.C. § 1251, and applicable rules of the Department of Environmental Protection (Department), the Department has considered the application of the TOWN OF YARMOUTH (Town), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

On June 17, 2016, the Department accepted as complete for processing, a renewal application from the Town for Waste Discharge License (WDL) W002644-6C-G-R/Maine Pollutant Discharge Elimination System (MEPDES) permit ME0100765, which was issued on October 12, 2011, for a five-year term. The 10/12/11 MEPDES permit authorized the Town to discharge a monthly average of 1.31 million gallons per day of secondary treated municipal wastewater from a publicly owned treatment works (POTW) to the tidewaters of the Royal River Estuary, Class SB, in Yarmouth, Maine.

PERMIT SUMMARY

This permitting action is carrying forward all the terms and conditions of the previous permitting action and subsequent minor revisions except that this permitting action is:

1. Establishing a requirement for the permittee to 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, and submit the results to the Department;

2. Establishes effluent monitoring and reporting requirements for total nitrogen (nitrate and nitrite as nitrogen and total Kjehldahl nitrogen as nitrogen);

3. Reducing the monitoring frequency for pH from 1/Day down to 3/Week based upon a statistical evaluation of the test results for the past five-year period;

4. Reducing the monitoring frequency for Biological Oxygen Demand, and Total Suspended Solids, from 2/Week down to 1/Week;

5. Reducing the monitoring frequency for Settleable Solids from 5/Week down to 3/Week;

PERMIT SUMMARY (cont'd)

6. Screening Level Testing must begin 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement;

7. Eliminating the waiver that allows the percent removal for BOD and TSS to be waived when the monthly average influent concentration is less than 200 mg/L;

8. Incorporates monitoring and reporting requirements for the interim mercury limitations established by the Department for this facility pursuant to *Certain deposits and discharges prohibited,* 38 M.R.S. § 420 and *Waste discharge licenses,* 38 M.R.S. § 413 and *Interim Effluent Limitations and Controls for the Discharge of Mercury,* 06-096 CMR 519 (last amended October 6, 2001); and

9. Establishing Special Condition L Reporting Discharges not receiving secondary treatment.

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CONCLUSIONS

Based on the findings summarized in the attached **draft** Fact Sheet dated May 2, 2017, and subject to the special and standard conditions that follow, 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. § 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. Where the standards of classification of the receiving waterbody are not met, the discharge will not cause or contribute to the failure of the waterbody to meet the standards of classification;

    d. Where the actual quality of any classified receiving waterbody 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 waterbody, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.

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

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ACTION

Based on the findings and conclusions as stated above, the Department APPROVES the above noted application of the TOWN OF YARMOUTH to discharge a monthly average of 1.31 MGD of secondary treated wastewater to the Royal River Estuary, Class SB, in Yarmouth, 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. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (amended October 19, 2015)].

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS __ DAY OF _____ 2017.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
PAUL MERCER, Commissioner

Date filed with Board of Environmental Protection_____

Date of initial receipt of application: June 17, 2016
Date of application acceptance: June 17, 2016

This Order prepared by Aaron Dumont, BUREAU OF WATER QUALITY

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge **secondary treated municipal sanitary wastewater from Outfall #001** to the Royal River Estuary, Class SB, in Yarmouth. Such discharges are limited and must be monitored by the permittee as specified below[(1)]:

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average as specified	Weekly Average as specified	Daily Maximum as specified	Monthly Average as specified	Weekly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Flow *[50050]*	1.31 MGD *[03]*	---	Report MGD *[03]*	---	---	---	Continuous *[99/99]*	Recorder *[RC]*
BOD_5 *[00310]*	210 lbs./day *[26]*	315 lbs./day *[26]*	350 lbs./day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	1/Week *[02/07]*	Composite *[24]*
BOD_5 Percent Removal[(2)] *[81010]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
TSS *[00530]*	210 lbs./day *[26]*	315 lbs./day *[26]*	350 lbs./day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	1/Week *[02/07]*	Composite *[24]*
TSS Percent Removal[(2)] *[81011]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
Settleable Solids *[00545]*	---	---	---	---	---	0.3 ml/L *[25]*	3/Week *[03/07]*	Grab *[GR]*
Fecal Coliform Bacteria[(3)] *[31616]*	---	---	---	15/100 ml[(3)] *[13]*	---	50/100 ml *[13]*	2/Week *[02/07]*	Grab *[GR]*
Total Residual Chlorine[(4)] *[50060]*	---	---	---	0.1 mg/L *[19]*	---	0.3 mg/L *[19]*	1/Day *[01/01]*	Grab *[GR]*
Mercury (Total)[(5)] *[71900]*	---	---	---	10.1 ng/L *[3M]*	---	15.1 ng/L *[3M]*	1/Year *[01/YR]*	Grab *[GR]*
Copper (Total) *[01042]*	---	---	1.15 lbs/day *[26]*	---	---	Report *[19]*	1/Year *[01/YR]*	Composite *[24]*
pH *[00400]*	---	---	---	---	---	6.0 – 9.0 SU *[12]*	3/Week *[03/07]*	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 7 – 10 of this permit for applicable footnotes.

SPECIAL CONDITIONS
(June 1st- October 31st 2017)

A.1. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

(June 1st- October 31st 2017)

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Nitrate + Nitrite (as N) ***[00630]*** ***Annually (June 1 through Oct. 31, 2017)***	Report lbs./day *[26]*	---	Report lbs./day *[26]*	Report mg/L *[19]*	---	Report mg/L *[19]*	1/Week *[01/07]*	**24-Hour Composite** *[24]*
Total Kjehldahl Nitrogen (as N) ***[00625]*** ***Annually (June 1 through Oct. 31, 2017)***	Report lbs./day *[26]*	---	Report lbs./day *[26]*	Report mg/L *[19]*	---	Report mg/L *[19]*	1/Week *[01/07]*	**24-Hour Composite** *[24]*

The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports.
FOOTNOTES: See Pages 7 – 10 of this permit for applicable footnotes.

(June 1st- October 31st 2018- 2021)

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Nitrate + Nitrite (as N) ***[00630]*** ***Annually (May 1 through Oct. 31, 2014-2021)***	Report lbs./day *[26]*	---	Report lbs./day *[26]*	Report mg/L *[19]*	---	Report mg/L *[19]*	1/Month *[01/30]*	**24-Hour Composite** *[24]*
Total Kjehldahl Nitrogen (as N) ***[00625]*** ***Annually (May 1 through Oct. 31, 2014-2021)***	Report lbs./day *[26]*	---	Report lbs./day *[26]*	Report mg/L *[19]*	---	Report mg/L *[19]*	1/Month *[01/30]*	**24-Hour Composite** *[24]*

The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports.
FOOTNOTES: See Pages 7 – 10 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

2. **SCREENING LEVEL TESTING:** Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement.

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Whole Effluent Toxicity [6] **Acute – NOEL** *Americamysis bahia* (Mysid shrimp) *[TDM3E]*	---	---	---	Report % *[23]*	1/Year *[01/YR]*	Composite *[24]*
Chronic – NOEL *Arbacia punctulata* (Sea urchin) *[TBH3A]*	---	---	---	Report % *[23]*	1/Year *[01/YR]*	Composite *[24]*
Analytical Chemistry [7,9] *[51477]*	---	---	---	Report ug/L *[28]*	1/Quarter *[01/90]*	Composite / Grab *[24/GR]*
Priority Pollutant [8,9] *[50008]*	---	---	---	Report ug/L *[28]*	1/Year *[01/YR]*	Composite / Grab *[24/GR]*

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

FOOTNOTES: See Pages 7– 10 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

FOOTNOTES

1. **Sampling** – The permittee must conduct all effluent 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. Samples that are analyzed by laboratories operated by waste discharge facilities licensed pursuant to *Waste discharge licenses*, 38 M.R.S. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended April 1, 2010). Laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of 10-144 CMR 263. 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 must be included in the calculation and reporting of the data submitted in the DMR.

2. **Percent Removal** – The permittee must achieve a minimum of 85 percent removal of both total suspended solids and biochemical oxygen demand for all flows receiving secondary treatment. The percent removal is calculated based on influent and effluent concentration values.

3. **Bacteria Reporting** – The monthly average fecal coliform bacteria limitation is a geometric mean limitation and sample results must be reported as such. **Monitoring requirements are in effect year-round at the request of the Maine Department of Marine Resources in order to protect local shellfish resources near the outfall and to protect the health, safety and welfare of the public.**

4. **Total residual chlorine (TRC)** – Limitations and monitoring requirements are applicable whenever elemental chlorine or chlorine based compounds are being used to disinfect the discharge. The permittee must utilize approved test methods that are capable of bracketing the limitations in this permit. For instances when a facility has not disinfected with chlorine-based compounds for an entire reporting period, the facility must report "0" for this parameter on the monthly DMR.

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SPECIAL CONDITIONS

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

FOOTNOTES

5. **Mercury** – The permittee must conduct all mercury monitoring 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 must 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 A** of this permit 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 Method 1669 and analysis Method 1631E on file with the Department for this facility.

6. **Whole Effluent Toxicity (WET)** – Definitive WET testing is a multi-concentration testing event (a minimum of five dilutions bracketing the critical acute and chronic thresholds of 5.0% and 0.93% respectively), which provides a point estimate of toxicity in terms of No Observed Effect Level, commonly referred to as NOEL or NOELC. A-NOEL is defined as the acute no observed effect level with survival as the end point. C-NOEL is defined as the chronic no observed effect level with survival, reproduction and growth as the end points. The critical acute and chronic thresholds were derived as the mathematical inverse of the applicable acute and chronic dilution factors of 20:1 and 107:1, respectively. See **Attachment B** of this permit for a copy of the Department's WET reporting form.

   a. **Surveillance level testing** – Surveillance level testing is waived pursuant to *Surface Water Toxics Control Program,* 06-096 CMR 530(2)(D)(3)(b) (effective March 12, 2012).

   b. **Screening level testing** – Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement, the permittee must conduct screening level WET testing at a minimum frequency of once per year (1/Year). Acute tests must be conducted on the mysid shrimp (*Americamysis bahia*); chronic tests must be conducted on the sea urchin (*Arbacia punctulata*).

SPECIAL CONDITIONS

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

FOOTNOTES

WET test results must be submitted to the Department not later than the next DMR required by the permit, provided, however, that the permittee may review the toxicity reports for up to 10 business days of their availability before submitting them. The permittee must evaluate test results being submitted and identify to the Department possible exceedances of the critical acute and chronic water quality thresholds of 5% and 0.93%.

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

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

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

Results of WET tests must be reported on the "*Whole Effluent Toxicity Report Marine Waters*" form included as **Attachment B** of this permit each time a WET test is performed. Each time a WET test is performed, the permittee must sample and analyze for the parameters in the WET Chemistry and the Analytical Chemistry sections of the Department form entitled, *Maine Department of Environmental Protection, WET and Chemical Specific Data Report Form* included as **Attachment C** of this permit.

7. Analytical chemistry – Refers to a suite of chemicals in **Attachment C** of this permit.

a. **Surveillance level testing** – Surveillance level testing is not required pursuant to 06-096 CMR 530(2)(D)(3)(b).

b. **Screening level testing** – Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement, the permittee must conduct screening level analytical chemistry testing at a minimum frequency of once per calendar quarter (1/Quarter).

SPECIAL CONDITIONS

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

8. Priority pollutant testing – Priority pollutants are those parameters listed in **Attachment C** of this permit.

a. **Surveillance level testing** – Surveillance level testing is not required pursuant to 06-096 CMR 530(2)(D)(3)(b).

b. **Screening level testing** – Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement, the permittee must conduct screening level priority pollutant testing at a minimum frequency of once per year (1/Year). It is noted Chapter 530 does not require routine surveillance level priority pollutant testing in the first four years of the term of this permit.

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

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

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SPECIAL CONDITIONS

B. NARRATIVE EFFLUENT LIMITATIONS

1. The permittee must not discharge effluent that contains a visible oil sheen, foam or floating solids at any time which would impair the uses designated by the classification of the receiving waters.

2. The permittee must not discharge effluent that contains materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the uses designated by the classification of the receiving waters.

