STATE OF MAINE
DEPARTMENT OF
ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PAUL MERCER
COMMISSIONER

October 30, 2018

Annaleis Hafford
Olver Associates, Inc.
P.O. Box 679
Winterport, ME. 04496
annaleis@olverassociatesinc.com

Sent via electronic mail
Delivery confirmation requested

RE: *Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0101320*
Maine Waste Discharge License (WDL) Application #W002649-6C-J-R
Proposed Draft MEPDES Permit - Renewal

Dear Ms. Hafford:

Attached 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 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 from various state and federal agencies and from any other parties who have notified the Department of their interest in this matter.

The comment period begins on October 30, 2018 and ends on November 30, 2018. All comments on the proposed draft permit must be received in the Department of Environmental Protection office on or before the close of business Friday, November 30, 2018. Failure to submit comments in a timely fashion will result in the proposed draft/license permit 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
Cindy.L.Dionne@maine.gov

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

Sincerely,

Cindy L. Dionne
Division of Water Quality Management
Bureau of Water Quality
ph: 207-287-7823

Enc.

ec: Barry Mower, DEP
Pamela Parker, DEP
Clarissa Trasko, DEP
Lori Mitchell, DEP
Sean Mahoney, CLF
Environmental Review, DMR
Ellen Weitzler, USEPA
Alex Rosenberg, USEPA
Solanch Pastrana-Del Valle, USEPA
Marelyn Vega, USEPA
Richard Carvalho, USEPA
Shelley Puleo, USEPA
Environmental Review, IFW
Trevor White, Passamaquoddy Tribe-Indian Township
Dale Mitchell, Passamaquoddy Tribe-Pleasant Point

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

DEPARTMENT ORDER

IN THE MATTER OF

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

APPLICATION SUMMARY

On October 10, 2018, the Department accepted as complete for processing an application from the permittee for the renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0101320 / Maine Waste Discharge License (WDL) #W002649-6C-I-R, which was issued by the Department on October 17, 2013 for a five-year term. The 10/17/13 permit authorized the monthly average discharge of 0.600 million gallons per day (MGD) of secondary treated wastewater from a publicly owned treatment works (POTW) to the St. Croix River, Class C, in Baileyville, Maine.

PERMIT SUMMARY

This permitting action is different from the October 17, 2013 permit in that it:

1. Adjusts the Escherichia coli bacteria (*E.coli*) monitoring period to April 15th – October 31st and monthly average (geometric mean) limit pursuant to 38 M.R.S. §465 (4)(B).

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CONCLUSIONS

BASED on the findings in the attached and incorporated Fact Sheet dated October 30, 2018, 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 water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;

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

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

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

ACTION

THEREFORE, the Department APPROVES the above noted application of the TOWN OF BAILEYVILLE to discharge a monthly average of 0.600 MGD of secondary treated wastewater to the St. Croix River, Class C, in Baileyville, Maine, SUBJECT TO ALL APPLICABLE STANDARDS AND REGULATIONS AND THE FOLLOWING CONDITIONS:

1. "*Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits*," revised July 1, 2002, copy attached.

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

3. This permit becomes effective upon the date of signature below and expires at midnight five (5) years after that date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the terms and conditions of this permit and all subsequent modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. *Maine Administrative Procedure Act*, 5 M.R.S. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matter*s, 06-096 C.M.R. 2(21)(A) (amended June 9, 2018).

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS ____ DAY OF _____2018.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:_____
PAUL MERCER, Commissioner

Date of initial receipt of application: October 10, 2018
Date of application acceptance: October 10, 2018

Date filed with Board of Environmental Protection _____

This Order prepared by Cindy L. Dionne, Bureau of Water Quality

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge secondary treated wastewater from Outfall #001 to the St. Croix River in Baileyville. Such discharges must be limited and monitored by the permittee as specified below [(1)].

