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MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT AND MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: **April 11, 2003**
Revised: **June 23, 2003**

PERMIT NUMBER: **#ME0101435**
LICENSE NUMBER: **#W008010-5T-C-R**

NAME AND ADDRESS OF APPLICANT:

CITY OF PORTLAND
55 Portland Street
Portland, Maine 04101

COUNTY: **Cumberland County**

NAME AND LOCATION WHERE DISCHARGE OCCURS:

For the name and location of CSOs, see pages 7 and 8 of this Fact Sheet

RECEIVING WATER/CLASSIFICATION: **Back Cove, Class SC; Fore River, Class SC; Portland Harbor, Class SC; and Capisic Brook, Class C**

COGNIZANT OFFICAL AND TELEPHONE NUMBER: **Mr. Bradley A. Roland**
(207) 874-8846
brad@ci.portland.me.us

1. APPLICATION SUMMARY

a. Application: The applicant has applied for renewal of Department Waste Discharge License (WDL) #W008010-58-A-R, dated October 7, 1997, which approved the discharge of untreated sanitary waste waters from six combined sewer overflows (CSOs) to Back Cove, Class SC, from two CSOs to Portland Harbor, Class SC, from one CSO to the Fore River, Class SC, and from four CSOs to Capisic Brook, Class C in Portland, Maine for a total of thirteen CSOs. CSO #039, listed in the 1997 WDL as discharging to the Capisic Brook, discharges to the Fore River and CSO Outfall #038 that was discharging to Capisic Brook was closed in 1998.

b. Permit Summary: This permitting action authorizes the City of Portland (City) to discharge untreated sanitary and storm related wastewater during wet weather events via CSO Outfalls 006, 013, 014, 017, 018 and 019 to Back Cove, CSO Outfalls 024 and 026 to Portland Harbor; CSO Outfalls 036 and 039 to the Fore River, and CSO Outfalls 042 and 043 to Capisic Brook for a total of twelve CSOs.

1. APPLICATION SUMMARY (cont'd)

During wet weather events caused by precipitation, snow melt, inflow and infiltration (I & I) into the collection system from roof drains, cellar drains, combined storm sewers, and/or leaking collection systems, the flow in the sewer system may be greater than what the treatment plant can handle and therefore water may back up in the sewer lines causing the activation of CSOs. Also the wet weather flows may exceed the capacity of certain sewer lines and therefore cause CSO activation. The city has a total of 34 CSOs, 22 of which are owned and maintained by the Portland Water District (District). CSOs not covered in this permitiing action are addressed in other Department permitting actions. (This permit covers 12 CSOs)

This permit is carrying forward the following requirements: 1) continue to implement CSO control projects as described in the *City of Portland Combined Sewer Overflow Abatement Five Year Implementation Schedule 1997 through 2001* and the *City of Portland Tier II Combined Sewer Overflow Abatement 8-Year Implementation Plan*, dated February 5, 2003 which was approved by the Department on February 10, 2003 and any amended schedules approved by the Department, 2) Submit an annual *CSO Activity and Volumes* report, 3) conduct block testing or flow monitoring of all CSOs, 4) Submit an annual *CSO Progress Report*, and 5) submit an annual report of work done on the *Nine Minimum Controls.*

This permit is different than the previous license in that: 1) CSO #039 listed in the previous license as discharging to Capisic Brook is listed as discharging to the Fore River in this permit, and 2) CSO Outfall #038 that was discharging to Capisic Brook has been removed from the permit/license as it was closed in 1998.

c. History: The most recent permitting/licensing actions include the following:

January 1991 – The City and the District entered into an Administrative Consent Agreement and Enforcement order with the Maine Board of Environmental Protection because of the CSO discharges and the fact that the City did not have a current WDL for its CSOs. The Consent Agreement set forth deadlines for the development and implementation of a long term program for the evaluation and abatement of both the City and District CSO discharges. The City was also required to submit a WDL application to the Department.

February 1991 – The City submitted an application for a WDL for its CSO discharges.