3. The permittee must not discharge effluent that imparts color, turbidity, toxicity, radioactivity or other properties which cause those waters to be unsafe for the designated uses and characteristics ascribed to their classification.

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

C. TREATMENT PLANT OPERATOR

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

D. 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 must 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 and submit the results to the Department. 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).

SPECIAL CONDITIONS

E. 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 June 17, 2016; 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 must be reported in accordance with Standard Condition D(1)(f), *Twenty-four hour reporting*, of this permit.

F. NOTIFICATION REQUIREMENT

In accordance with Standard Condition D, the permittee must 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.

3. For the purposes of this section, notice regarding substantial change must 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.

G. WET WEATHER MANAGEMENT PLAN

The treatment facility staff must have a current written Wet Weather Flow Management Plan to direct the staff on how to operate the facility effectively during periods of high flow. 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 for before, during and after the events.

The permittee must 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

H. OPERATIONS AND MAINTENANCE (O&M) PLAN

The permittee must maintain a current written comprehensive Operation & Maintenance (O&M) Plan for the facility. The plan must provide a systematic approach by which the permittee must 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 must 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 must submit the updated O&M Plan to their Department inspector for review and comment.

I. PUMP STATION EMERGENCY OVERFLOW

Discharges from emergency overflow structures in pump stations are not authorized by this permit. The permittee must monitor the overflow points identified below via an electronic flow estimation system to record frequency, duration and estimation of flow discharged in accordance with a monitoring plan reviewed and approved by the Department.

Outfall Location	Receiving Water and Class
Harbor Pump Station	Royal River, Class SB

The permittee must report any discharges from the pump station(s) in accordance with Standard Condition D(1)(f), *Twenty-four hour reporting*.

J. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY

During the effective period of this permit, the permittee is authorized to **receive** and **introduce** into the treatment process or solids handling stream up to **a daily maximum of 6,000 gallons per day** of transported wastes, subject to the following terms and conditions:

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

SPECIAL CONDITIONS

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

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.

3. At no time must 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 must be suspended until there is no further risk of adverse effects.

4. The permittee must maintain records for each load of transported wastes in a daily log which must 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 must 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 must 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 must 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 must 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 Wet Weather Flow Management Plan approved by the Department pursuant to Special Condition G that provides for full treatment of transported wastes without adverse impacts.

SPECIAL CONDITIONS

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

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.

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

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

By December 31 of each calendar year, the permittee must 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 permit 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 must 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 routine surveillance level 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. REPORTING DISCHARGES NOT RECEIVING SECONDARY TREATMENT

On April 10, 2017, the Town of Yarmouth entered into a written Memorandum of Understanding (MOU) with the Maine Department of Marine Resources (MEDMR) to establish a communication protocol in the event of secondary wastewater treatment system bypasses, upsets, disinfection system malfunctions, combined sewer overflows, and discharges resulting from sanitary sewer overflows, pump stations or broken sewer pipes that may impact conditionally restricted or conditionally approved Pollution Area #14, respectively. The MOU details the procedure for notification by the Town of Yarmouth to MEDMR upon becoming aware of a treatment bypass so that MEDMR may appropriately assess impacts to shellfish harvesting areas. The MOU must be kept on site at all times and made available to MEDMR, USEPA and or DEP personnel upon request during normal business hours. This MOU can be found as an attachment to this permit (Attachment E).

M. MONITORING AND REPORTING

Electronic Reporting

NPDES Electronic Reporting, 40 C.F.R. 127, requires MEPDES permit holders to submit monitoring results obtained during the previous month on an electronic discharge monitoring report to the regulatory agency utilizing the USEPA electronic system.

Electronic Discharge Monitoring Reports (DMRs) submitted using the USEPA NetDMR system, must be:

1. Submitted by a facility authorized signatory; and
2. Submitted no later than **midnight on the 15th day of the month** following the completed reporting period.

Documentation submitted in support of the electronic DMR may be attached to the electronic DMR. Toxics reporting must be done using the DEP toxsheet reporting form. An electronic copy of the Toxsheet reporting document must be submitted to your Department compliance inspector as an attachment to an email. In addition, a hardcopy form of this sheet must be signed and submitted to your compliance inspector, or a copy attached to your NetDMR submittal will suffice. Documentation submitted electronically to the Department in support of the electronic DMR must be submitted no later than midnight on the 15th day of the month following the completed reporting period.

SPECIAL CONDITIONS

M. MONITORING AND REPORTING (cont'd)

Secondary treatment bypass reporting must be done using DEP-49-CSO Form For Use With [Dedicated / Non-Dedicated] CSO Primary Clarifier (see ATTACHMENT XX). An electronic copy of the secondary treatment bypass reporting document must be submitted to your Department compliance inspector and the CSO Coordinator as an attachment to an email. In addition, a hardcopy form of this sheet must be signed and submitted to your compliance inspector, or a copy attached to your NetDMR submittal will suffice. Documentation submitted electronically to the Department in support of the electronic DMR must be submitted no later than midnight on the 15th day of the month following the completed reporting period.

Non-electronic Reporting

If you have received a waiver from the Department concerning the USEPA electronic reporting rule, or are permitted to submit hardcopy DMR's to the Department, then your 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 a Department 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.

Toxsheet reporting forms must be submitted electronically as an attachment to an email sent to your Department compliance inspector. In addition, a signed hardcopy of your toxsheet must also be submitted.

Secondary treatment bypass reporting must be done using *DEP-49-CSO Form For Use With [Dedicated / Non-Dedicated] CSO Primary Clarifier*. Secondary treatment bypass reporting must be submitted to your Department compliance inspector and the CSO Coordinator as an attachment to an email. In addition, a hardcopy form of this sheet must be signed and submitted to your compliance inspector.

A signed copy of the DMR and all other reports required herein must be submitted to the Department assigned compliance inspector (unless otherwise specified) following address:

Department of Environmental Protection
Southern Maine Regional Office
Bureau of Water Quality
Division of Water Quality Management
312 Canco Road
Portland, Maine 04103

SPECIAL CONDITIONS

N. REOPENING OF PERMIT FOR MODIFICATION

In accordance with 38 M.R.S. § 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.

O. 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 must remain in full force and effect, and must 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

Effluent Mercury Test Report

Name of Facility: _____ Federal Permit # ME _____

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

SAMPLE COLLECTION INFORMATION

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

Sampling Location:

Weather Conditions: _____

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

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

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

ANALYTICAL RESULT FOR EFFLUENT MERCURY

Name of Laboratory: _____

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

Please Enter Effluent Limits for your facility

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

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

CERTIFICATION

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

By: _____ Date: _____

Title: _____

PLEASE MAIL THIS FORM TO YOUR ASSIGNED INSPECTOR

ATTACHMENT B

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
WHOLE EFFLUENT TOXICITY REPORT
MARINE WATERS

Facility Name _____ MEPDES Permit # _____

Pipe # _____

Facility Representative _____ Signature _____

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

Facility Telephone # _____ Date Collected _____ Date Tested _____

mm/dd/yy mm/dd/yy

Chlorinated? _____ Dechlorinated? _____

Results **% effluent**

	mysid shrimp	sea urchin
A-NOEL		
C-NOEL		

Effluent Limitations

A-NOEL	
C-NOEL	

Data summary	**mysid shrimp**	**sea urchin**
	% survival	**% fertilized**
QC standard	**>90**	**>70**
lab control		
receiving water control		
conc. 1 (%)		
conc. 2 (%)		
conc. 3 (%)		
conc. 4 (%)		
conc. 5 (%)		
conc. 6 (%)		
stat test used		

Salinity Adjustment

brine	
sea salt	
other	

place * next to values statistically different from controls

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

Comments _____

Laboratory conducting test

Company Name _____ Company Rep. Name (Printed) _____

Mailing Address _____ Company Rep. Signature _____

City, State, ZIP _____ Company Telephone # _____

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

ATTACHMENT C

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

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

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

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

Last Revision - July 1, 2015

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

MARINE AND ESTUARY VERSION

Please see the footnotes on the last page.

			Effluent Limits, %			Receiving Water or Ambient	**Effluent Concentration (ug/L or as noted)**		**Possible Exceedence [7]**		
	WHOLE EFFLUENT TOXICITY		Acute	Chronic			WET Result, % Do not enter % sign	Reporting Limit Check	Acute	Chronic	
	Mysid Shrimp										
	Sea Urchin										
	WET CHEMISTRY										
	pH (S.U.) (9)										
	Total Organic Carbon (mg/L)					NA					
	Total Solids (mg/L)					NA					
	Total Suspended Solids (mg/L)					NA					
	Salinity (ppt.)										

			Effluent Limits, ug/L						**Possible Exceedence [7]**		
	ANALYTICAL CHEMISTRY [3]										
	Also do these tests on the effluent with WET. Testing on the receiving water is optional	Reporting Limit	Acute[6]	Chronic[6]	Health[6]			Reporting Limit Check	Acute	Chronic	Health
	TOTAL RESIDUAL CHLORINE (mg/L) (9)	0.05				NA					
	AMMONIA	NA				(8)					
M	ALUMINUM	NA				(8)					
M	ARSENIC	5				(8)					
M	CADMIUM	1				(8)					
M	CHROMIUM	10				(8)					
M	COPPER	3				(8)					
M	CYANIDE, TOTAL	5				(8)					
	CYANIDE, AVAILABLE [3a]	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 Chem
This form is for reporting laboratory data and facility information. Official compliance reviews will be done by DEP.

	PRIORITY POLLUTANTS [4]		Effluent Limits						Possible Exceedence [7]		
		Reporting Limit	Acute[6]	Chronic[6]	Health[6]			Reporting Limit Check	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 Chem
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									

ATTACHMENT A

Maine Department of Environmental Protection

Effluent Mercury Test Report

Name of Facility: _____ Federal Permit # ME _____

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

SAMPLE COLLECTION INFORMATION

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

Sampling Location:

Weather Conditions: _____

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

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

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

ANALYTICAL RESULT FOR EFFLUENT MERCURY

Name of Laboratory: _____

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

Please Enter Effluent Limits for your facility

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

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

CERTIFICATION

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

By: _____ Date: _____

Title: _____

PLEASE MAIL THIS FORM TO YOUR ASSIGNED INSPECTOR

ATTACHMENT B

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
WHOLE EFFLUENT TOXICITY REPORT
MARINE WATERS

Facility Name _____ MEPDES Permit # _____

Pipe # _____

Facility Representative _____ Signature _____

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

Facility Telephone # _____ Date Collected _____ Date Tested _____

mm/dd/yy mm/dd/yy

Chlorinated? _____ Dechlorinated? _____

Results **% effluent**

	mysid shrimp	sea urchin
A-NOEL		
C-NOEL		

Effluent Limitations

A-NOEL	
C-NOEL	

Data summary	**mysid shrimp**	**sea urchin**
	% survival	**% fertilized**
QC standard	**>90**	**>70**
lab control		
receiving water control		
conc. 1 (%)		
conc. 2 (%)		
conc. 3 (%)		
conc. 4 (%)		
conc. 5 (%)		
conc. 6 (%)		
stat test used		

Salinity Adjustment

brine	
sea salt	
other	

place * next to values statistically different from controls

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

Comments _____

Laboratory conducting test

Company Name _____ Company Rep. Name (Printed) _____

Mailing Address _____ Company Rep. Signature _____

City, State, ZIP _____ Company Telephone # _____

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

ATTACHMENT C

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

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

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

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

Last Revision - July 1, 2015

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

MARINE AND ESTUARY VERSION

Please see the footnotes on the last page.

			Effluent Limits, %			Receiving Water or Ambient	**Effluent Concentration (ug/L or as noted)**		**Possible Exceedence [7]**		
	WHOLE EFFLUENT TOXICITY		Acute	Chronic			WET Result, % Do not enter % sign	Reporting Limit Check	Acute	Chronic	
	Mysid Shrimp										
	Sea Urchin										
	WET CHEMISTRY										
	pH (S.U.) (9)										
	Total Organic Carbon (mg/L)					NA					
	Total Solids (mg/L)					NA					
	Total Suspended Solids (mg/L)					NA					
	Salinity (ppt.)										