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average	**Weekly Average**	**Daily Maximum**	**Monthly Average**	**Weekly Average**	**Daily Maximum**	**Measurement Frequency**	**Sample Type**
Flow *[50050]*	0.600 MGD *[03]*	---	Report (MGD)	---	---	---	Continuous *[99/99]*	Recorder *[RC]*
Biochemical Oxygen Demand (BOD_5) *[00310]*	150 lbs./day *[26]*	225 lbs./day *[26]*	250 lbs./day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	2/Month *[02/30]*	Composite *[24]*
BOD_5 Percent Removal [(2)] *[81010]*	85 % *[23]*	---	---	---	---	---	1/Month *[01/30]*	Calculate *[CA]*
Total Suspended Solids (TSS) *[00530]*	150 lbs./day *[26]*	225 lbs./day *[26]*	250 lbs./day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	2/Month *[02/30]*	Composite *[24]*
TSS Percent Removal [(2)] *[81011]*	85 % *[23]*	---	---	---	---	---	1/Month *[01/30]*	Calculate *[CA]*
Settleable Solids *[00545]*	---	---	---	---	---	0.3 mL/L *[25]*	4/Week *[04/07]*	Grab *[GR]*
E. coli Bacteria [(3)] *(April 15- October 31)* *[31633]*	---	---	---	100/100 mL *[13]*	---	949/100 mL *[13]*	2/Month *[02/30]*	Grab *[GR]*
Total Residual Chlorine [(4)] *[50060]*	---	---	---	---	---	1.0 mg/L *[19]*	4/Week *[04/07]*	Grab *[GR]*
pH (Standard Units) *[00400]*	---	---	---	---	---	6.0-9.0 *[12]*	5/Week *[05/07]*	Grab *[GR]*
Mercury (Total) [(5)] *[71900]*	---	---	---	16.6 ng/L *[3M]*	---	24.9 ng/L *[3M]*	1/Year *[01/YR]*	Grab *[GR]*

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

Footnotes: **See Pages 5 and 6 of this permit for applicable footnotes.**

SPECIAL CONDITIONS

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

Footnotes:

1. **Sampling** – The permittee must conduct influent sampling for BOD_5 and TSS before the mechanical screening equipment and before grit removal. For the purposes of this permitting action, BOD_5 and TSS samples taken at this location will serve as the influent values for calculating percent removals for secondary treated wastewater. The permittee must sample secondary treated wastewater (Outfall #001) after the last treatment unit in the treatment process. Any change in sampling location must be reviewed and approved by the Department in writing. The permittee must conduct sampling and analysis in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis must be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services for wastewater. Samples that are 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 C.M.R. 263 (effective 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 Discharge Monitoring Report.

2. **Percent removal** – The treatment facility must maintain a minimum of 85 percent removal of both BOD_5 and TSS for all flows receiving secondary treatment. The percent removal will be based on monthly average influent and effluent concentration values.

3. ***E. coli* bacteria** - *E. coli* bacteria limits and monitoring requirements are seasonal and apply between April 15th and October 31st of each year. In accordance with 38 M.R.S. § 414-A(5), the Department may, at any time and with notice to the permittee, modify this permit to establish bacteria limitations on a year-round basis to protect the health and welfare of the public. The monthly average *E. coli* bacteria limitation is a geometric mean value and sample results must be reported as such.

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.

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 U.S. Environmental Protection Agency's (USEPA) "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.

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 for 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 for the classification of the receiving waters.

3. The permittee must not discharge effluent that causes visible discoloration or turbidity in the receiving waters or otherwise impairs the uses designated for the classification of the receiving waters.

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

C. TREATMENT PLANT OPERATOR

The person who has management responsibility over the treatment facility must hold a Maine **Grade II**, Biological Treatment certificate (or higher) or must be a Maine Registered 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.

SPECIAL CONDITIONS

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 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 publicly-owned treatment works (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).

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 October 10, 2018; 2) the terms and conditions of this permit; and 3) only from Outfall #001A. Discharges of wastewater from any other point source are not authorized under this permit, and must be reported in accordance with Standard Condition D(1)(f), *Twenty-four hour reporting* of this permit.

F. NOTIFICATION REQUIREMENTS

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 (increase or decrease) in the volume or character of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants into the system at the time of permit issuance.

3. For the purposes of this section, adequate notice must include information on:

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

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

SPECIAL CONDITIONS

G. WET WEATHER MANAGEMENT PLAN

The treatment facility staff must have a current written Wet Weather Management Plan to direct the staff on how to operate the facility effectively during periods of high flow. The Department acknowledges that the existing collection system may deliver flows in excess of the monthly average design capacity of the treatment plant during periods of high infiltration and rainfall.

The plan must conform to Department guidelines for such plans and must include operating procedures for a range of intensities, address solids handling procedures (including septic waste and other high strength wastes if applicable) and provide written operating and maintenance procedures during the events.

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.

H. OPERATION & 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.

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SPECIAL CONDITIONS

I. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY

During the effective period of this permit, the permittee is authorized to receive up to 8,000 gallons of septage into its septage holding facilities and up to a daily maximum **of 1,500 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.

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.

SPECIAL CONDITIONS

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

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.

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 C** of the Fact Sheet for an acceptable certification form to satisfy this Special Condition.

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

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

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

SPECIAL CONDITIONS

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

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

L. 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 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 Department 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. REOPENING OF PERMIT FOR MODIFICATION

In accordance with 38 M.R.S. § 414-A(5) and upon evaluation of the test results required by the Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at any time and with notice to the permittee, modify this permit to: (1) include effluent limitations 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.

