



STATE OF MAINE
DEPARTMENT OF
ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PAUL MERCER
COMMISSIONER

September 15, 2017

Mr. Kenneth W. Locke,
Superintendent
Brewer Water Pollution Control Facility
80 N. Main St.
Brewer, ME. 04412

Maine Pollutant Discharge Elimination System (MEPDES) Permit #0100072
Maine Waste Discharge License (WDL) Application #W002679-5M-J-R
Proposed Draft Permit Modification

Dear Mr. Locke:

Enclosed is a proposed draft MEPDES permit and Maine WDL **modification** 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 document and its special and standard conditions. 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 modification from various state and federal agencies and from any other parties who have notified the Department of their interest in this matter.

Beginning today, Friday, September 15, 2017, the Department is making the draft permit modification available for a 30-day public comment period. All comments on the proposed draft permit modification must be received in the Department of Environmental Protection office on or before the close of business **Monday, October 16, 2017**. Failure to submit comments in a timely fashion will result in the proposed draft/license permit document being issued as drafted.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

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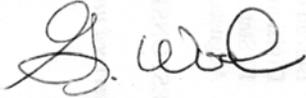
PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

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
gregg.wood@maine.gov

If you have any questions regarding the matter, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Wood". The signature is fluid and cursive, with the first name "G." and the last name "Wood" clearly distinguishable.

Gregg Wood
Division of Water Quality Management
Bureau of Water Quality

Enc.

cc: Clarissa Trasko, MDEP/EMRO
Lori Mitchell, MDEP/CMRO
Michael Riley, DEP/CMRO
Dave Webster, USEPA
Ellen Weitzler, USEPA
Olga Vergara, USEPA
Marelyn Vega, USEPA
Richard Carvalho, USEPA
Solanch Pastrana-Del Valle, USEPA
Maine Dept. Inland Fisheries and Wildlife Environmental Review
Maine Dept. Marine Resources Environmental Review



DEPARTMENT ORDER

IN THE MATTER OF

CITY OF BREWER)	MAINE POLLUTANT DISCHARGE
PUBLICLY OWNED TREATMENT WORKS)	ELIMINATION SYSTEM PERMIT
BREWER, PENOBSCOT COUNTY, MAINE)	AND
ME0100072)	WASTE DISCHARGE LICENSE
W002679-5M-J-M)	MODIFICATION
APPROVAL)	

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 CITY OF BREWER (Brewer/permittee), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The permittee has requested the Department modify combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0100072/Maine Waste Discharge License (WDL) #W002679-5M-I-R issued by the Department on May 10, 2016, for a five-year term. More specifically, the permittee has requested Special Condition K(4) *Combined Sewer Overflows (CSOs)*, be modified to change the completion date of the sewer separation projects referred to as Category I projects (North/South/East/West Roads and Church Street) in the most recently approved Master Plan. North/South/East/West Roads were to be completed by December 31, 2016, and Church Street was to be completed June 1, 2017. The permittee is requesting a completion date of December 1, 2018, for all Category I projects due to unforeseen delays in securing easements from property owners and their mortgage companies along the project area.

MODIFICATIONS GRANTED/DENINED

The request by the permittee to extend the deadline for Category I projects to December 1, 2018, is acceptable to the Department.

CONCLUSIONS

BASED on the findings in this **PROPOSED DRAFT** permit dated September 15, 2017, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with State law.
3. The provisions of the State's antidegradation policy, *Classification of Maine waters*, 38 M.R.S. § 464(4)(F), will be met, in that:
 - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
 - (c) 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 discharges (including the four CSOs and the CSO related bypasses of secondary treatment) 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).

SPECIAL CONDITIONS

K. COMBINED SEWER OVERFLOWS (CSO's) (cont'd)

4. CSO Master Plan [see 06-096 CMR 570(3) and 06-096 CMR 570(4)]

The permittee must implement CSO control projects in accordance with an approved CSO Master Plan and abatement schedule. The CSO Master Plan entitled *Sewer System Master Plan For CSO Abatement*, dated June 1993 was approved on April 12, 1995 and the abatement project schedule was last amended on January 15, 2004 and approved by the Department on January 26, 2004. The most current Master Plan, *Updated Sewer System Master Plan for CSO Abatement* dated December 2014 with abatement schedule was approved on November 2, 2015.

On or before December 31, 2017, (ICIS Code CS010) the permittee must provide a Status/Progress report confirming that the remaining Category II projects will be constructed or provide justification as to why some or all of the listed projects may no longer be needed.

On or before December 31, 2018, (ICIS Code CS016) the permittee must complete the sewer separation projects referred to as Category I projects in the most recently approved Master Plan.

On or before December 31, 2021, (ICIS Code 81699) the permittee must submit to the Department for review and approval an updated CSO Long Term Control Plan, a.k.a. Master Plan that analyzes the effectiveness of the abatement projects to date and if necessary, includes an implementation schedule for additional abatement projects.

To modify the dates and or projects specified in Special Condition A(4) of this permit (but not dates in the Master Plan), the permittee must file an application with the Department to formally modify this permit. The work items identified in the abatement schedule may be amended from time to time based upon approval by the Department. The permittee must notify the Department in writing prior to any proposed changes to the implementation schedule.

5. Nine Minimum Controls (NMC) [see 06-096 CMR 570(5)]

The permittee must implement and follow the Nine Minimum Controls documentation as approved by USEPA on May 29, 1997. Work performed on the Nine Minimum Controls during the year must be included in the annual CSO Progress Report (see below).