			Effluent Limits, ug/L						**Possible Exceedence [7]**		
	ANALYTICAL CHEMISTRY [3]										
	Also do these tests on the effluent with WET. Testing on the receiving water is optional	Reporting Limit	Acute[6]	Chronic[6]	Health[6]			Reporting Limit Check	Acute	Chronic	Health
	TOTAL RESIDUAL CHLORINE (mg/L) (9)	0.05				NA					
	AMMONIA	NA				(8)					
M	ALUMINUM	NA				(8)					
M	ARSENIC	5				(8)					
M	CADMIUM	1				(8)					
M	CHROMIUM	10				(8)					
M	COPPER	3				(8)					
M	CYANIDE, TOTAL	5				(8)					
	CYANIDE, AVAILABLE [3a]	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 Chem
This form is for reporting laboratory data and facility information. Official compliance reviews will be done by DEP.

	PRIORITY POLLUTANTS [4]		Effluent Limits						Possible Exceedence [7]		
		Reporting Limit	Acute[6]	Chronic[6]	Health[6]			Reporting Limit Check	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 Chem
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 Chem
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.

(3a) Cyanide, Available (Cyanide Amenable to Chlorination) is not an analytical chemistry parameter, but may be required by certain discharge permits .

(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 D

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHAPTER 530.2(D)(4) CERTIFICATION

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.

ATTACHMENT E

Memorandum of Understanding

Between

The Yarmouth Wastewater Pollution Control Division

And

The Maine Department of Marine Resources

This Memorandum of Understanding (MOU) establishes a communication protocol for notification by the Yarmouth Wastewater Pollution Control Division (YWPCD) so that the Maine Department of Marine Resources (MEDMR) may appropriately assess impacts to shellfish harvesting areas in a timely manner.

I) Purpose

The YWPCD and the MEDMR have a relationship in an effort to protect shellfish in Maine. MEDMR and the YWPCD are collaborating to improve communication and reporting to the state when there is a breach at the Yarmouth Wastewater Treatment Facility or its associated collection/conveyance system (the "system") that affects the sanitary conditions of shellfish.

The goals of collaboration are to increase the efficiency of response and reporting times in the event of a breach in the system potentially affecting conditional shellfish harvesting areas.

II) Roles and Responsibilities

NOW, THEREFORE, it is hereby agreed by and between the parties as follows:

It is the YWPCD's responsibility to report a system breach to MEDMR.

A breach in the system is identified as but not limited to;

- When flow rates at the Yarmouth Waste Water Treatment Plant exceed 1.31 MGD over four hours.
- Disinfection system malfunctions.
- Upset of clarifier, High number of solids released to ocean.
- Sanitary Sewer system over flow (SSO).
- Pump station failure that results in SSO or discharge of untreated wastewater.
- Broken sanitary sewer pipe discharges.
- Secondary treatment system by passes/upsets that results in discharge of untreated wastewater.

1. **Breaches during business hours**
   - Reporting will be done through either the MEDMR pollution event hotline at 207-633-9564 OR through the website at http:/www.maine.gov/dmr/shellfish-sanitation- as soon as possible.

2. **Breaches after hours**
   - If there is an alarm that occurs through the Supervisory Control and Data Acquisition (SCADA) system that there has been a breach at the treatment plant facility or pumping station a phone call or website report to MEDMR will be made as soon as possible upon becoming aware of such condition.

Definition

"Reporting as soon as possible" shall be defined as within 15 minutes of becoming aware of an upset condition/breach contingent upon first organizing a response to control the upset condition to protect imminent threat to human life and or the environment, as may be needed.

The following information will be provided at the time the report is made:

- **Name of Facility/individual reporting the event;**
- **Contact phone number and e-mail address;**
- **Location of the event(physical address or description);**
- **Pollution event type(example SSO, sewer line break, disinfection issue);**
- **Pollution event quantity (Approximate number of gallons discharged);**
- **Approximate Date and time event began;**
- **Date and time event ended, or state that the event is on-going;**
- **Additional comments;**
- **First and last name of person reporting event;**
- **Authorization code YWPCD.**

III) Timeline

This MOU shall become effective upon signature by the parties.

Contact Information

Partner name: **Yarmouth Wastewater Pollution Control Division**
Partner representative: **Tom Connolly**
Position: **Superintendent**
Address: **200 Maine Street Yarmouth ME 04096**
Telephone: **207-846-2415**
E-mail: tconnolly@yarmouth.me.us

Partner name: **Maine Department of Marine Resources**
Partner representative: **Kohl Kanwit**
Position: **Director, Bureau of Public Health**
Address: **21 State House Station, Augusta Maine 04333**
Telephone: **207-624-6550**
E-mail: **kohl.kanwit@maine.gov**

- We, the undersigned have read and agree with the memorandum of understanding.

Tom Connolly Date: **April 10,2017**
Tom Connolly
Yarmouth Wastewater Pollution Control Division

Date: 4/10/17
Kohl Kanwit
Department of Marine Resources

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
MAINE WASTE DISCHARGE LICENSE

FACT SHEET

DATE: **May 2, 2017**

PERMIT NUMBER: **ME0100765**
WASTE DISCHARGE LICENSE: **W002644-6D-I-R**

NAME AND ADDRESS OF APPLICANT: **TOWN OF YARMOUTH**
200 MAIN STREET
YARMOUTH, ME 04096

COUNTY: **CUMBERLAND**

NAME AND ADDRESS WHERE DISCHARGE(S) OCCUR(S):
TOWN OF YARMOUTH
MAIN TREATMENT FACILITY
155 WHITCOMBS WAY
YARMOUTH, ME 04693

RECEIVING WATER CLASSIFICATION: **ROYAL RIVER/CLASS SB**

COGNIZANT OFFICIAL CONTACT INFORMATION:
THOMAS CONNOLLY
(207)-846-2415
Tconnolly@yarmouth.me.us

1. APPLICATION SUMMARY

On June 17, 2016, the Department of Environmental Protection (Department) accepted as complete for processing, a renewal application from the Town of Yarmouth (Town) for Waste Discharge License (WDL) W002644-6C-G-R/Maine Pollutant Discharge Elimination System (MEPDES) permit ME0100765, which was issued on October 12, 2011, for a five-year term. The 10/12/11 MEPDES permit authorized the Town to discharge a monthly average of 1.31 million gallons per day (MGD) of secondary treated municipal wastewater from a publicly owned treatment works (POTW) to the tidewaters of the Royal River Estuary, Class SB, in Yarmouth, Maine.

2. PERMIT SUMMARY

a. Terms and Conditions: This permitting action is carrying forward all the terms and conditions of the previous permitting action and subsequent minor revisions except that it:

1. Establishing a requirement for the permittee to 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, and submit the results to the Department;

2. Establishes effluent monitoring and reporting requirements for total nitrogen (nitrate and nitrite as nitrogen and total Kjehldahl nitrogen as nitrogen);

3. Reducing the monitoring frequency for pH from 1/Day down to 3/Week based upon a statistical evaluation of the test results for the past five-year period;

4. Reducing the monitoring frequency for Biological Oxygen Demand, and Total Suspended Solids, from 2/Week down to 1/Week;

5. Reducing the monitoring frequency for Settleable Solids from 5/Week down to 3/Week;

6. Screening Level Testing must begin 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement;

7. Eliminating the waiver that allows the percent removal for BOD and TSS to be waived when the monthly average influent concentration is less than 200 mg/L;

8. Incorporates monitoring and reporting requirements for the interim mercury limitations established by the Department for this facility pursuant to *Certain deposits and discharges prohibited,* 38 M.R.S. § 420 and *Waste discharge licenses,* 38 M.R.S. § 413 and *Interim Effluent Limitations and Controls for the Discharge of Mercury,* 06-096 CMR 519 (last amended October 6, 2001); and

9. Establishing Special Condition L Reporting Discharges not receiving secondary treatment.

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

June 9, 1989 – The U.S. Environmental Protection Agency (USEPA) issued National Pollutant Discharge Elimination System (NPDES) permit #ME0100765 for a five-year term.

November 18, 1992 – The Department issued WDL #W002644-46-B-R for a five-year term.

November 1993 – The Town submitted an application to the USEPA to renew NPDES permit #ME0100765 that was due to expire on June 9, 1994. The application was deemed by the USEPA to be complete for processing. The application was never acted on by the USEPA due to ambient water quality issues.

2. PERMIT SUMMARY (cont'd)

June 9, 1999 – The Department issued WDL #W002644-5L-C-R for a three-year term.

August 1, 2000 – The Department established interim average and maximum technology based concentration limits of 10.1 parts per trillion (ppt) and 15.1 ppt for mercury.

December 22, 2003 – The Department issued combination MEPDES #ME0100765/WDL #W002644-5L-E-R for a five-year term.

April 10, 2006 – The Department modified the December 22, 2003, MEPDES permit by establishing whole effluent toxicity (WET), priority pollutant and analytical chemistry testing in accordance with a *Surface Water Toxics Control Program,* 06-096 CMR, Chapter 530*,* promulgated on October 12, 2005.

December 19, 2006 – The Department issued combination MEPDES #ME0100765/WDL #W002644-5L-F-R for a five-year term.

October 12, 2011 – The Department issued combination MEPDES #ME0100765/WDL #W002644-6C-G-R for a five-year term.

June 17, 2016 – The Town submitted a timely and complete application to the Department to renew MEPDES #ME0100765/WDL W002644-6C-G-R for the publically owned wastewater treatment facility located at 155 Whitcombs Way in Yarmouth. The application was accepted for processing by the Department on June 17, 2016.

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2. PERMIT SUMMARY (cont'd)

c. Source Description: The wastewater treatment facility receives sanitary wastewater from a population of approximately 6,000 residential and commercial users within the Town of Yarmouth. The collection system is a separated system approximately 40 miles in length with 30 pump stations. The Harbor pump station was upgraded in 1999 as the facility had adequate pump capacity to physically pump all flows it received but the force main from the pump station to the treatment plant was undersized, limiting the pump station. The upgrade of the pump station included the installation of second force main which has been successful in eliminating overflow discharges from the pump station for ten years running. Seven (7) of the pump stations have on-site back-up power and 23 of the pump stations are served with back-up power via portable generators and a tanker truck. There are no significant industrial sources contributing wastewaters to the treatment facility. A map showing the location of the facility and the receiving water is included as Fact Sheet **Attachment A.**

d. Wastewater Treatment: The collection system conveys all wastewater to two main pump stations; the Princes Point pump station and the Harbor pump station via a combination of gravity and pressure sewer lines. From the two main pump stations the wastewaters are pumped to the headworks of the wastewater treatment facility. At the Harbor pump station, grit is removed from the wastewater in an aerated grit chamber before it is pumped to treatment plant headworks where it passes through a climber screen. Wastewater is treated in an oxidation ditch with a capacity of 500,000 gallons and two secondary clarifiers, each measuring 50 feet in diameter. The wastewater is then disinfected on a year-round basis using sodium hypochlorite in three chlorine contact tanks and dechlorinated using sodium bisulfite. The treated effluent is conveyed to the Royal River through a pipe measuring 20 inches in diameter. The end of the pipe is fitted with a multi-port diffuser (seven ports each measuring 6 inches in diameter spaced at 10 feet on-center). See **Attachment B** of this Fact Sheet for a schematic of the treatment plant processes and location of the outfall pipe location. The following off-line equipment is located at the treatment plant: two oxidation ditches and a clarifier measuring 30 feet in diameter, all of which can be activated for treatment or high flow storage if needed. The sludge handling equipment at the plant includes an aerobic digester with a capacity of 200,000 gallons, two belt filter presses (a one meter and a two meter), and a composting facility.

3. CONDITIONS OF PERMIT

Conditions of licenses, 38 M.R.S. § 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require the 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, *Certain deposits and discharges prohibited,* 38 M.R.S. § 420 and Department rule *Surface Water Toxics Control Program,* 06-096 CMR 530 (effective March 21, 2012), 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 July 29, 2012), and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

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4. RECEIVING WATER QUALITY STANDARDS

Classification of estuarine and marine waters, 38 M.R.S. § 469(1) classifies all estuarine and marine waters lying within the boundaries of Cumberland County and that are not otherwise classified, which includes the Royal River at the point of discharge, as Class SB waters. *Standards for classification of estuarine and marine waters,* 38 M.R.S. § 465-B(2), describes the standards for Class SB waters.