N. SEVERABILITY

In the event that any provision or part thereof, of this permit is declared to be unlawful by a reviewing court, the remainder of the permit 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.

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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.

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

MERCURY REPORT - Clean Test Only

Data Date Range: 10/04/1990 - 10/04/2018

Inspector Name: CLARISSA TRASKO

Facility: **BAILEYVILLE WWTP** **Permit Number:** ME0101320

Max (ng/l): 20.0000 **Average (ng/l):** 3.9883

Sample Date	Result (ng/l)	Lsthan	Clean
09/22/1999	6.51	N	T
10/27/1999	5.17	N	T
04/06/2000	14.00	N	T
07/27/2000	4.20	N	T
04/05/2001	1.60	N	T
04/05/2001	1.60		T
10/10/2001	11.00	N	T
03/13/2002	20.00	N	T
09/27/2002	5.10	N	T
04/29/2003	6.30	N	T
04/29/2003	6.30		T
12/22/2003	4.90	N	T
12/22/2003	4.90		T
05/25/2004	1.00		T
10/20/2004	3.90		T
11/08/2004	3.11	N	T
08/24/2005	1.80	N	T
12/20/2005	3.70	N	T
09/21/2006	1.00	Y	T
11/22/2006	2.60	N	T
10/04/2007	1.00	N	T
12/10/2007	1.40	N	T
10/10/2008	1.40	N	T
12/03/2008	2.90	N	T
04/01/2009	2.50	N	T
11/18/2009	2.30	N	T
07/13/2010	1.00	Y	T
12/03/2010	0.04	N	T
09/02/2011	1.30	N	T
11/30/2011	1.40	N	T
10/09/2012	6.10	N	T
07/09/2013	2.00	N	T
07/23/2014	2.43	N	T
07/21/2015	0.80	N	T
03/10/2016	4.33	N	T

Maine Department of Environmental Protection

Effluent Mercury Test Report

Name of Facility: Town of Baileyville Federal Permit # ME 101320

Purpose of this test:
- [ ] Initial limit determination
- [X] Compliance monitoring for: year 2018 calendar quarter 3rd
- [ ] Supplemental or extra test

SAMPLE COLLECTION INFORMATION

Sampling Date: 07 | 26 | 18 (mm dd yy) Sampling time: 8:30 AM AM/PM

Sampling Location: Outfall #001

Weather Conditions: Cloudy, 71 degrees F

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: X Grab (recommended) or _____ Composite

ANALYTICAL RESULT FOR EFFLUENT MERCURY

Name of Laboratory: Katahdin Analyitical Services

Date of analysis: 8/7/2018 **Result: 3.42 ng/L (PPT)**

Effluent Limits: **Average =** 16.6 ng/L **Maximum =** 24.9 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: Annalies Hafford P.E. Annalies Hafford Date: 10-22-18

Title: Vice President, Olver Associates, Inc.

Maine Department of Environmental Protection

Effluent Mercury Test Report

Name of Facility: Town of Baileyville Federal Permit # ME 101320

Purpose of this test:
- [ ] Initial limit determination
- [X] Compliance monitoring for: year 2017 calendar quarter 2nd
- [ ] Supplemental or extra test

SAMPLE COLLECTION INFORMATION

Sampling Date: 05 (mm) 16 (dd) 17 (yy) Sampling time: 8:30 AM AM/PM

Sampling Location: Outfall #001

Weather Conditions: Clear, 55 degrees F

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: X Grab (recommended) or _____ Composite

ANALYTICAL RESULT FOR EFFLUENT MERCURY

Name of Laboratory: Katahdin Analyitical Services

Date of analysis: 5/22/2017 **Result: 5.48 ng/L (PPT)**

Effluent Limits: **Average =** 16.6 ng/L **Maximum =** 24.9 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: Annalies Hafford P.E. Annalies Hafford Date: 10-22-18

Title: Vice President, Olver Associates, Inc.

Maine Department of Environmental Protection

Effluent Mercury Test Report

DEP-BANGOR AM 11:37-FEB15'17RC

corrected

Name of Facility: Baileyville WWTP Federal Permit # ME 101320

Purpose of this test:
- [ ] Initial limit determination
- [X] Compliance monitoring for: year 2010 calendar quarter 4
- [ ] Supplemental or extra test

SAMPLE COLLECTION INFORMATION

Sampling Date: 12 (mm) 03 (dd) 2010 (yy) Sampling time: 8:30 AM AM/PM

Sampling Location: Final effluent outfall

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: SECR University of Maine

Date of analysis: 12/20/2010 **Result: 3.3 ng/L (PPT)**

Effluent Limits: **Average =** 16.6 ng/L **Maximum =** 24.9 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: Annaleis Hafford Annaleis Hafford Date: 2/1/2017

