



STATE OF MAINE
DEPARTMENT OF
ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE

GOVERNOR

PAUL MERCER

COMMISSIONER

November 6, 2018

Mr. Lee Leiner
Public Works Director
City of Bath
Bath, ME. 04530
e-mail: lleiner@cityofbath.com

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100021
Maine Waste Discharge License (WDL) #W002678-6D-N-M
Proposed Draft Permit Modification

Dear Mr. Leiner:

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

By copy of this letter, the Department is requesting comments on the proposed draft permit from various state and federal agencies and from any other parties who have notified the Department of their interest in this matter.

Beginning today, Tuesday, November 6, 2018, the Department is making the draft permit available for a 30-day public comment period. All comments on the proposed draft permit must be received in the Department of Environmental Protection office on or before the close of business **Thursday, December 6, 2018**. Failure to submit comments in a timely fashion will result in the final permit document being issued as drafted.

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

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

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

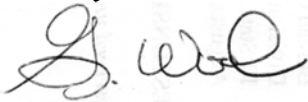
PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

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

Maine Department of Environmental Protection
Bureau of Water Quality
Division of Water Quality Management
17 State House Station
Augusta, ME 04333-0017
gregg.wood@maine.gov

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

Sincerely,

A handwritten signature in black ink, appearing to read "G. Wood". The signature is written in a cursive style with a large initial "G" and a stylized "W".

Gregg Wood
Division of Water Quality Management
Bureau of Water Quality

Enc.

cc: Stuart Rose, MDEP/SMRO
Lori Mitchell, MDEP/CMRO
Michael Riley, MDE/CMRO
Ellen Weitzler, USEPA
Shelley Puleo, USEPA
Marelyn Vega, USEPA
Maine Dept. Inland Fisheries and Wildlife Environmental Review
Maine Dept. Marine Resources Environmental Review



DEPARTMENT ORDER

IN THE MATTER OF

| | | |
|--------------------------------|---|---------------------------|
| CITY OF BATH |) | MAINE POLLUTANT DISCHARGE |
| BATH, SAGadahoc COUNTY, MAINE |) | ELIMINATION SYSTEM PERMIT |
| PUBLICLY OWNED TREATMENT WORKS |) | AND |
| #ME0100021 |) | WASTE DISCHARGE LICENSE |
| #W002678-6D-N-M |) | MODIFICATION |
| APPROVAL |) | |

In compliance with the applicable provisions of *Pollution Control*, 38 M.R.S.A. §§ 411 – 424-B, *Water Classification Program*, 38 M.R.S.A. §§ 464 – 470 and *Federal Water Pollution Control Act*, Title 33 U.S.C. § 1251, and applicable rules of the Department of Environmental Protection (Department hereinafter), the Department has considered a request by the CITY OF BATH (City/permittee hereinafter), to modify combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0100021/Maine Waste Discharge License (WDL) #W002678-6D-K-R issued on June 1, 2016, for a five-year term. With its supportive data, agency review comments, and other related materials on file, the Department FINDS THE FOLLOWING FACTS:

REQUEST SUMMARY

On October 26, 2018, the City of Bath submitted an application to the Department to modify MEPDES permit #ME0100021/WDL #W002678-6D-K-R issued on June 1, 2016. More specifically, the City is requesting to modify a milestones in Special Condition J, *Effluent Limitations For Combined Sewer Overflows* for Projects #35, #37 & #38 that contribute flow to the Rose Street Pump Station and Project #40, separation of identified catch basins at the Fisher Mitchell School. The permittee is requesting to modify the milestone for Projects #35, #37 & #38 from December 31, 2017, to December 31, 2020, and the milestone for Project #40 from December 19, 2019, to December 31, 2020, due to combining and rescheduling of projects to gain efficiencies and cost savings in completing the projects.

REQUEST GRANTED

The Department’s CSO Program Coordinator has reviewed and discussed the City’s proposal and finds it acceptable. Therefore, Special Condition J, *Effluent Limitations For Combined Sewer Overflows*, of ME0100021/WDL #W002678-6D-K-R issued on June 1, 2016, is being modified accordingly.

CONCLUSIONS

Based on the findings on page 1 of this modification and subject to the special and standard conditions that follow, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, *Classification of Maine waters*, 38 M.R.S. §464(4)(F), will be met, in that:
 - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding natural resource, that water quality will be maintained and protected;
 - (c) Where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and
 - (e) Where a discharge will result in lowering the existing water quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharges will be subject to effluent limitations that require application of best practicable treatment as defined in *Conditions of licenses*, 38 M.R.S. § 414-A(1)(D).

ACTION

Based on the findings and conclusions as stated above, the Department APPROVES the application of the CITY OF BATH, requesting the Department modify a milestones in Special Condition J, *Effluent Limitations For Combined Sewer Overflows* for Projects #35, #37 & #38 and Project #40 in ME0100021/WDL #W002678-6D-K-R issued by the Department on June 1, 2016. The permittee is SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

1. *Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits*, revised July 1, 2002, copy attached to ME0100021/WDL #W002678-6D-K-R issued by the Department on June 1, 2016, for a five year term.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. All terms and conditions of ME0100021/WDL #W002678-6D-K-R issued by the Department on June 1, 2016, for a five-year term, not modified by this modification remain in effect and enforceable.
4. This permit modification and the authorization to discharge become effective upon the date of signature below and expires at midnight on June 1, 2021. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the authorization to discharge and the terms and conditions of this permit and all modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S.A. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (last amended on 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: _____
Melaine Lozrim, Acting Commissioner

Date of initial receipt of application: October 26, 2018

Date of application acceptance: October 26, 2018

Date filed with Board of Environmental Protection _____

This Order prepared by Gregg Wood, BUREAU OF WATER QUALITY

SPECIAL CONDITIONS

J. EFFLUENT LIMITATIONS AND CONDITIONS FOR COMBINED SEWER OVERFLOWS (CSOs)

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

The permittee must implement CSO control projects in accordance with the most current approved CSO Master Plan and abatement schedule. The CSO Master Plan entitled, "*City of Bath – Revised 2006 Combined Sewer Overflow Master Plan Update*," In addition there have been three revision letters (2008, 2011 and 2015) submitted to the Department updating the scope of work and schedules for selected projects.

Key milestones approved in the most recent abatement schedule or agreed to by the permittee and Department that the permittee is required to comply with are:

On or before December 31, 2020, (ICIS Code 75305), the permittee shall complete storm water construction projects which results in separation of identified catch basins at the Fisher Mitchell School which contribute wet weather flows to the Pleasant Street Pump Station (Project #40).

On or before December 31, 2020, (ICIS Code 75305), the permittee shall complete construction of projects which results in elimination of catch basins and rehabilitation of leaking sewer lines contributing wet weather flows to the Rose Street Pump Station (Projects #35, #37 & #38).

On or before December 31, 2020, (ICIS Code 81699), the permittee shall submit an updated CSO Master Plan to the Department for review and approval.

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