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2014 Integrated Water Quality Monitoring and Assessment Report, prepared pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the marine waters at the permittee's outfall (Waterbody ID 802-25) as, *Category 4-A, Estuarine and Marine Waters with Impaired Use, TMDL Completed (TMDL completed for listed causes and bacteria from combined sewer overflows)* 173.5 acres of the estuary are impaired due to elevated fecal coliform bacteria levels. The impairment may be either recreational uses (swimming) or shellfish consumption or both. Shellfish consumption impairments only apply to waters naturally capable of supporting the shellfish harvesting use (i.e. waters of high enough salinity for propagation of shellfish). The Maine Department of Marine Resources (MEDMR) closes shellfish harvesting areas if there are known sources of discharges with unacceptable bacteria levels (thresholds established in the National Shellfish Sanitation Program) or maintains shellfish harvesting closure areas due to lack of updated information regarding ambient water quality conditions and current shoreline surveys. In addition, the MEDMR prohibits shellfish harvesting in the immediate vicinity of all wastewater treatment outfall pipes as a precautionary measure in the event of a failure in the treatment plant's disinfection system. Thus, shellfish harvesting area #14 (A.2) is closed to the harvesting of shellfish due the location of the Town's wastewater treatment plant outfall. The shellfish closure area is identified on the map included as Fact Sheet **Attachment C**. The Department is making the determination that compliance with the fecal coliform bacteria and other secondary wastewater treatment limits established in this permitting action ensure that the discharge of secondary treated wastewater from the District will not cause or contribute to the failure of the receiving waters to meet the standards of its designated classification.

As for *Category 5-A*: *Estuarine And Marine Waters Impaired By Pollutants Other ThanThose Listed In 5-B-5-D (TMDL required)* the table indicates aquatic life criteria for 173.5 acres of Class SB waters has marine life use support impaired due to low dissolved oxygen (DO) levels caused by municipal point sources, stormwater and non-point sources. It is noted a number of estuaries along the coast of southern Maine naturally do not meet the DO standards of their classification. It has been suggested the DO standards are overly stringent. As a result, the Department convened a stakeholder group that evaluated the DO standards for marine waters in Maine in calendar year 2005. The Department anticipated a revision to the DO standard but was unsuccessful as the Legislature rejected the revision(s).

The June 9, 2009, licensing action included the following text: *"The Department has conducted a Waste Load Allocation study which indicates that the Royal River estuary does not attain the standards for dissolved oxygen (DO) for its assigned classification. The study indicates that this is due primarily to sediment oxygen demand (SOD). Due to this failure to meet the standard for DO, no increase in mass loading can be permitted. The term of this license has been limited to three years to evaluate the effect of a dredging operation conducted in the fall of 1997 on ambient DO concentrations in the river."*

5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

"The [average daily] water quality model indicated non-attainment of dissolved oxygen standards for all discharge scenarios including the no discharge condition. The majority of the impact on dissolved oxygen (approximately 60%) is due to sediment oxygen demand. The Yarmouth discharge accounts for 9.6% of the impact at license limits and 3.8% of the impact at performance loading." It is noted these percentages equate to a concentration level that may not be measurable with today's instrumentation.

"This statement indicates that elimination of BOD from this plant would make little difference in DO levels when compared to the SOD impact."

The Department's Division of Environmental Assessment (DEA) is currently evaluating data collected during the summer of 2016. If a future total daily maximum daily load (TMDL) indicates the discharge(s) from the Yarmouth wastewater treatment facility is causing or contributing to said impairment, this permit may be reopened pursuant to Special Condition N, *Reopening of Permit For Modifications*, to impose new or revised limitations and/or monitoring requirement to bring the waterbody into attainment.

Category 5-D*: Estuarine and Marine Waters Impaired by Legacy Pollutants*. All estuarine and marine waters capable of supporting American lobster are listed in Category 5-D, partially supporting fishing ("shellfish" consumption) due to elevated levels of polychlorinated biphenyls (PCBs) and other persistent, bioaccumulating substances in lobster tomalley.

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 1.31 MGD based on the design capacity for the treatment facility, and a daily maximum discharge flow reporting requirement.

The Department reviewed 55 Discharge Monitoring Reports (DMRs) that were submitted for the period October 2011 – July 2016. A review of the data indicates that following:

Flow (DMRs=55)

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	1.31	0.55 – 1.14	0.8
Daily Maximum	Report	0.65 – 4.10	1.4

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

b. Dilution Factors: 06-096 CMR 530(4)(A)(2)(a) states that, *"For discharges to the ocean, dilution must be calculated as near-field or initial dilution, or that dilution available as the effluent plume rises from the point of discharge to its trapping level, at mean low water level and slack tide for the acute exposure analysis, and at mean tide for the chronic exposure analysis using appropriate models determined by the Department such as MERGE, CORMIX or another predictive model."* With a permitted flow limitation of 1.31 MGD and the location and configuration of the outfall structure, the Department has established dilution factors as follows:

Acute = 20:1 Chronic = 107:1 Harmonic mean[(1)] = 321:1

Notes:

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

c. Biochemical Oxygen Demand and Total Suspended Solids: The previous permitting action established, and this permitting action is carrying forward, monthly average and weekly average technology-based effluent limits of 30 mg/L and 45 mg/L, respectively, for BOD_5 and TSS pursuant to the secondary treatment regulation at 40 CFR 133.102 and 06-096 CMR 525(3)(III). The previous permit also established the daily maximum effluent limit of 50 mg/L for both BOD_5 and TSS based on a Department best professional judgment of best practicable treatment for secondary treated wastewater.

As for mass limitations, the previous permitting action established monthly average, weekly average and daily maximum mass limitations that are being carried forward in this permitting action and are based on a monthly average flow of 0.84 MGD due to depressed ambient dissolved oxygen levels in the Royal River estuary. The figure of 0.84 MGD was the facility's monthly average design capacity and WDL flow limitation prior to the 1992 plant upgrade. The mass limits were derived as follows:

Monthly Average Mass Limit: (30 mg/L)(8.34 lbs./gallon)(0.84 MGD) = 210 lbs./day
Weekly Average Mass Limit: (45 mg/L)(8.34 lbs./gallon)(0.84 MGD) = 315 lbs./day
Daily Maximum Mass Limit: (50 mg/L)(8.34 lbs./gallon)(0.84 MGD) = 350 lbs./day

This permitting action is carrying forward a requirement for a minimum of 85% removal of BOD_5 and TSS as required by 06-096 CMR 525(3)(III)(a)(3) and (b)(3) of the Department's rules. The permittee has not demonstrated that it qualifies for special considerations pursuant to 06-096 CMR 525(3)(IV) to maintain a waiver from the 85% removal requirement when influent concentration is less than 200 mg/L, which was established in the previous permit. 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.

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

The Department reviewed 55 DMRs that were submitted for the period October 2011 – July 2016. It should be noted that the District did not exceed the limits for BOD_5 and TSS limits for the monitoring period for the past five years. A review of data indicates the following:

BOD_5 Mass (DMRs=55)

Value	Limit (lbs./day)	Range (lbs./day)	Mean (lbs./day)
Monthly Average	210	30 – 136	58
Weekly Average	315	40 – 661	127
Daily Maximum	350	40 – 661	127

BOD_5 Concentration (DMRs=55)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	30	5.0 – 13.0	8.5
Weekly Average	45	5.5 – 34.0	11.5
Daily Maximum	50	7.0 – 36.0	13.5

TSS Mass (DMRs=55)

Value	Limit (lbs./day)	Range (lbs./day)	Mean (lbs./day)
Monthly Average	210	14 – 136	50
Weekly Average	315	17 – 436	93
Daily Maximum	350	23 – 749	132

TSS Concentration (DMRs=55)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	30	2 – 17.0	7.3
Weekly Average	45	2 – 11.1	29.0
Daily Maximum	50	4 – 34.0	14.0

The previous permit established a minimum monitoring frequency for BOD_5 and TSS of two times per week (2/Week) based on the Department best professional judgment. Minimum monitoring frequency requirements in MEPDES permits are prescribed by 06-096 CMR Chapter 523(5)(i). The USEPA has published guidance entitled, *Interim Guidance for Performance Based Reductions of NPDES Permit Monitoring Frequencies* (USEPA Guidance April 1996). In addition, the Department has supplemented the USEPA guidance with its own guidance entitled, *Performance Based Reduction of Monitoring Frequencies - Modification of EPA Guidance Released April 1996* (Maine DEP May 22, 2014). Both documents are being utilized to evaluate the compliance history for each parameter regulated by the previous permit to determine if a reduction in the monitoring frequencies is justified.

Although USEPA's 1996 Guidance recommends evaluation of the most current two-years of effluent data for a parameter, the Department is considering 55 months of data (October 2011 – July 2016). A review of the mass monitoring data for seasonal BOD_5 & TSS indicates the ratios (expressed in percent) of the long term effluent average to the monthly average limits can be calculated as 27% and 23% respectively. According to Table I of the USEPA Guidance and Department Guidance, a 2/Week monitoring requirement can be reduced to 2/Month. However, Department Guidance does not allow for greater than a fifty percent reduction. In order to better ascertain compliance the Department is establishing 1/Week monitoring frequency for BOD_5 and TSS.

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

d. Settleable Solids: The previous permitting action established and this permitting action is carrying forward a daily maximum technology limit of 0.3 ml/L for settleable solids, which is considered by the Department as a best professional judgment of BPT for secondary treated wastewater, along with a minimum monitoring frequency requirement of 5/Week. The Department is considering 55 months of data (October 2011 – July 2016). During this reporting period of October 2011- July 2016 the permittee reported no excursions that exceeded the daily maximum of 0.3 ml/L for settleable solids.

Settleable Solids Concentration (DMRs=55)

Value	Limit (ml/L)	Range (ml/L)	Average (ml/L)
Daily Maximum	0.3	0.10 – 0.10	0.10

A review of the monitoring data for settleable solids indicates the ratio (expressed in percent) of the daily maximum limits can be calculated as 33%. According to Table I of the USEPA Guidance, a 5/Week monitoring requirement can be reduced to 2/Week. However Department Guidance does not allow for greater than a fifty percent reduction. Due to the compliance record for this parameter, and in accordance with Department guidance, this permitting action is reducing the monitoring frequency from 5/Week to 3/Week.

e. Fecal Coliform Bacteria: The previous permitting action established monthly average and daily maximum concentration limits of 15 colonies/100 ml and 50 colonies/100 ml, respectively, for fecal coliform bacteria, which are consistent with the National Shellfish Sanitation Program.

A summary of effluent fecal coliform bacteria data as reported on the DMRs for the period November 2011 through June 2016 is as follows:

Fecal coliform bacteria (DMR = 55)

Value	Limit (col/100 mL)	Range (col/100 mL)	Mean (col/100 mL)
Monthly Average	15	1 – 9	2
Daily Maximum	50	1 – 300	20

The previous permit established and this permit is carrying forward a minimum monitoring frequency for fecal coliform bacterial of two times per week (2/Week) based on the Department best professional judgment (BPJ). Minimum monitoring frequency requirements in MEPDES permits are prescribed by 06-096 CMR Chapter 523(5)(i). The USEPA has published guidance entitled, *Interim Guidance for Performance Based Reductions of NPDES Permit Monitoring Frequencies* (USEPA Guidance April 1996). In addition, the Department has supplemented the USEPA guidance with its own guidance entitled, *Performance Based Reduction of Monitoring Frequencies - Modification of USEPA Guidance Released April 1996* (Maine DEP May 22, 2014). Both documents are being utilized to evaluate the compliance history for each parameter regulated by the previous permit to determine if a reduction in the monitoring frequencies is justified.