Title: Vice President, Olver Associates

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
MAINE WASTE DISCHARGE LICENSE

Proposed Draft FACT SHEET

DATE: **October 30, 2018**

PERMIT NUMBER: **ME0101320**

WASTE DISCHARGE LICENSE: **W002649-6C-J-R**

NAME AND ADDRESS OF APPLICANT:

Town of Baileyville
27 Broadway Street
Baileyville, Maine 04694

COUNTY: **Washington**

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

22 Elm Street
Baileyville, Maine 04694

RECEIVING WATER/CLASSIFICATION: **St. Croix River/Class C**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER:

Ms. Annaleis Hafford
(207) 223-2232
annaleis@olverassociatesinc.com

1. APPLICATION SUMMARY

a. Application: On October 10, 2018, the Department of Environmental Protection (Department) accepted as complete for processing an application from the Town of Baileyville (permittee/Town) for the renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0101320 / Maine Waste Discharge License (WDL) #W002649-6C-I-R, which was issued by the Department on October 17, 2013 for a five-year term. The 10/17/13 permit authorized the monthly average discharge of 0.600 million gallons per day (MGD) of secondary treated wastewater from a publicly owned treatment works (POTW) to the St. Croix River, Class C, in Baileyville, Maine.

2. PERMIT SUMMARY

a. Terms and conditions: This permitting action is different from the October 17, 2013 permit in that it:

1. Adjusts the Escherichia coli bacteria (*E.coli*) monitoring period to April 15th – October 31st and monthly average (geometric mean) limit pursuant to 38 M.R.S. §465 (4)(B).

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

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

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

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

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

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

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

October 17, 2017 – The Department issued combination MEPDES permit/WDL #W002649-6C-I-R / MEPDES #ME0101320 for a five-year term.

2. PERMIT SUMMARY (cont'd)

February 2, 2018 – The permittee submitted a timely and complete General Application to the Department for renewal of the 5/15/2013 permit (including subsequent permit modification). The application was accepted for processing on February 5, 2018 and was assigned WDL #W002647-6C-J-R / MEPDES #ME0100455.

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

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

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

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

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

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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 C.M.R. 530 (effective March 21, 2012), require the regulation of toxic substances so as not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants,* 06-096 C.M.R. 584 (effective July 29, 2012), and ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

4. RECEIVING WATER QUALITY STANDARDS

Classification of major river basins, 38 M.R.S. § 467(13)(A)(4) classifies the St. Croix River at the point of discharge as Class C waters. *Standards for classification of fresh surface waters,* 38 M.R.S. § 465(4) describes the standards for Class C waters.

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2016 Integrated Water Quality Monitoring and Assessment Report (Report), prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the main stem of the St. Croix River, from Grand Falls to tidewater, (Integrated Report Assessment Unit ID ME0105000108_505R) as Category 2: "Rivers and Streams Attaining Some Designated Uses – Insufficient Information for Other Uses."

It should be noted that this Assessment Unit is incorrectly listed as a Class A waterbody in the 2016 report. In fact, only the upper portion of the unit (from Grand Falls to the upstream end of the Woodland Impoundment is Class A, while the lower end (from the Woodland Dam to tidewater) is Class C. (The Woodland Impoundment itself is a separate Assessment Unit, ME0105000108_505R01). The Department is working to split assessment unit ME0105000108_505R into two for the future report to reflect the classification correctly.

The Report lists all of Maine's fresh waters as, "Category 4-A: Waters Impaired by Atmospheric Deposition of Mercury." Impairment in this context refers to a statewide fish consumption advisory due to elevated levels of mercury in some fish tissues. The Report states, "All freshwaters are listed in Category 4A (TMDL Completed) due to USEPA approval of a Regional Mercury TMDL." Maine has a fish consumption advisory for fish taken from all freshwaters due to mercury. Many fish from any given waters do not exceed the action level for mercury. However, because it is impossible for someone consuming a fish to know whether the mercury level exceeds the action level, the Maine Department of Health and Human Services decided to establish a statewide advisory for all freshwater fish that recommends limits on consumption.