December 1993 – The City and the District submitted a *CSO Abatement Master Plan* prepared by CH2M-Hill. Approval for this plan was withheld pending more detailed project descriptions as well as design and construction schedules for the first two or three years of implementation.

January 1997 – A *Five Year CSO Abatement Plan and Schedule* for the years 1997 through 2001, prepared by Deluca-Hoffman associates, Inc., was submitted to the Department.
This plan together with the original 1993 CSO Master Plan was approved by both the EPA and the Department on June 25, 1997.

July 3, 1997 – The District, on behalf of the City, submitted the *Portland 1997 CSO Monitoring Plan* which was approved by the Department.

1. APPLICATION SUMMARY (cont'd)

October 7, 1997 – The Department issued Waste Discharge License #W008010-58-A-R authorizing the discharge of combined storm water and untreated sanitary waste water from 13 CSOs.

September 29, 1997 – The Department issued Order #W008010-68-B-N/#ME0101435 certifying that the discharge proposed in a pending National Pollutant Discharge Elimination System (NPDES) permit was in compliance with applicable sections of the Federal Water Pollution Control Act.

September 30, 1997 – The U.S. Environmental Protection Agency (EPA) issued the NPDES permit #ME0101435 which expired on March 31, 2002.

January 12, 2001 – The Department received authorization from the EPA to administer the NPDES program in Maine. From this point forward, the program will be referenced as the Maine Pollutant Discharge Elimination System (MEPDES) program.

February 10, 2003 – The Department approved the *City of Portland Tier II Combined Sewer Overflow Abatement 8-Year Implementation Plan*, dated February 5, 2003.

d. Source: – In December 1993, CH2M-Hill of Boston, Massachusetts, submitted a *Combined Sewer Overflow Abatement Study Master Plan* (*CSO Master Plan*) to the Department on behalf of the City. The Study contained a 15-year implementation schedule for the abatement of CSO activity associated with 39 CSO's discharging to 6 receiving waters. The *CSO Master Plan* sought to eliminate 33 out of 39 CSO's, reduce the annual CSO volume from 720 million gallons (MG) to 87 MG based on the 1966 precipitation record and eliminate the discharge of CSO's to sensitive receiving waters which include Capisic Brook, the Presumpscot River Estuary and the Fore River. In January 1997, DeLuca-Hoffman Associates, Inc. of South Portland, Maine submitted a *Five Year CSO Abatement Plan and Schedule* to the Department on behalf of the City. The *Five Year CSO Abatement Plan and Schedule* identified 43 projects (12 flood control projects and 31 CSO abatement projects) and provided a detailed plan of project scheduling and cost budgeting for the 5-year period of 1997-2001. The flood control projects are classified as prerequisite work to CSO abatement projects and typically take the form of culvert enlargements, channel improvements and stormwater management facilities. These flood control projects do not generally reduce CSO activity, however the CSO abatement projects can not be performed until the flood control projects are implemented.

At the adoption of the *CSO Master Plan* in 1993, the City had 42 CSO outfalls of which 39 were classified as active. The City now has 34 CSO's, 22 of which are owned and maintained by the Portland Water District and the other 12 are owned and maintained by the City of Portland.

Through the year ending 2001, the City of Portland has implemented 28 of 43 total projects contained in the *CSO Abatement 5-Year Implementation Schedule* (1997-2001). Of the 28 projects, 9 were flood control projects and the remaining 19 projects were CSO abatement projects. The completion of these 19 CSO abatement projects has resulted in the deactivation of 3 CSO discharge points with a corresponding volume reduction of 18.20% from the 1993 annual overflow volume and 2.98% from the 1997 annual overflow volume.

1. APPLICATION SUMMARY (cont'd)

On February 10, 2003 the Department approved *the City of Portland Tier II Combined Sewer Overflow Abatement 8-Year Implementation Plan*, dated February 5, 2003. This plan focuses on the abatement of CSO #7 overflows. The service area of CSO #7 contains 1,051 acres having a corresponding annual overflow volume of approximately 100 MG based on the 1966 annual precipitation record.