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

Although USEPA's 1996 Guidance recommends evaluation of the most current two-years of effluent data for a parameter, the Department is considering 60 months of data (October 2011 – July 2016). The previous permitting action established a minimum monitoring frequency of twice per week for fecal coliform bacteria. A review of the fecal coliform bacteria monitoring data indicates the ratios (expressed in percent) of the monthly average limits can be calculated as 13% respectively. According to Table I of the USEPA Guidance and Department Guidance, a 2/Week monitoring requirement can be reduced to 1/Week. However, the Department has determined that a reduction in the minimum monitoring frequency to 1/Week is not sufficient to assess compliance. Therefore, this permitting action is carrying forward a minimum monitoring frequency of two times per week (2/Week). At the request of the Maine Department of Marine Resources **fecal coliform bacteria and total residual chlorine (TRC) limits and monitoring requirements are in effect year-round whenever chlorine compounds are in use at the request of the Maine Department of Marine Resources in order to protect local shellfish resources near the outfall and to protect the health, safety and welfare of the public.**

f. Total Residual Chlorine (TRC): Limits on total residual chlorine are specified to ensure attainment of the in-stream water quality criteria for chlorine and that Best Practicable Treatment (BPT) technology is utilized to abate the discharge of chlorine. Permits issued by this Department impose the more stringent of the calculated water quality based or BPT based limits. The previous permitting action established a monthly average technology based limit of 0.1 mg/L and a daily maximum technology based limitation of 0.3 mg/L. End-of-pipe water quality based thresholds for TRC were calculated as follows:

			Calculated	
Acute (A) Criterion	Chronic (C) Criterion	A & C Acute Dilution Factors	Acute Threshold	Chronic Threshold
0.013 mg/L	0.0075 mg/L	20:1 (A) 107:1 (C)	0.26 mg/L	0.80 mg/L

The Department has established a daily maximum BPT limitation of 1.0 mg/L for facilities that disinfect their effluent with elemental chlorine or chlorine based compounds unless the calculated acute water quality based threshold is lower than 1.0 mg/L. For facilities that need to de-chlorinate the discharge to meet water quality based thresholds, the Department has established daily maximum and monthly average best practicable treatment limits of 0.3 mg/L and 0.1 mg/L respectively. In the case of the Yarmouth, the acute and chronic water quality based thresholds calculated above (0.26 mg/L and 0.80 mg/L) are higher than the BPT limits of 0.1 mg/L and 0.3 mg/L respectively, thus the technology based limits are being carried forward in this permitting action along with 1/Day monitoring frequency requirement. **At the request of Maine Department of Marine Resources (MEDMR) total residual chlorine (TRC) limits and monitoring requirements are in effect year-round whenever chlorine compounds are in use in order to protect local shellfish resources near the outfall and to protect the health, safety and welfare of the public.**

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

The Department reviewed 55 DMRs that were submitted for the period October 2011 – June 2016. A review of data indicates the following:

Total Residual Chlorine (DMRs=55)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	0.1	0.00 – 0.09	0.02
Daily Maximum	0.3	0.03 – 0.45	0.09

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)(c) and a minimum monitoring frequency requirement of 1/Day.

A summary of pH data as reported on the monthly DMRs for the period of October 2011 – June, 2016 (DMRs = 55) indicates the effluent pH has ranged from 5.90 to 7.70 (SU).

pH (DMRs=55)

Value	Limit (SU)	Range (SU)
Monthly Average	6.0 – 9.0	5.90 – 7.30
Daily Maximum	6.0 – 9.0	6.50 – 7.70

Minimum monitoring frequency requirements in MEPDES permits are prescribed by 06-096 CMR Chapter 523(5)(i). The USEPA has published guidance entitled, *Interim Guidance for Performance Based Reductions of NPDES Permit Monitoring Frequencies* (USEPA Guidance April 1996). In addition, the Department has supplemented the USEPA guidance with its own guidance entitled, *Performance Based Reduction of Monitoring Frequencies – Modification of USEPA Guidance Released April 1996* (Maine DEP May 22, 2014). Both documents are being utilized to evaluate the compliance history for each parameter regulated by the previous permit to determine if a reduction in the monitoring frequencies is justified.

Although USEPA's 1996 Guidance recommends evaluation of the most current two-years of effluent data for a parameter, the Department is considering 55 months of data (October 2011 – July 2016). A review of the monitoring data for pH indicates that there was only one excursion during the monitoring period of October 2011- July 2016. According to Table I of the USEPA Guidance and Department Guidance, a 1/Day monitoring requirement can be reduced to 3/Week. Therefore, this permitting action is reducing the monitoring frequency for pH to 3/Week.

h. Mercury: Pursuant to *Certain deposits and discharges prohibited*, 38 M.R.S. § 420 and *Waste Discharge Licenses*, 38 M.R.S. § 413 and *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001), the Department issued an interim average and daily maximum effluent concentration limits of 10.1 parts per trillion (ppt) and 15.1 ppt, respectively, and a minimum monitoring frequency requirement of two (2) tests per year for mercury. 38 M.R.S. § 420(1-B)(B)(1) provides that a facility is not in violation of the Ambient Water Quality Criteria (AWQC) for mercury if the facility is in compliance with an interim discharge limit established by the Department. A review of the Department's data base for the period April 1999 – June 2016 indicates the permittee has been in compliance with the interim limits for mercury as results have been reported as follows:

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

Mercury (DMRs=54)

Value	Limit (ng/L)	Range (ng/L)	Mean (ng/L)
Average	10.1	1.46 – 47.50	4.7
Daily Maximum	15.1		

The Department issued a minor revision on February 6, 2012, to the October 12, 2011, permit thereby revising the minimum monitoring frequency requirement from twice per year to once per year given the permittee has maintained at least 5 years of mercury testing data. Pursuant to 38 M.R.S. § 420(1-B)(F), this permitting action is carrying forward the 1/Year monitoring frequency established in the February 6, 2012, permit modification.

i. Nitrogen: The USEPA requested the Department evaluate the reasonable potential for the discharge of total nitrogen to cause or contribute to non-attainment of applicable water quality standards in marine waters, namely dissolved oxygen (DO) and marine life support.

Several small numeric data sets are available from various locations within the Royal River estuary, including those created by the Friends of Casco Bay and the Department. This information spans water quality data not associated with total nitrogen as far back as 1993, to recent, high resolution sonde data from 2015. Amongst these data sets, 19 total nitrogen values are available from May-October of 2009-2013, 2015 and 2016, and are paired with limited physical, chemical or biological indicator information. Two of these 19 values are not representative of the background concentration of nitrogen within the estuary based on the presumed location of the Yarmouth wastewater effluent plume. Given the relatively small sample size and data uncertainties as summarized below, the Department does not believe the available information is sufficient to support a defendable reasonable potential analysis at this time.

The available water quality and indicator data from above and below the discharge point suggest DO non-attainment that is more persistent in the upper than the lower portion of the estuary, elevated total nitrogen values and lower water column transparencies associated with low to intermediate salinities (<25 ppt), and low to moderate water column chlorophyll values ranging from approximately 3-10 µg/L with no clear relationship to salinity. Additional information pertaining to the high resolution sonde data and biological indicator (eelgrass) information is presented below.

DO

The Department's Engineering Unit conducted approximately 2 weeks of continuous monitoring on the Royal River in late August to early September of 2015. Unattended sondes logging at 15 minute intervals were placed at the head of tide, river mile -0.6 (Royal River Boat Yard) and river mile -1.9 (Cousins River confluence). Resulting data indicate DO non-attainment (below class SB standard of 85% saturation), the most persistent of which occurred in the upper portion of the estuary during the narrowest tide ranges (least tidal flushing). DO non-attainment at the lower site (-1.9) was less persistent and directly linked with morning low tides, which indicates the non-attainment signal manifested in the upper portion of the estuary and was then intermittently flushed through the lower estuary. Conversely, the DO signal as influenced by freshwater contributions at head of tide did not appear to be very influential on the upper estuary signal. The fluctuations in DO at both estuarine locations suggest some level of water column photosynthetic productivity that is not necessarily suggestive of excessive production.

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

Eelgrass

Four known surveys have been completed within the vicinity of the Yarmouth Main Plant discharge that document presence/absence of eelgrass. The first occurred in the 1970's by Timson of the Maine Geological Survey, the second (1993) and third (2001) by the Maine Department of Marine Resources (MEDMR), and fourth as coordinated by the Department (2013). The Timson survey noted swaths of eelgrass as close as 1.2 km seaward of the discharge point at the confluence of the Royal and Cousins Rivers. In 1993, a 3 acre patch of sparse eelgrass (10-40% cover) was mapped approximately 2.3 km from the discharge point, with more extensive and dense eelgrass present in the shallows outside the mouth of the estuary. Eelgrass acreage and distance from the discharge in 2001 was comparable to 1993, with some spatial shifts in location outside the estuary mouth but no pattern of movement to deeper or shallower water. The 2013 survey noted an absence of eelgrass in the areas previously mapped as present. Additionally, it should also be noted that this estuary system has a history of dredging.

Table 1. Monitoring sites in proximity to Yarmouth Main Plant outfall and background total nitrogen summary statistics.

Site #	Site Name (Monitoring Organization)	Data Collection Years	Total Nitrogen (mg/L)			
			n	min.	max.	mean
1	Royal River Yankee Marina (FOCB)	2009-2012	10	0.49	0.72	0.57
2	Royal River 1.3 (miles below Head of Tide) (DEP)	2016	1*	.30	.30	n/a
3	Royal River 1.9 (miles below Head of Tide) (DEP)	2015, 2016	2*	0.19	0.41	0.30
4	Royal River Can 5 (FOCB for DEP)	2013	2	0.54	0.56	0.55
5	Casco Bay Royal River (DEP)	2013	1	0.27	0.27	n/a

* Additional nitrogen values (n=2) are pending from August 2016 at Sites #2 and 3.

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

The Department believes that the limited water quality and indicator data demonstrate nutrient enrichment within the vicinity of the Yarmouth discharge. However, the Department also has expressed the opinion that some nutrient enrichment/increased productivity may be inherent in upper estuary systems and is in the process of assessing upper estuary conditions in other similar systems without point source discharges. Based on the need for additional information regarding the receiving waterbody as well as the effluent, the Department has established a seasonal effluent monitoring requirement for total nitrogen (TKN and NO_3+NO_2) so the Yarmouth Main Plant's contribution to the receiving water can be more accurately characterized. The Department will review the results from future monitoring efforts and re-assess the overall condition of the Royal River estuary and the relative influence of the Yarmouth Main Plant discharge.

The Department reserves the right to reopen the permit to establish necessary limits as stated in permit Special Condition N. *Reopening of Permit for Modifications,* "the Department may, at any time and with notice to the permittee, modify this permit to: (include effluent limitations necessary to control specific pollutants…"

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

WET, priority pollutant and analytical chemistry testing, as required by 06-096 CMR 530, is included in this permit in order to characterize the effluent. WET monitoring is required to assess and protect against impacts upon water quality and designated uses caused by the aggregate effect of the discharge on specific aquatic organisms. Acute and chronic WET tests are performed on the mysid shrimp *(Americamysis bahia)* and the sea urchin *(Arbacia punctulata)*. Chemical-specific monitoring is required to assess the levels of individual toxic pollutants in the discharge, comparing each pollutant to acute, chronic, and human health water quality criteria. Priority pollutant testing refers to the analysis for levels of priority pollutants listed under "Priority Pollutants" on the form included as Attachment C of the permit. Analytical chemistry refers to those pollutants listed under "Analytical Chemistry" on the form included as Attachment C of the permit.

> 06-096 CMR 530(2)(A) specifies the dischargers subject to the rule as:
>
> All licensed dischargers of industrial process wastewater or domestic wastes discharging to surface waters of the State must meet the testing requirements of this section. Dischargers of other types of wastewater are subject to this subsection when and if the Department determines that toxicity of effluents may have reasonable potential to cause or contribute to exceedances of narrative or numerical water quality criteria.

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

Yarmouth Main Plant discharges domestic (sanitary) wastewater to surface waters and is therefore subject to the testing requirements of the toxics rule.