5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

The Department has no information that the discharge from the permittee, as conditioned, causes or contributes to non-attainment of applicable Class C water quality standards.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

a. Flow: The previous permitting action established, and this permitting action is carrying forward, the following discharge flow regime:

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	0.600	0.6 – 0.73	0.2
Daily Maximum	Report	0.10 – 2.46	0.7

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

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

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

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

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

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

Footnotes:

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

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

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

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

c. Biochemical Oxygen Demand (BOD_5) & Total Suspended Solids (TSS) – The previous permitting action established, and this permitting action is carrying forward, monthly average and weekly average technology-based concentration limits of 30 mg/L and 45 mg/L, respectively, for BOD_5 and TSS based on the secondary treatment requirements specified at *Effluent Guidelines and Standards*, 06-096 CMR 525(3)(III) (effective January 12, 2001), and a daily maximum concentration limit of 50 mg/L, which is based on a Department best professional judgment (BPJ) of best practicable treatment (BPT) for secondary treated wastewater. The technology-based monthly average, weekly average and daily maximum average mass limits of 150 lbs/day, 225 lbs/day, and 250 lbs/day, respectively, established in the previous permitting action for BOD_5 and TSS are based on the monthly average flow design criterion of 0.600 MGD and the applicable concentration limits, and are also being carried forward in this permitting action. The monitoring frequency of 2/Month is also being carried forward in this permitting action.

This permitting action is carrying forward a requirement for a minimum of 85% removal of BOD_5 & TSS pursuant to 06-096 CMR 525(3)(III)(a&b)(3). The monitoring frequency of 1/Month is also being carried forward in this permitting action. The Department reviewed 57 DMRs that were submitted for the period November 2013 – August 2018. A review of data indicates the following:

BOD_5 mass

Value	Limit (lbs./day)	Range (lbs./day)	Average (lbs./day)
Monthly Average	150	0 – 39	9
Weekly Average	225	0 – 66	15
Daily Maximum	250	1.7 – 85	16

BOD_5 concentration

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	2 – 8	4
Weekly Average	45	2 – 10	5
Daily Maximum	50	2 – 10	6

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

TSS mass

Value	Limit (lbs./day)	Range (lbs./day)	Average (lbs./day)
Monthly Average	150	0 – 87	9
Weekly Average	225	0 – 173	17
Daily Maximum	250	2 – 220	18

TSS concentration

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	<1 – 16	<4
Weekly Average	45	1 – 29	6
Daily Maximum	50	1 – 46	7

d. Settleable Solids – The previous permitting action established, and this permitting action is carrying forward, a technology-based daily maximum concentration limit of 0.3 mL/L for settleable solids, which is considered a best practicable treatment limitation (BPT) for secondary treated wastewater. This permitting action is also carrying forward the 4/Week monitoring frequency that was established in the previous permit.

The Department reviewed 57 DMRs that were submitted for the period November 2013 – August 2018. During this time period the daily maximum limit was exceeded three times with a daily maximum settleable solids concentration of 38 mL/L, in April of 2014. A review of data indicates the following:

Settleable solids concentration

Value	Limit (ml/L)	Range (ml/L)	Average (ml/L)
Daily Maximum	0.3	<0.1 – 38	<0.8

e. *E. coli* Bacteria –The previous permitting action established seasonal (May 15 – September 30) monthly average and daily maximum *E. coli* bacteria limits of 126 colonies/100 mL and 949 colonies/100 mL, respectively, based on the State's Water Classification Program criteria for Class C waters. respectively.

A new bill introduced to the Maine State Legislature (L.D. 1298) in 2017 updated Maine's water quality standards to be consistent with USEPA recommendations. On August 1, 2018, the monthly average geometric mean limit for *E. coli* went from 126 colonies/100 ml to 100 colonies/100 ml for dischargers on Class C waters. The bill also updates the seasonal monitoring period to April 15 through October 31 each year. This permit reflects this legislative update. This permitting action is carrying forward the monitoring frequency of 2/Month.

Although *E. coli* bacteria limits are seasonal and apply between April 15 and October 31 of each year, the Department reserves the right to impose year-round bacteria limits if deemed necessary to protect the health, safety and welfare of the public.

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

The Department reviewed 20 DMRs that were submitted for the period November 2013 – August 2018. A review of data indicates the following:

***E. coli* bacteria**

Value	Limit (col/100 mL)	Range (col/100 mL)	Mean (col/100 mL)
Monthly Average	126	1 – 12	4
Daily Maximum	949	1 – 39	11

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

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

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

The Department has established a daily maximum BPT limitation of 1.0 mg/L for facilities that disinfect their effluent with elemental chlorine or chlorine-based compounds. The daily maximum BPT-based limit of 1.0 mg/L is more stringent than either calculated water quality-based threshold and is therefore being carried forward in this permitting action. This permitting action is also carrying forward the monitoring frequency of 4/Week.