The following tables "A1 and A2" on pages 5 and 6 lists all the CSO regulator locations and CSO Outfalls in Portland, Maine. Tables "B" and "C" on pages 7 and 8 list the CSO regulator locations and CSO Outfalls owned and maintained by the City of Portland. (The Portland Water District owns and maintains the CSOs that are not owned and maintained by the city.)

Attachment "A" is a map showing the locations of the CSOs.

e. Summary of CSO Activity: Data on file indicates the CSOs in Portland had 81 events in 1999 with a total of 741 million gallons, 85 events in 2000 with a total of 993.5 million gallons and 58 events in 2001 with a total of 807 million gallons. The event duration in hours varied from minutes to 42 hours during 2001. The Department does not have event duration data for the years 1999 and 2000.

The annual *CSO Volumes and Activity Reports* are on file at the Department containing information on each CSO Outfall event.

Table "A1" City of Portland and Portland Water District CSOs

Regulator location (RL)	RL #	Owner	Outfall #	PWD Outfall # ( )	Owner	Flow* (Gallons)	Receiving Water	Year Closed
~~Veranda St.~~	~~1A~~	~~PWD~~	~~001~~	~~(027)~~	~~PWD~~	~~0~~	~~Casco Bay~~	~~2001~~
~~Olympia St.~~	~~1B~~	~~PWD~~						
Arcadia St.	2	PWD	002	(022)	PWD	1,879,761	Presumpscot Est.	
~~Berwick St.~~	~~3~~	~~PWD~~	~~003~~	~~(023)~~	~~PWD~~	~~0~~	~~Casco bay~~	~~2001~~
Tukey's Bridge Syphon	4	PWD	004	(026)	PWD	3,509	Casco bay	
Randal St.	5	PWD	005	(010)	PWD	174,560,008	Back cove	
Johanson St. #1 (Front @)	6A	City	006	---	City	1,673,607	Back Cove	
Johanson St. #2 (@Front)	6B	City						
Ocean Ave.	7	PWD	007	(011)	PWD	146,520,890	Back Cove	
Clifton St.	8	PWD	008	(020)	PWD	2,950,735	Back Cove	
George St.	9	PWD	009	(012)	PWD	34,199	Back Cove	
Austin St.	10A	PWD	010	(014)	PWD	99,001,89	Back Cove	
Mackworth St.	10B	PWD						
Parsons St.	10C	PWD						
Cheney St.	11A	PWD	011	(017)	PWD	281,256	Back Cove	
Codman St.	11B	PWD						
Vannah Ave.	12	PWD	012	(018)	PWD	24,964,048	Back Cove	
Belmont St.	13A	City	013	---	City	4,542,973	Back Cove	
Forest Ave. @ Ashmont St.	13B	City						
Ashmont St. @ Forest Ave.	13C	City						
Forest Ave. @ Coyles Gully	14	City	014	---	City	30,320	Back Cove	
Forest Ave. @ Dartmouth St.	15A	City	015	(019)	PWD	1,714,157	Back Cove	
Dartmouth Ave. @ Baxter Blvd.	15B	PWD						
Forest Ave. @ Bedford St.	16A	City	016	(021)	PWD	15,874,157	Back Cove	
Bank St.	16B	PWD						
Preble St. @ Marginal Way (M W)	17	City	017	---	City	76,526,815	Back Cove	
Franklin Arterial @ M W	18	City	018	---	City	69,536,030	Back Cove	
Diamond @ M W (Fox @ Anderson)	19	City	019	---	City	1,593,247	Back Cove	
Northeast P.S.	20	PWD	020	(024)	PWD	0	Casco bay	

*The estimated annual flow based on the storm water management model (SWMM)

PWD – Portland Water District – All shaded areas are facilities owned and maintained by the Portland Water district.