06-096 CMR 530(2)(B) categorizes discharges subject to the toxics rule into one of four levels (Level I through IV). The four categories for dischargers are as follows:

Level I	Chronic dilution factor of <20:1
Level II	Chronic dilution factor of ≥20:1 but <100:1.
Level III	Chronic dilution factor ≥100:1 but <500:1 or >500:1 and Q ≥1.0 MGD
Level IV	Chronic dilution factor >500:1 and Q ≤1.0 MGD

Based on the Chapter 530 criteria, the permittee's facility falls into the Level III frequency category as the facility has a chronic dilution factor >100:1 but <500:1 or >500:1 and Q >1.0 MGD. 06-096 530(2)(D)(1) specifies that routine screening and surveillance level testing requirements are as follows:

Screening level testing

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

Surveillance level testing

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

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

k. Whole Effluent Toxicity (WET) Evaluation: 06-096 CMR 530(3)(E) states:

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

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

On September 20, 2016, the Department conducted a statistical evaluation on the most recent 55 months of WET test results on file with the Department for the Town in accordance with the statistical approach outlined above. The 9/20/16 statistical evaluation indicates that none of the results had a reasonable potential to exceed the chronic or acuteambient water quality threshold. See **Attachment D** of this Fact Sheet for a summary of the WET test results.

Based on the provisions of 06-096 CMR 530 and Department best professional judgment, this permitting action is carrying forward the reduced surveillance level WET testing requirements for this facility. Special Condition G. 06-096 CMR 530(2)(D)(4) Statement For Reduced/Waived Toxics Testing of this Permit explains the statement required by the discharger to reduce WET testing.

l. Analytical Chemistry & Priority Pollutant Testing Evaluation:

06-096 CMR 530(4)(C) states:

> The background concentration of specific chemicals must be included in all calculations using the following procedures. The Department may publish and periodically update a list of default background concentrations for specific pollutants on a regional, watershed or statewide basis. In doing so, the Department shall use data collected from reference sites that are measured at points not significantly affected by point and non-point discharges and best calculated to accurately represent ambient water quality conditions. The Department shall use the same general methods as those in section 4(D) to determine background concentrations. For pollutants not listed by the Department, an assumed concentration of 10% of the applicable water quality criteria must be used in calculations.

06-096 CMR 530(3)(E) states, "Where it is determined through [the statistical approach referred to in USEPA's Technical Support Document for Water Quality-Based Toxics Control] that a discharge contains pollutants or WET at levels that have a reasonable potential to cause or contribute to an exceedance of water quality criteria, appropriate water quality-based limits must be established in any licensing action."

06-096 CMR 530(3)(D) states, "Where the need for effluent limits has been determined, limits derived from acute water quality criteria must be expressed as daily maximum values. Limits derived from chronic or human health criteria must be expressed as monthly average values."

Chemical specific evaluation

As with WET test results, the Department conducted a statistical evaluation on September 15, 2016, for the most current 55 months of analytical chemistry and priority pollutant test results on file. The evaluation indicates the discharge exceeded the applicable acute AWQC threshold for total copper on 6/27/2016. See **Attachment E** of this Fact Sheet for the individual test results. As a result, this permit is establishing a daily maximum water quality based mass limit of 1.15 lbs./day. The limit was calculated as follows:

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

Chapter 530 (promulgated on October 12, 2005) §4(C), states *"The background concentration of specific chemicals must be included in all calculations using the following procedures. The Department may publish and periodically update a list of default background concentrations for specific pollutants on a regional, watershed or statewide basis. In doing so, the Department shall use data collected from reference sites that are measured at points not significantly affected by point and non-point discharges and best calculated to accurately represent ambient water quality conditions. The Department shall use the same general methods as those in section 4(D) to determine background concentrations. For pollutants not listed by the Department, an assumed concentration of I 0% of the applicable water quality criteria must be used in calculations.* "The Department has no information on the background levels of metals in the water column in the Royal River in the vicinity of the permittee's outfall. Therefore, a default background concentration of 10% of the applicable water quality criteria is being used in the calculations of this permitting action.

Chapter 530 4(E), states *"In allocating assimilative capacity for toxic pollutants, the Department shall hold a portion of the total capacity in an unallocated reserve to allow for new or changed discharges and non-point source contributions. The unallocated reserve must be reviewed and restored as necessary at intervals of not more than five years. The water quality reserve must be not less than 15% of the total assimilative quantity.* "However, the Department's policy is not to hold the reserve of 15% for dischargers to marine waters given the significant far field dilution and the large distances between the individual waste water treatment facilities.

Given:

Total copper acute AWQC = 5.78 ug/L or 0.00578 mg/L
Acute (modified) dilution factor= 20:1
Background concentration =10% of AWQC
Permitted flow= 1.31 MGD
n=5
Reasonable potential factor = 2.3

Find:

1) Daily maximum water quality based mass limitation.

EOP Concentration Threshold= (Dilution Factor)[(0.90)(criterion)] + (0.10)(criterion)

20(0.90)(0.00578 mg/L) + (0.1)(0.00578 mg/L) = 0.105 mg/L

0.105mg/L(8.34 lbs/gal)(1.31 MGD) = 1.15 lbs./day

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

2) The concentration exceedance threshold and the reasonable potential threshold at full permitted flow.

a) Exceedance threshold

$$\frac{1.15 \text{ lbs/day}}{(8.34 \text{ lbs/day})(1.31 \text{ MGD})} = 0.105 \text{ mg/L or } 105 \text{ ug/L}$$

b) Reasonable potential threshold

$$\frac{105 \text{ug/L}}{2.3} = 45 \text{ ug/L}$$

This permitting action is making a best professional judgment to establish the monitoring frequency for total copper at 1/Year.

As for the remaining chemical specific parameters tested to date, none of the test results in the 55-month evaluation period exceed or have a reasonable potential to exceed applicable acute, chronic or human health AWQC. Therefore, this permitting action carrying forward screening level reporting and monitoring frequency for analytical chemistry at 1/Year during the screening level year pursuant to 06-096 CMR 530(2)(D)(3)(c). As with reduced WET testing, the permittee must file an annual certification with the Department pursuant to Chapter 530 §2(D)(4) and Special Condition K of this permit.

7. DISPOSAL OF SEPTAGE WASTE IN WASTEWATER TREATMENT FACILITY

The previous permitting action authorized the District to receive and introduce up to 6,000 gpd of septage. 06-096 CMR 555, *Standards For The Addition of Transported Wastes to Wastewater Treatment Facilities*, limits the quantity of septage received at a facility to 1% of the design capacity of treatment facility if the facility utilizes a side stream or storage method of introduction into the influent flow, or 0.5% of the design capacity of the facility if the facility does not utilize the side stream or storage method of introduction into the influent flow. A facility may receive more than 1% of the design capacity on a case-by-case basis. In their application for permit renewal, the Town has requested the Department carry forward the daily quantity of transported waste it is authorized to receive and treat (up to 6,000 gpd) as it does utilize the side stream/storage method of metering wastes into the facility's influent flow. With a design capacity of 1.31 MGD, 6,000 gpd only represents 0.46% of said capacity.

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 Royal River Estuary to meet standards for Class SB classification.

9. PUBLIC COMMENTS

Public notice of this application was made in *The Forecaster* newspaper on or about May 26, 2016. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits must have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses,* 06-096 CMR 522 (effective January 12, 2001).

10. DEPARTMENT CONTACTS

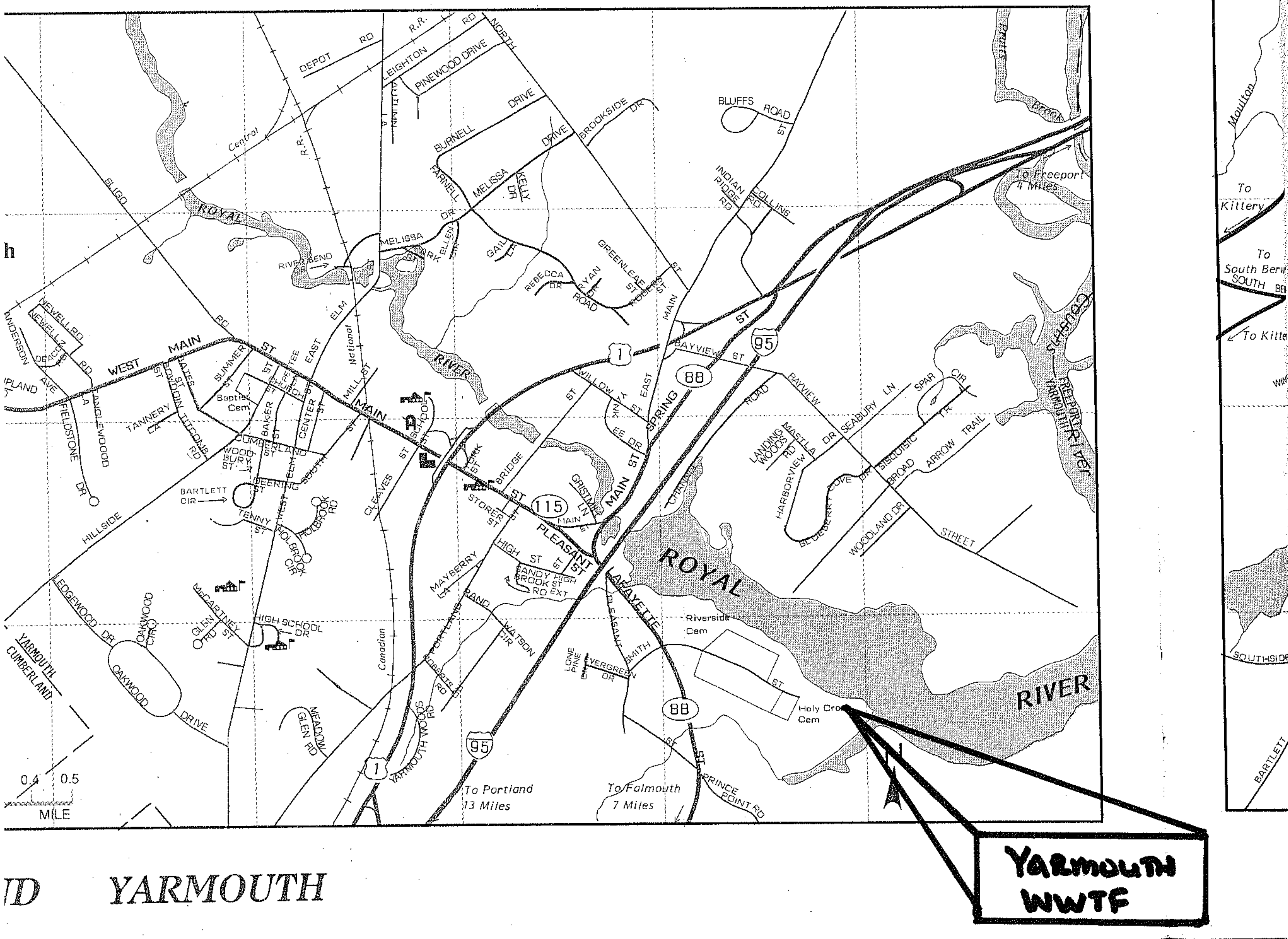
Additional information concerning this permitting action may be obtained from, and written comments sent to:

Aaron Dumont
Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 592-7161
e-mail: Aaron.A.Dumont@maine.gov