The Department reviewed 24 DMRs that were submitted for the period November 2013 – August 2018. A review of data indicates the following:

Total residual chlorine

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	1.0	0.33 – 0.94	0.7

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

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

The Department reviewed 57 DMRs that were submitted for the period November 2013 – August 2018. A review of data indicates the following:

pH

Value	Limit (SU)	Minimum (SU)	Maximum (SU)
Daily Maximum	6.0 – 9.0	6.1	7.8

h. Mercury: Pursuant to 38 M.R.S. § 420 and 38 M.R.S. § 413 and 06-096 CMR 519, the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL #W002649-5L-F-R by establishing interim monthly average and daily maximum effluent concentration limits of 16.6 parts per trillion (ppt.) and 24.9 ppt., respectively, and a minimum monitoring frequency requirement of 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 AWQC for mercury if the facility is in compliance with an interim discharge limit established by the Department. A review of the Department's database for the period of September 1999 through March 2016 is as follows:

Mercury (n = 35)

Value	Limit (ng/L)	Range (ng/L)	Mean (ng/L)
Monthly Average	16.6	0.04 – 20	4
Daily Maximum	24.9		

On February 6, 2012, the Department issued a minor revision to the permit thereby revising the minimum monitoring frequency requirement from four times per year to once per year pursuant to 38 M.R.S. § 420(1-B)(F). This minimum monitoring frequency is being carried forward in this permitting action.

i. Whole Effluent Toxicity (WET), Priority Pollutant, and Analytical Chemistry Testing – 38 M.R.S.A. § 414-A and 38 M.R.S.A. § 420 prohibit the discharge of effluents containing substances in amounts that would cause the surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the USEPA. 06-096 CMR 530 sets forth effluent monitoring requirements and procedures to establish safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected and narrative and numeric water quality criteria are met. *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective July 29, 2011), sets forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

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

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

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

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

06-096 CMR 530(2)(D)(4) states, *"all dischargers having waived or reduced testing must file statements with the Department on or before December 31 of each year describing the following:*

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

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

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

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

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

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

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

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

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

7. DISPOSAL OF SEPTAGE WASTE IN WASTEWATER TREATMENT FACILITY

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

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, contribute, or have a reasonable potential to cause or contribute to the failure of the water body to meet standards for Class C classification.

9. PUBLIC COMMENTS

Public notice of this application was made in the *Calais Advertiser* on October 4, 2018. 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 C.M.R. 522 (effective January 12, 2001).

10. DEPARTMENT CONTACTS

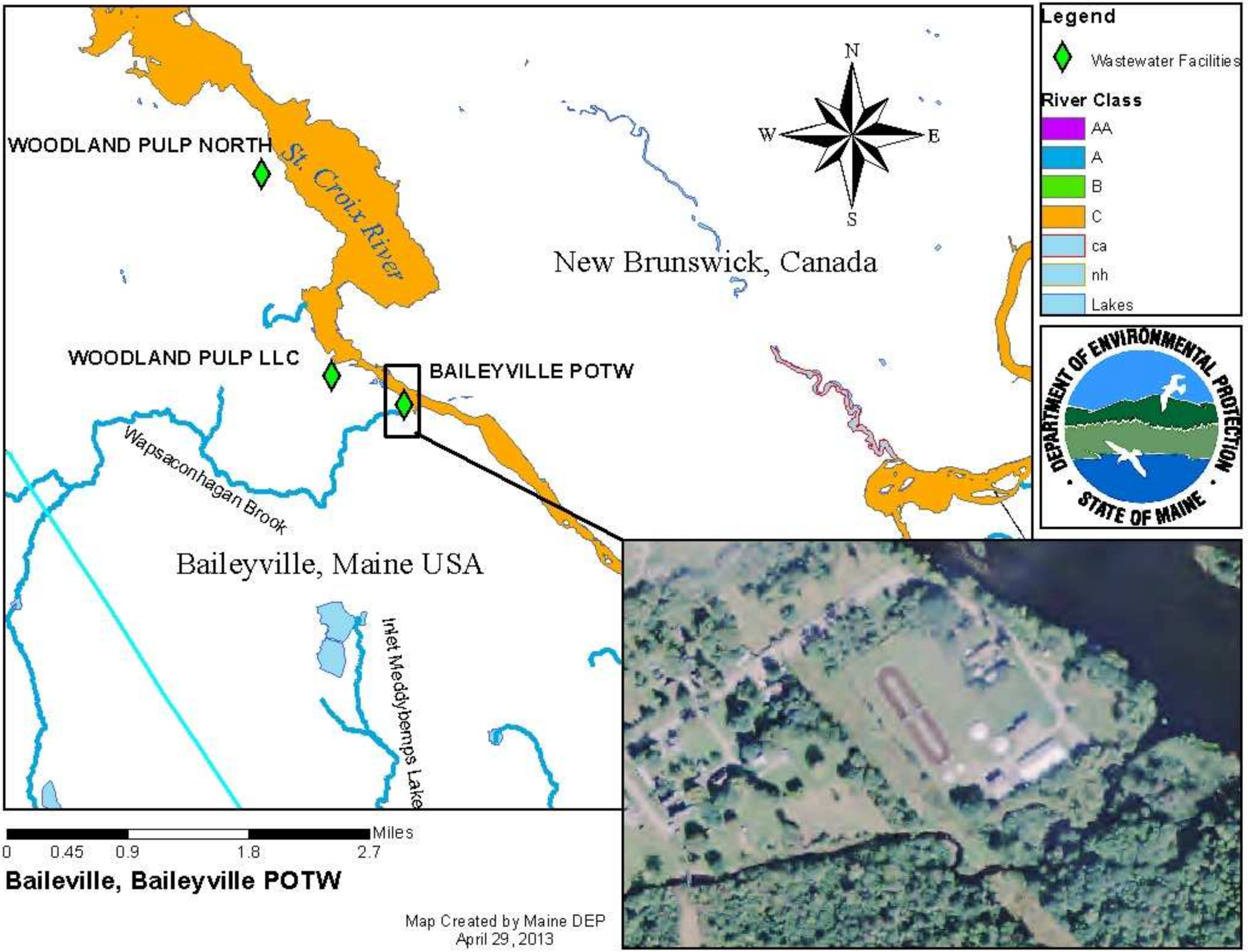
Additional information concerning this permitting action may be obtained from, and written comments sent to:

Cindy L. Dionne
Division of Water Quality Management - Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 287-7823
e-mail: Cindy.L.Dionne@maine.gov

11. RESPONSE TO COMMENTS

This section reserved until the end of the public comment period.

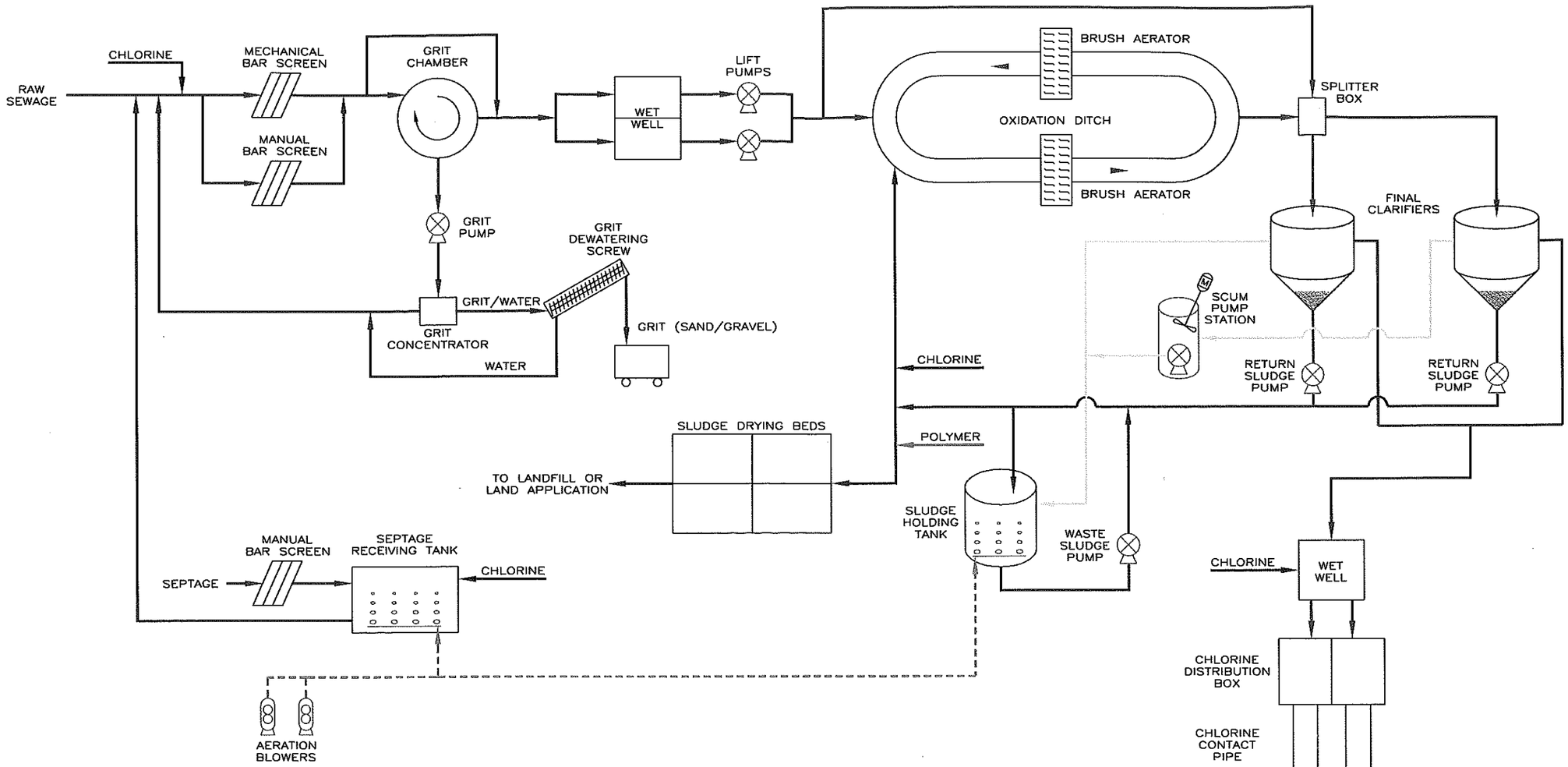
ATTACHMENT A



Baileville, Baileyville POTW

Map Created by Maine DEP
April 29, 2013

ATTACHMENT B



BAILEYVILLE WASTEWATER TREATMENT FACILITY

EXISTING TREATMENT PROCESS FLOW DIAGRAM

FIGURE 1

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

ATTACHMENT C

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 D

River flows at the point of discharge are regulated by upstream hydropower dam operations at Grand Falls and at Woodland. Additional upstream storage dam locations which contribute to river flows at the point of discharge include; Forest City, Vanceboro, Canoose, Clifford, West Grand, and Sysladobsis. An earthen dam at Farm Cove prevents uncontrolled discharge of impounded waters. This dam maintains a small constant flow to a brook flowing into Big Lake then on to Grand Falls Flowage. Woodland Pulp owns and operates all nine of these facilities. A run-of-river hydro power generating facility is located downstream of the mill in the Milltown area of St. Stephen, New Brunswick. This facility depends on upstream flow releases to generate power and is outside the jurisdiction of the United States. The FERC licenses for the West Grand and Forest City projects are in effect and valid through August 2000, with annual licenses issued by the FERC pending final resolution and relicensing

The Vanceboro Project is licensed by FERC through 2016. FERC's 1997 decision did not include any direct review or discussion on decisions relative to this project, however the rehearing and appeal process does consider this project as all of these including Grand Falls are auxiliary to and interconnected with the Woodland dam in design and operation such that they form one complete unit of development. The Grand Falls and Woodland Projects were authorized by an Act of Congress prior to Part 1 of the Federal Power Act of 1920. Therefore, FERC jurisdiction does not apply. The Canoose Dam is entirely in Canada, outside the jurisdiction of the United States. The Clifford Lake Dam is a small facility associated with the Grand Falls Project.

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