~~Closed CSOs~~ – All facility descriptions with lines drawn through them are closed CSOs

Table "A2" City of Portland and Portland Water District CSOs (cont'd)

Regulator Location (RL)	RL #.	Owner	Outfall #	PWD Outfall # ( )	Owner	Flow* (Gallons)	Receiving Water	Year Closed
~~Quebec St.~~	~~21~~	~~PWD~~	~~021~~	~~(002)~~	~~PWD~~	~~---~~		~~1995~~
[illegible]	[illegible]		[illegible]					
India St.	23	PWD	023	(003)	PWD	21,552,731	Portland Harbor	
Franklin Arterial @ Fore St.	24A	City	024	---	City	2,063,959	Portland Harbor	
Franklin Arterial @ Middlee St.	24B	City		---				
Long wharf	25	PWD	025	(004)	PWD	41,634,240	Portland Harbor	
Maple St. @ Commercial St.	26	City	026	---	City	2,382,814	Portland Harbor	
Clark St.	27	PWD	027	(005)	PWD	10,360,729	Portland Harbor	
Emery st.	28	PWD	028	(006)	PWD	17,405,936	Portland Harbor	
West Commercial St.	29	PWD	029	(007)	PWD	4,166,306	Fore River	
St. John St.	30	PWD	030	(008)	PWD	697,478	Fore River	
~~Congress St. @ Sewall St.~~	~~31~~	~~PWD~~	~~031~~		~~PWD~~		~~Fore River~~	~~1993~~
Thompson Pt. P.S.	32	PWD	032	(028)	PWD	665,152	Fore River	
Fore River P.S.	33	PWD	033	(009)	PWD	228,919	Fore River	
Brewer St.	34	PWD	034	(025)	PWD	367,903	Fore River	
Stroudwater Road	35A	PWD	035	(029)	PWD	475,641	Fore River	
Capisic Pond Dam Overflow	36	City	036	---	City	63,873,753	Fore River	
~~Mayer road~~	~~37~~	~~City~~	~~037~~	~~---~~	~~City~~	~~---~~	~~Capisic Brook~~	~~1993~~
~~Brighton Ave. @ Capisic St.~~	~~38~~	~~City~~	~~038~~		~~City~~		~~Capisic Brook~~	~~1998~~
Rowe St. (Hillcrest)	39	City	039	---	City	115,432	Fore River	
~~Sagamore Village Overflow~~	~~40~~	~~City~~	~~040~~	~~---~~	~~City~~	~~---~~	~~Capisic Brook~~	~~1993~~
~~Holm Ave.~~	~~41~~	~~City~~	~~041~~	~~---~~	~~City~~	~~---~~	~~Capisic Brook~~	~~1996~~
Warren Ave. 60"	42	City	042	---	City	21,320,602	Capisic Brook	
Warren Ave. 24"	43	City	043	---	City	2,358,295	Capisic Brook	

**The estimated annual flow based on the storm water management model (SWMM)

PWD – Portland Water District – All shaded areas are facilities owned and maintained by the Portland Water district.

~~Closed CSOs~~ – All facility descriptions with lines drawn through them are closed CSOs