11. RESPONSE TO COMMENTS

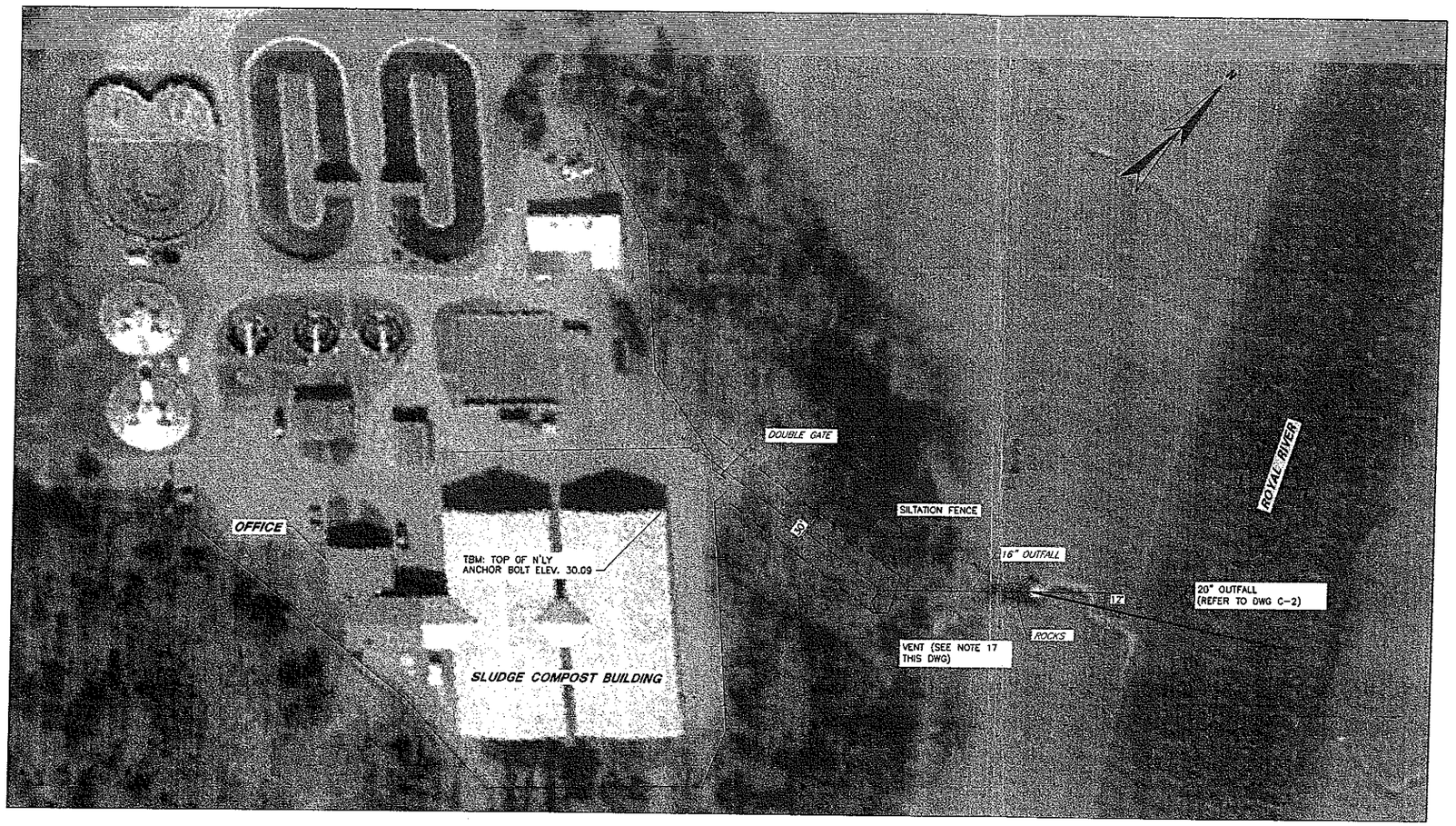
Reserved until the end of the comment period.

ATTACHMENT A

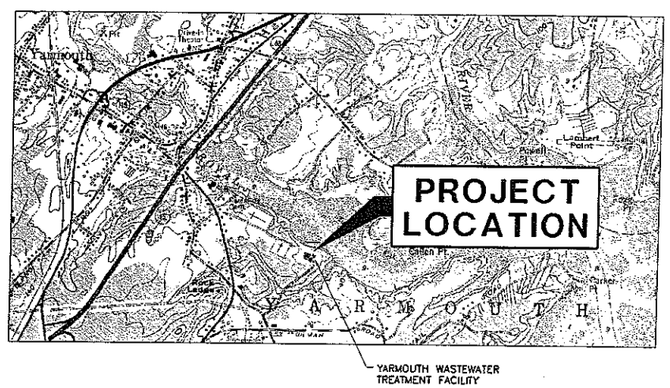

YARMOUTH WWTF
ROYAL RIVER
To Portland 13 Miles
To Falmouth 7 Miles
To Freeport 4 Miles
Holy Cross Cem
Riverside Cem
MILE

YARMOUTH

ATTACHMENT B



OUTFALL LOCATION PLAN
NTS



TREATMENT FACILITY LOCATION PLAN
SCALE: 1"=500'

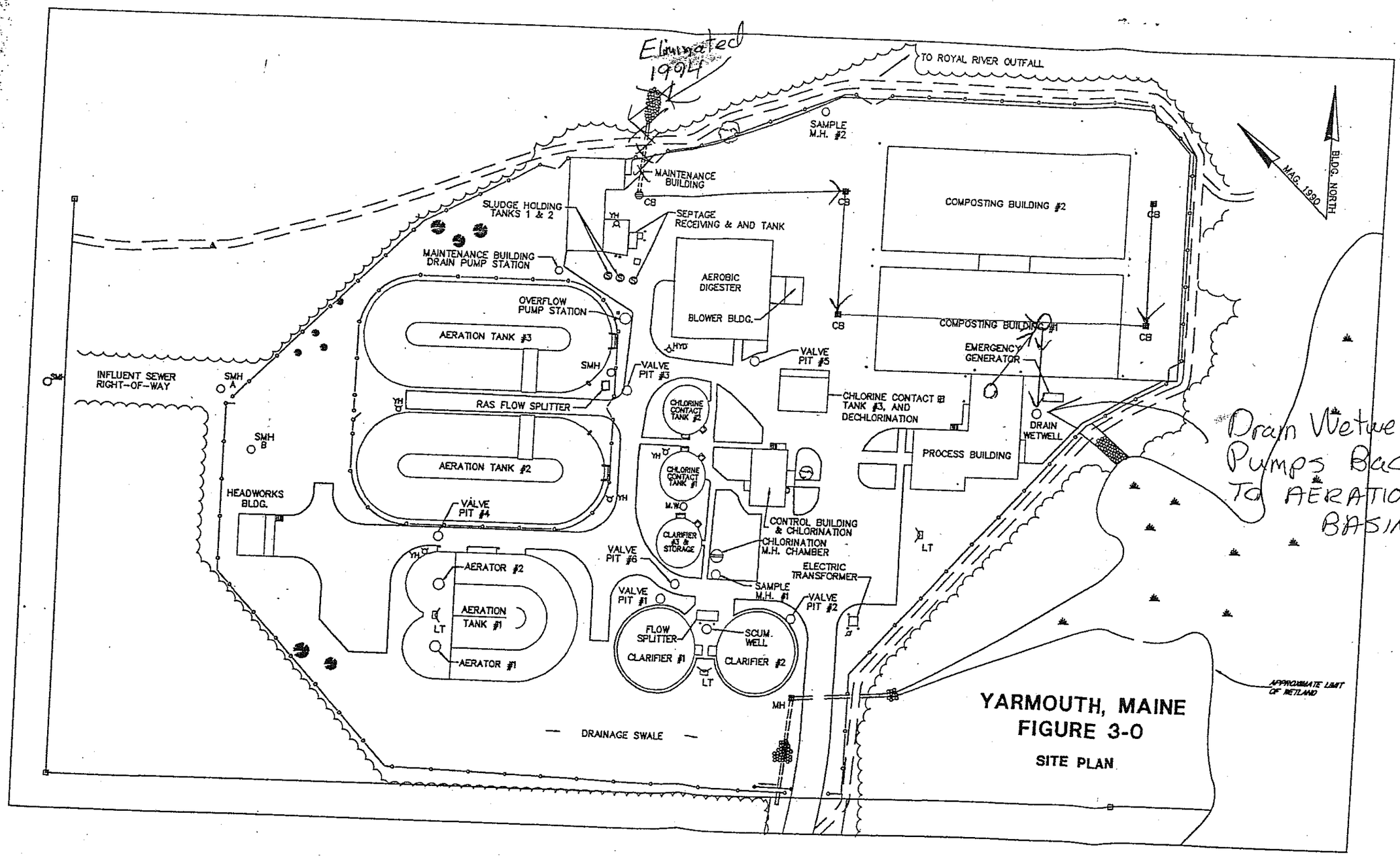
N

CIVIL LEGEND

EXISTING		PROPOSED
	CENTERLINE	
122	CONTOUR	
	CHAIN LINK FENCE	
	SILT FENCE	
	TREE LINE	
△	SURVEY CONTROL POINT	
124.6	SPOT ELEVATION	132.5
	SEWER MANHOLE	
	EDGE OF WATER	
	SIGN	
	TEST PROBE	
	LIMIT OF WORK	
	ROCKS	
	PIPING	

CIVIL ABBREVIATIONS

AC	ASBESTOS COATED
DI	DUCTILE IRON PIPE
INV	INVERT ELEVATION
MJ	MECHANICAL JOINT
OUT	OUTFALL
HDPE	HIGH DENSITY POLYETHYLENE PIPE
SMH	SEWER MANHOLE
TBM	TEMPORARY BENCHMARK



Drain Wetwell Pumps Back To AERATION BASIN

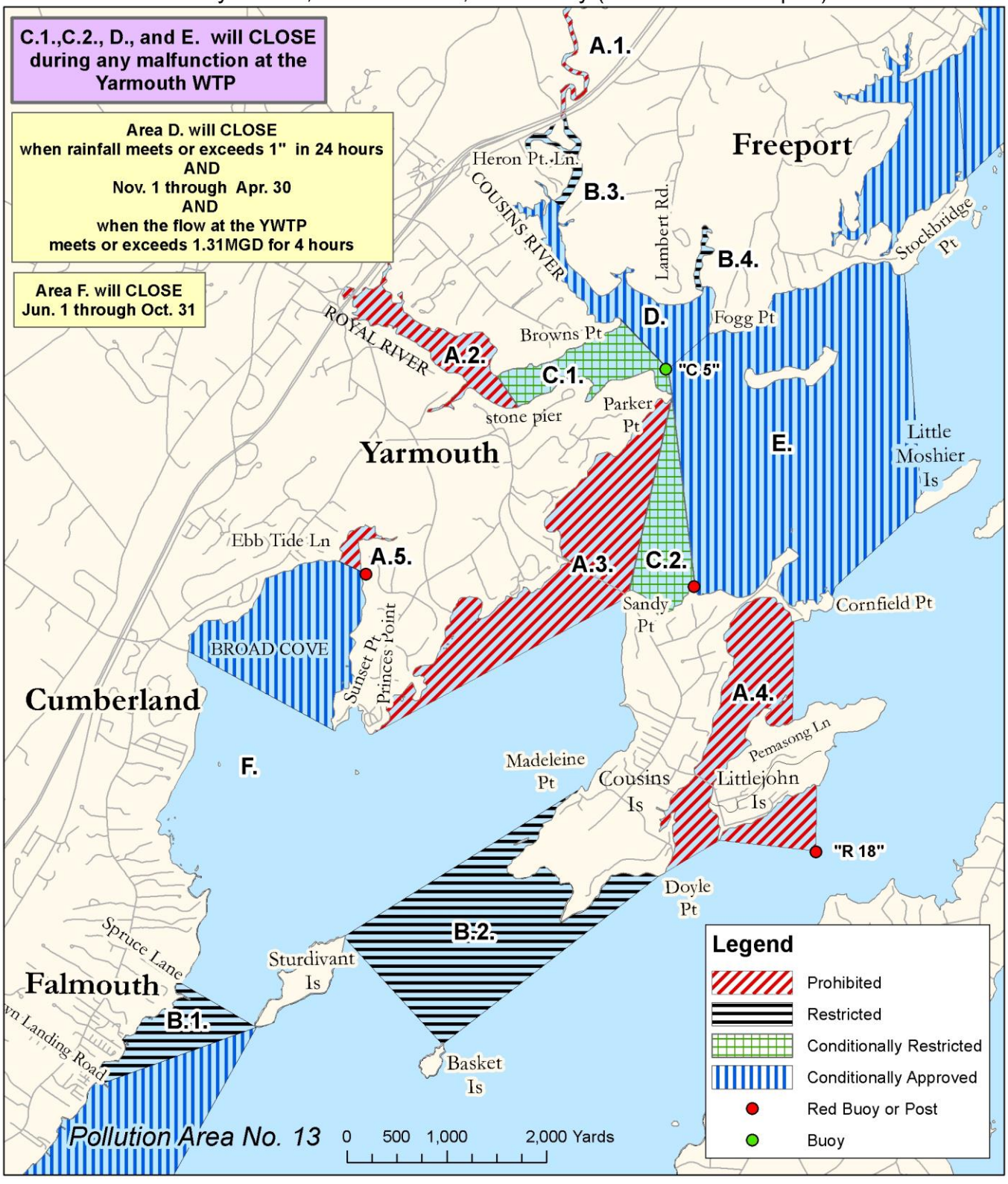
ATTACHMENT C

Maine Department of Marine Resources

Pollution Area No. 14

Royal River, Cousins River, and vicinity (Falmouth to Freeport)