The IJC currently has issued orders for a minimum flow of 75 cubic feet per second (cfs) at Forest City and a minimum flow of 200 cfs at Vanceboro. As noted, the IJC orders also include maximum and minimum water levels at those dams. In addition, a minimum and maximum lake level is specified by order for Grand Falls Dam but no flow specification is made. The minimum hydropower generation design flow for this facility and Woodland Dambelow is 750 cfs. As early as the 1860's State Governmental surveys identified the St. Croix as having a dependable flow of around 1,000 cfs and it was on this basis that the lower minimum design flow was specified. This minimum design flow was utilized to design the system's integrated operation.

The Board has not issued an order for the Woodland Dam. Over the last ten years, USGS records at the Baring gauging station, located 5.3 miles below Woodland Dam and the point of the Woodland Mill discharge, show that a 7-day minimum of 850 cfs has been consistently maintained. (Note: During the drought of 2002 the DEP authorized a late winter minimum flow of 500- 550 cfs to conserve lake system water. While 750 cfs was achievable, environmental conditions at this time of year allowed a compromise to avoid summer public water use conflicts. The Department agreed that this emergency flow was not representative of a true minimum and accordingly would not be utilized as such for licensing and other assessment purposes.) The 1987 EPA permit and State WDL required the GPC to provide a minimum flow of 750 cfs at Baring from June 1 through September 30 as a condition of permit and license. The permittee has indicated that the IJC formerly specified a minimum flow of 750 cfs as a daily mean flow and not an instantaneous flow as specified in the 1987 EPA permit and 1996 State WDL. The permittee has provided the Department with a lengthy and well documented history of the flow management plan for the river indicating that minimum flow at and below the Woodland mill in said plan is 850 cfs. Consistent flows in the lower river equal to or higher than this value have been the basis for the construction and operation of the dams on the watershed since the early 1800's. The three power generating dams constructed in the early 1900's were also designed accordingly. As a result, 850 cfs is being utilized as the low flow (7Q10) in calculating applicable dilution factors and corresponding water quality based limits in this permitting action.