Table "B" City of Portland CSOs

Regulator Location (RL)	RL #	Owner	Outfall #	Owner	Outfall Location	Flow* (Gallons)	Outfall Pipe dia. unless specified	Flap Gate	Receiving Water & Class ( )
Johansen Street #1 (Front @)	6A	City	006	City	Baxter Blvd. near Payson Park	1,673,607	48"	No'	Back Cove (SC)
Johansen Street #2 (@Front)	6B	City							
Belmont Street	13A	City	013	City	Baxter Blvd. near Belmont St.	4,542,973	36"	no	Back Cove (SC)
Forest Ave. @ Ashmont St.	13B	City							
Ashmont St. @ Forest Ave.	13C	City							
Forest Ave. @ Coyles Gulley (GLB)	14	City	014	City	Baxter Blvd. near Belmont St.	30,320	30"	no	Back Cove (SC)
Forest Ave. @ Dartmouth St.	15A	City	015	PWD	Baxter Blvd. @ Dartmouth St.	1,714,157	36"	no	Back Cove (SC)
Dartmouth Ave. @ Baxter Blvd.	15B	PWD							
Forest Ave. @ Bedford St.	16A	City	016	PWD	Baxter Blvd. @ near Preble St.	11,874,187	36"	no	Back Cove (SC)
Bank St.	16B	PWD							
Preble St. @ Marginal May (M W)	17	City	017	City	Preble St.	76,526,815	9' x 7.5'	yes	Back Cove (SC)
Franklin Art. @ M W	18	City	018	City	I-295 exit near Franklin Arterial	69,536,030	72"	yes	Back Cove (SC)
Diamond @ M W (Fox @ Anderson)	19	City	019	City	I-295 exit near Diamond St.	1,593,247	66"	yes	Back Cove (SC)
Franklin Art. @ Fore St.	24A	City	024	City	Commercial St. at Franklin St.	2,063,959	54"	no	Portland Harbor (SC)
Franklin Art. @ Middle St.	24B	City							
Maple St. @ Commercial St.	26	City	026	City	Commercial St. near Maple St.	2,328,814	24"	no	Portland Harbor (SC)
Capisic Pond dam Overflow	36	City	036	City	Capisic Pond Dam	63,873,753	none	no	Fore River (SC)
Rowe St. (Hillcrest)	39	City	039	City	Rowe St.	115,432	30"	no	Fore River (SC)
Warren Avenue 60"	42	City	042	City	Warren Ave. near Newcombe St.	21,320,602	60"	no	Capisic Brook (C)
Warren Avenue 42"	43	City	043	City	Warren Ave. near Newcombe St.	2,358,295	24"	no	Capisic Brook (C)
					Total:	259,606,141			

*The estimated annual flow based on the storm water management model (SWMM)

PWD – Portland Water District – All shaded areas are facilities owned and maintained by the Portland Water district.

Table "C" City of Portland CSOs

Regulator Location (RL)	RL #	Own.	DWF* Pipe Inv. Elev.	Overflow Elev.	Orifice Plate	Overflow via:	Outfall #	Invert Elev. at Outfall	Outfall Location	Flow** (Gallons)
Johansen Street #1 (Front @)	6A	City	5.02	7.22	no	pipe	006	2.8'	Baxter Blvd. near Payson Park	1,673,607
Johansen Street #2 (@Front)	6B	City	4.85	6.5	yes	weir				
Belmont Street	13A	City	16.5	16.8	no	weir	013	3.46'	Baxter Blvd. near Belmont St.	4,542,973
Forest Ave. @ Ashmont St.	13B	City	25.9	27.13	no	weir				
Ashmont St. @ Forest Ave.	13C	City	26.95	27.37	no	weir				
Forest Ave. @ Coyles Gulley	14	City	25.31	27.3	no	weir	014	0.17'	Baxter Blvd. near Belmont St.	30,320
Forest Ave. @ Darmouth st.	15A	City	22.0	24.0	no	weir	015	0.42'	Baxter Blvd. @ Darmouth St.	[redacted]
Darmouth Ave. @ Baxter Blvd.	15B	PWD								
Forest Ave. @ Bedford St.	16A	City	10.92	11.59	no	weir	016	-0.75'	Baxter blvd. near Preble St.	[redacted]
Bail St.	16B	PWD								
Preble St. @ Marginal Way (M W)	17	City	-5.01	-2.53	no	weir	017	-3.56'	Preble St.	76,526,815
Franklin Art. @ M W	18	City	-5.23	-4.33	no	weir	018	-5.30'	I-295 exit near Franklin Arterial	69,536,030
Diamond @ M W (Fox @ Anderson)	19	City	2.2	6.0	no	weir	019	-2.86	I-295 exit near Diamond St.	1,593,247
Franklin Art. @ Fore St.	24A	City	4.7	7.39	yes	weir	024	0.84	Commercial St. at Franklin St.	2,063,959
Franklin Art. @ Middle St.	24B	City	19.9	22.2	no	weir				
Maple St. @ Commercial St.	26	City	4.45	6.3	no	pipe	026	0	Commercial St. near Maple St.	2,328,814
Capisic Pond dam Overflow	36	City	13.63	15.63	no	weir	036	10.75'	Capisic Pond Dam	63,873,753
Rowe St. (Hillcrest)	39	City	33.67	34.9	no	weir	039	30.0'	Rowe St.	115,432
Warren Avenue 60"	42	City	49.5	52.8	no	pipe	042	52.20'	Warren Ave. near Newcombe St.	21,320,602
Warren Avenue 42"	43	City	53.1	54.5	no	pipe	043	54.06'	Warren Ave. near Newcombe St.	2,358,295

* Dry Weather Flow

** The estimated annual flow based on the storm water management model (SWMM)

PWD – Portland Water District – All shaded areas are facilities owned and maintained by the Portland Water district.