7/6/16



http://www.Maine.gov/dmr

PHONE: (207) 624-6550 FAX: (207) 624-6024

ATTACHMENT D

FACILITY WET EVALUATION REPORT

Facility: YARMOUTH **Permit Number:** ME0100765 **Report Date:** 10/18/2016

Receiving Water: ROYAL RIVER **Rapidmix:** Y

Diluition Factors: 1/4 Acute: N/A Acute: 20.000 Chronic: 107

Effluent Limits: Acute (%): 5.000 Chronic (%): 0.935 **Date range for Evaluation: From** 18/Oct/2011 **To:** 18/Oct/2016

Test Type: **A_NOEL**

Test Species: MYSID SHRIMP	Test Date	Result (%)	Status
	06/27/2016	100.000	OK

Species Summary:

Test Number: 1 **RP:** 6.200 **Min Result (%):** 100.000 **RP factor (%):** 16.129 **Status:** OK

Test Type: **C_NOEL**

Test Species: SEA URCHIN	Test Date	Result (%)	Status
	06/27/2016	100.000	OK

Species Summary:

Test Number: 1 **RP:** 6.200 **Min Result (%):** 100.000 **RP factor (%):** 16.129 **Status:** OK

ATTACHMENT E

FACILITY PRIORITY POLLUTANT DATA REPORT

Data Date Range: 18/Oct/2011 - 18/Oct/2016

Showing all data

Facility name: **YARMOUTH** Permit Number: **ME0100765**

Parameter: 1,1,1-TRICHLOROETHANE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	2.000	Y
Parameter: 1,1,2,2-TETRACHLOROETH	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	2.000	Y
Parameter: 1,1,2-TRICHLOROETHANE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	2.000	Y
Parameter: 1,1-DICHLOROETHANE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	2.000	Y
Parameter: 1,1-DICHLOROETHYLENE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: 1,2-(O)DICHLOROBENZEN	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: 1,2,4-TRICHLOROBENZEN	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: 1,2-DICHLOROETHANE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	2.000	Y
Parameter: 1,2-DICHLOROPROPANE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	2.000	Y
Parameter: 1,2-TRANS-DICHLOROETH	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	2.000	Y
Parameter: 1,3-(M)DICHLOROBENZEN	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: 1,4-(P)DICHLOROBENZEN	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: 2,4,6-TRICHLOROPHENOL	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: 2,4-DICHLOROPHENOL	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: 2,4-DIMETHYLPHENOL	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: 2,4-DINITROPHENOL	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	10.000	Y
Parameter: 2,4-DINITROTOLUENE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	5.000	Y
Parameter: 2,6-DINITROTOLUENE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	5.000	Y
Parameter: 2-CHLOROETHYLVINYL ET	**Test date**	**Result (ug/l)**	**Lsthan**

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	06/27/2016	2.000	Y
Parameter: 2-CHLORONAPHTHALENE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: 2-CHLOROPHENOL	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: 2-NITROPHENOL	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	5.000	Y
Parameter: 3,3'-DICHLOROBENZIDIN	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: 3,4-BENZO(B)FLUORANTH	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: 4,4'-DDD	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	0.600	Y
Parameter: 4,4'-DDE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	0.600	Y
Parameter: 4,4'-DDT	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	0.600	Y
Parameter: 4,6-DINITRO-O-CRESOL	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	6.000	Y
Parameter: 4-BROMOPHENYLPHENYL	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: 4-CHLOROPHENYL PHENY	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: 4-NITROPHENOL	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	5.000	Y
Parameter: A-BHC	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	0.600	Y
Parameter: ACENAPHTHENE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: ACENAPHTHYLENE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: ACROLEIN	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	50.000	Y
Parameter: ACRYLONITRILE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	50.000	Y
Parameter: ALDRIN	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	0.600	Y

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Parameter: ALUMINUM	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	240.000	N
Parameter: AMMONIA	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1700.000	N
Parameter: ANTHRACENE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: ANTIMONY	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	2.000	Y
Parameter: ARSENIC	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	4.000	N
Parameter: B-BHC	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	0.600	Y
Parameter: B-ENDOSULFAN	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	0.600	Y
Parameter: BENZENE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: BENZIDINE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	5.000	Y
Parameter: BENZO(A)ANTHRACENE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: BENZO(A)PYRENE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: BENZO(G,H,I)PERYLENE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: BENZO(K)FLUORANTHENE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: BERYLLIUM	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	0.200	Y
Parameter: BIS(2-CHLOROETHOXY)M	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: BIS(2-CHLOROETHYL)ETH	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: BIS(2-CHLOROISOPROPYI	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: BIS(2-ETHYLHEXYL)PHTH	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	5.000	Y
Parameter: BROMOFORM	**Test date**	**Result (ug/l)**	**Lsthan**

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	06/27/2016	2.000	Y
Parameter: BUTYLBENZYL PHTHALATE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	5.000	Y
Parameter: CADMIUM	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	0.200	Y
Parameter: CARBON TETRACHLORIDE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	2.000	Y
Parameter: CHLORDANE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: CHLOROBENZENE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	2.000	Y
Parameter: CHLOROETHANE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	5.000	Y
Parameter: CHLOROFORM	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	2.000	Y
Parameter: CHROMIUM	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	2.000	Y
Parameter: CHRYSENE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: COPPER	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	118.000	N
Parameter: CYANIDE TOTAL	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	2.000	Y
Parameter: D-BHC	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	0.600	Y
Parameter: DIBENZO(A,H)ANTHRACE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: DIELDRIN	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	0.600	Y
Parameter: DIETHYL PHTHALATE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	5.000	Y
Parameter: DIMETHYL PHTHALATE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: DI-N-BUTYL PHTHALATE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	5.000	Y
Parameter: DI-N-OCTYL PHTHALATE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	5.000	Y

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Parameter: ENDOSULFAN SULFATE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	0.600	Y
Parameter: ENDRIN	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	0.600	Y
Parameter: ENDRIN ALDEHYDE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	0.600	Y
Parameter: ETHYLBENZENE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: FLUORANTHENE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: FLUORENE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: G-BHC	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	0.600	Y
Parameter: HEPTACHLOR	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	0.600	Y
Parameter: HEPTACHLOR EPOXIDE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	0.600	Y
Parameter: HEXACHLOROBENZENE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: HEXACHLOROBUTADIENE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	5.000	Y
Parameter: HEXACHLOROCYCLOPENT	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	5.000	Y
Parameter: HEXACHLOROETHANE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: INDENO(1,2,3-CD)PYREN	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: ISOPHORONE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: LEAD	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: MERCURY	**Test date**	**Result (ug/l)**	**Lsthan**
	12/15/2011	0.003	N
	02/22/2013	0.002	N
	02/07/2014	0.002	N
	02/20/2015	0.002	N
	02/09/2016	0.002	N

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	06/28/2016	0.019	N
Parameter: METHYL BROMIDE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	2.000	Y
Parameter: METHYL CHLORIDE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	5.000	Y
Parameter: METHYLENE CHLORIDE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	5.000	Y
Parameter: NAPHTHALENE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: NICKEL	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	2.000	Y
Parameter: NITROBENZENE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: N-NITROSODIMETHYLAMI	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: N-NITROSODI-N-PROPYLA	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: N-NITROSODIPHENYLAMI	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: PCB-1016	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	0.200	Y
Parameter: PCB-1221	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	0.200	Y
Parameter: PCB-1232	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	0.200	Y
Parameter: PCB-1242	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	0.200	Y
Parameter: PCB-1248	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	0.200	Y
Parameter: PCB-1254	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	0.200	Y
Parameter: PCB-1260	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	0.200	Y
Parameter: PENTACHLOROPHENOL	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	5.000	Y
Parameter: PHENANTHRENE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y

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Parameter: PHENOL	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: PYRENE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: SELENIUM	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	4.000	N
Parameter: SILVER	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	0.700	N
Parameter: TETRACHLOROETHYLENE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	2.000	Y
Parameter: THALLIUM	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: TOLUENE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	1.000	Y
Parameter: TOXAPHENE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	6.000	Y
Parameter: TRICHLOROETHYLENE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	2.000	Y
Parameter: VINYL CHLORIDE	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	2.000	Y
Parameter: ZINC	**Test date**	**Result (ug/l)**	**Lsthan**
	06/27/2016	261.000	N

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Parameter: ALUMINUM	**Test date**	**Result (ug/l)**	**Lsthan**
	12/22/2014	34.000	N
	04/16/2015	103.000	N
	08/13/2015	78.000	N
	12/23/2015	39.000	N
Parameter: AMMONIA	**Test date**	**Result (ug/l)**	**Lsthan**
	12/22/2014	600.000	N
	04/16/2015	1000.000	Y
	08/13/2015	1000.000	Y
	12/23/2015	3200.000	N
Parameter: ARSENIC	**Test date**	**Result (ug/l)**	**Lsthan**
	12/22/2014	5.000	Y
	04/16/2015	5.000	Y
	08/13/2015	5.000	Y
	12/23/2015	5.000	Y
Parameter: CADMIUM	**Test date**	**Result (ug/l)**	**Lsthan**
	12/22/2014	0.600	Y
	04/16/2015	2.100	N
	08/13/2015	0.300	N
	12/23/2015	0.600	N
Parameter: CHROMIUM	**Test date**	**Result (ug/l)**	**Lsthan**
	12/22/2014	5.000	Y
	04/16/2015	4.000	N
	08/13/2015	5.000	Y
	12/23/2015	5.000	Y
Parameter: COPPER	**Test date**	**Result (ug/l)**	**Lsthan**
	12/22/2014	14.000	N
	04/16/2015	9.000	N
	08/13/2015	23.000	N
	12/23/2015	13.000	N
Parameter: CYANIDE TOTAL	**Test date**	**Result (ug/l)**	**Lsthan**
	12/22/2014	5.000	Y
	04/16/2015	5.000	Y
	08/13/2015	5.000	Y
	12/23/2015	5.000	Y
Parameter: LEAD	**Test date**	**Result (ug/l)**	**Lsthan**
	12/22/2014	3.000	N
	04/16/2015	97.000	N
	08/13/2015	61.000	N
	12/23/2015	75.000	N
Parameter: NICKEL	**Test date**	**Result (ug/l)**	**Lsthan**
	12/22/2014	5.000	Y
	04/16/2015	3.000	N

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	08/13/2015	5.000	Y
	12/23/2015	5.000	Y

Parameter: SILVER

Test date	**Result (ug/l)**	**Lsthan**
12/22/2014	1.000	Y
04/16/2015	0.500	N
08/13/2015	1.000	Y
12/23/2015	1.300	N

Parameter: ZINC

Test date	**Result (ug/l)**	**Lsthan**
12/22/2014	59.000	N
04/16/2015	82.000	N
08/13/2015	95.000	N
12/23/2015	69.000	N

CONTENTS

A. GENERAL PROVISIONS

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

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

(a) They are not

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. OPERATION AND MAINTENACE OF FACILITIES

1. General facility requirements.

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

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

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

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

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

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

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

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

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

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

5. Bypasses.

(a) Definitions.

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

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

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

(c) Notice.

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

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

(d) Prohibition of bypass.

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

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

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

6. Upsets.

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

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

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

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

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

C. MONITORING AND RECORDS

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

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

3. Monitoring and records.

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

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

(c) Records of monitoring information shall include:

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

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

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

D. REPORTING REQUIREMENTS

1. Reporting requirements.

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

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

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

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

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

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

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

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

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

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

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

(f) Twenty-four hour reporting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Publicly owned treatment works.

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

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

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

E. OTHER REQUIREMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Maximum daily discharge limitation means the highest allowable daily discharge.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012 **Contact: (207) 287-2811**

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's ("DEP") Commissioner: (1) in an administrative process before the Board of Environmental Protection ("Board"); or (2) in a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

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

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

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

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

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

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

HOW TO SUBMIT AN APPEAL TO THE BOARD

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

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

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

1. *Aggrieved Status*. The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested*. The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

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

The Board will formally acknowledge receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

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

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

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

ADDITIONAL INFORMATION

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

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