2. CONDITIONS OF PERMITS

Maine Law, 38 M.R.S.A., Section 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment, be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, 38 M.R.S.A., §420, and Department Regulation Chapter 530.5, Surface Water Toxics Control Program requires the regulation of toxic substances at the levels set forth for Federal Water Quality Criteria as published by the U.S. Environmental Protection Agency pursuant to the Clean Water Act.

3. RECEIVING WATER QUALITY STANDARDS

Maine Law, 38 M.R.S.A., Section 468.1.B.(1) states that at the point of discharge, the Capisic Brook is classified as a Class C water way. Maine Law, 38 M.R.S.A., Section 465.4. contains the classification standards for Class C water ways.

Maine Law, 38 M.R.S.A., Section 469 1.E.(2) states that at the point of discharge, Back Cove, the Fore River and Portland Harbor are classified as Class SC waterways. Maine Law, 38 M.R.S.A., Section 465-B.3. contains the classification standards for Class SC water ways.

4. RECEIVING WATER QUALITY CONDITIONS

The *2002 Integrated Water Quality Monitoring and Assessment Report* prepared by the Department pursuant to Sections 305(b) and 303(d) of the Federal Water Pollution Control Act indicates that at the point of discharge: 1) Capasic Brook is not meeting the standards of its assigned classification due to non-point source stormwater and habitat alteration, 2) Back Cove is not meeting the standards of its assigned classification due to CSO discharges and non-point source stormwater and is closed to shellfish harvesting due to CSO discharges and stormwater, 3) the Fore River is not meeting its assigned classification due to CSO discharges, non-point source stormwater and possibly contaminated sediments and is closed to shellfish harvesting due to CSO discharges and non-point source stormwater, 4) Portland Harbor is not meeting its assigned classification due to CSO discharges and non-point source stormwater and is closed to shellfish harvesting due to CSO discharges and non-point source stormwater.

5. EFFLUENT LIMITATIONS/MONITORING REQUIREMENTS

No effluent limitations have been established in this permitting action for the CSO discharge. Best practicable treatment (BPT) of CSO discharges includes control through best management practices and abatement of the discharge as specified in Chapter 570 of Department Rules (Combined Sewer Overflow). The permittee is required to measure and report annually CSO flow volumes and CSO discharge events.

6. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

The CSO discharge of untreated sewage has a negative impact on the water quality of the receiving waters, however the CSO Master Plan includes projects and management strategies to eliminate the CSO discharges. (See Special Condition A.4. of this permit.)

6. DISCHARGE IMPACT ON RECEIVING WATER QUALITY (cont'd)

With continued implementation of the Nine Minimum Control measures and the continued implementation of the CSO Master Plan and associated best management practices, the Department anticipates a reduction in CSO events and an improvement in water quality. Therefore, as permitted, the Department has determined the existing water uses will be maintained and protected.

7. PUBLIC NOTICE

Public notice of this application was made in the Portland Press Herald on or about June 27, 2002. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or request a public hearing, pursuant to Chapter 522 of the Department's rules.

8. DEPARTMENT CONTACTS

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

Charles Brown
Division of Water Resource Regulation
Bureau of Land and Water Quality
17 State House Station
Augusta, Maine 04333-0017 Telephone (207) 287-7685

9. RESPONSE TO COMMENTS

During the period of April 11, 2003 through May 14, 2003, the Department solicited comments on the proposed draft combined MEPDES permit and Maine Waste Discharge License to be issued to the City of Portland for the proposed discharge. The Department did not receive comments from the permittee/licensee, state or federal agencies or interested parties that resulted in any substantive change(s) in the terms and conditions of the permit/license.

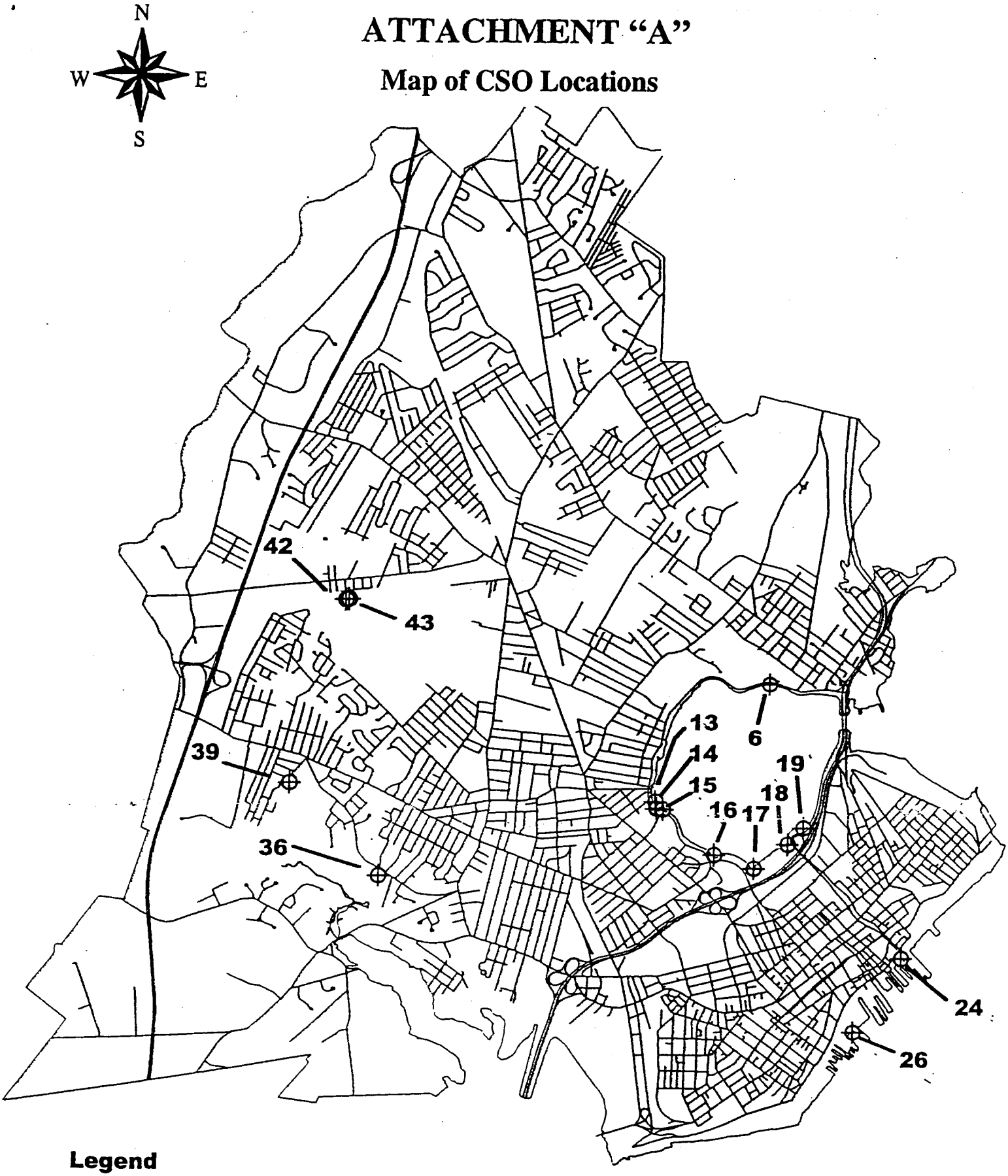
Therefore, the Department has not prepared a Response to Comments.

ATTACHMENT "A"

CSO LOCATIONS

ATTACHMENT "A"

Map of CSO Locations



Legend

43 CSO Location with City Outfall Number