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The full text of certain NPDES permits and the associated fact sheets has been made available to provide online access to this public information. EPA is making permits and fact sheets available electronically to provide convenient access for interested public parties and as a reference for permit writers. The ownership of these documents lies with the permitting authority, typically a State with an authorized NPDES program.

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Please contact the appropriate permitting authority (either a State or EPA Regional office) prior to acting on this information to ensure you have the most up-to-date permit and/or fact sheet. EPA recognizes the official version of a permit or fact sheet to be the version designated as such and appropriately stored by the respective permitting authority.

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FILE

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

RECEIVED
AUG 20 2003
By

DAWN R. GALLAGHER
COMMISSIONER

July 9, 2003

Mr. Bradley A. Roland, P.E.
City of Portland
55 Portland Street
Portland, ME 04101

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0101435
Maine Waste Discharge License (WDL) Application #W008010-5T-C-R
**Final Permit/License**

Dear Mr. Roland:

Enclosed please find a copy of your **final** MEPDES permit and Maine WDL which was approved by the Department of Environmental Protection. Please read the permit/license and its attached conditions carefully. You must follow the conditions in the order to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State Law and is subject to enforcement action.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled "*Appealing a Commissioner's Licensing Decision.*"

If you have any questions regarding this matter, please feel free to call me at 287-7685.

Sincerely,

Charles Brown

Charles Brown
Division of Water Resource Regulation
Bureau of Land and Water Quality

Enc.
cc: Stuart Rose, DEP/SMRO
John True, DEP/CMRO
Ted Lavery, USEPA
John Emerson, Portland Water District
File

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

DEPARTMENT ORDER

**IN THE MATTER OF**

| | | |
|---|---|---|
| CITY OF PORTLAND | ) | MAINE POLLUTANT DISCHARGE |
| PORTLAND, CUMBERLAND COUNTY, ME | ) | ELIMINATION SYSTEM PERMIT |
| COMBINED SEWER OVERFLOWS | ) | AND |
| #ME0101435 | ) | WASTE DISHARGE LICENSE |
| #W008010-5T-C-R **APPROVAL** | ) | **RENEWAL** |

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, Section 1251, et Seq. and Maine Law, 38 M.R.S.A., Section 414-A, et Seq., and applicable regulations, the Department of Environmental Protection has considered the application of the CITY OF PORTLAND, with its supportive data, agency review comments, and other related materials on file, and FINDS THE FOLLOWING FACTS:

## APPLICATION SUMMARY

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.

## PERMIT SUMMARY

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

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 permitting action are addressed in other Department permitting actions. (This permit authorizes the discharge from 12 CSOs)

## PERMIT SUMMARY (cont'd)

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.

## CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated April 11, 2003 and revised June 23, 2003 including the implementation of the treatment and control measures as specified in the CSO Master Plan (or elimination of the discharge entirely) 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, 38 MRSA Section 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) The standards of classification of the receiving water body are met or, 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

**CONCLUSIONS (cont'd)**

(e) Where a discharge will result in lowering the existing 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. Pursuant to Department Regulation Chapter 570, *Combined Sewer Overflow Abatement*, the discharge will be subject to the application of best practicable treatment.

**ACTION**

THEREFORE, the Department APPROVES the above noted application of the CITY OF PORTLAND, to discharge combined untreated sanitary waste water and storm water during wet weather events from CSOs 006, 013, 014, 017, 018 and 019 to Back Cove, Class SC, from CSOs 024 and 026 to Portland Harbor, Class SC, from CSOs 036 and 039 to the Fore River, Class SC, and from CSOs 042 and 043 to Capisic Brook, Class C in Portland, Maine, SUBJECT TO THE ATTACHED CONDITIONS, and applicable standards and regulations including:

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

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

3. The expiration date of this permit is five (5) years from the date of signature.

DONES AND DATED AT AUGUSTA, MAINE, THIS 7th DAY OF July, 2003.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Brooke E Barnes for
Dawn R. Gallagher, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: June 22, 2002

Date of application acceptance: July 1, 2002

FILED
JUL - 8 2003
BOARD OF ENVIRONMENTAL PROT.
STATE OF MAINE

Date filed with Board of Environmental Protection _____

This order prepared by Charles Brown, BUREAU OF LAND AND WATER QUALITY
W80105TC/ME0101435 06/23/03

## SPECIAL CONDITIONS

## A. CONDITIONS FOR COMBINED SEWER OVERFLOW (CSO)

Pursuant to Chapter 570 of Department Rules (*Combined Sewer Overflow Abatement*), the permittee is authorized to discharge from the following CSOs (stormwater and sanitary wastewater) subject to the conditions and requirements herein.

1. CSO Locations:

| Regulator Location (RL) | RL # | Owner | Outfall # | Owner | CSO Outfall Location | Receiving Water & Class ( ) |
|---|---|---|---|---|---|---|
| Johansen Street #1 (Front@) | 6A | City | 006 | City | Baxter Blvd. near Payson Park | Back Cove (SC) |
| Johansen Street #2 (@Front) | 6B | City | | | | |
| Belmont Street | 13A | City | 013 | City | Baxter Blvd. near Belmont St. | Back Cove (SC) |
| Forest Ave. @ Ashmont St. | 13B | City | | | | |
| Ashmont St. @ Forest Ave. | 13C | City | | | | |
| Forest Ave. @ Coyles Gulley (GLB[1]) | 14 | City | 014 | City | Baxter Blvd. near Belmont St. | Back Cove (SC) |
| Forest Ave. @ Dartmouth St. | 15A | City | 015 | PWD | Baxter Blvd. @ Dartmouth St. | Back Cove (SC) |
| Dartmouth Ave. @ Baxter Blvd. | 15B | PWD | | | | |
| Forest Ave. @ Bedford St. | 16A | City | 016 | PWD | Baxter Blvd. @ near Preble St. | Back Cove (SC) |
| Bank St. | 16B | PWD | | | | |
| Preble St. @ Marginal way | 17 | City | 017 | City | Preble St. | Back Cove (SC) |
| Franklin Art. @ Marginal Way | 18 | City | 018 | City | I-295 exit near Franklin Arterial | Back Cove (SC) |
| Diamond @ MW (Fox @ Anderson)[2] | 19 | City | 019 | City | I-295 exit near Diamond St. | Back Cove (SC) |
| Franklin Art. @ Fore St. | 24A | City | 024 | City | Commercial St. at Franklin St. | Portland Harbor (SC) |
| Franklin Art. @ Middle St. | 24B | City | | | | |
| Maple St. @ Commercial St. | 26 | City | 026 | City | Commercial St. near Maple St. | Portland Harbor (SC) |
| Capisic Pond dam Overflow | 36 | City | 036 | City | Capisic Pond Dam | Fore River (SC) |
| Rowe St. (Hillcrest) | 39 | City | 039 | City | Rowe St. | Fore River (SC) |
| Warren Avenue 60" | 42 | City | 042 | City | Warren Ave. near Newcombe St. | Capisic Brook (C) |
| Warren Avenue 42" | 43 | City | 043 | City | Warren Ave. near Newcombe St. | Capisic Brook (C) |

[1] Located in front of Great Lost Bear (GLB) restaurant (540 Forest Avenue)
[2] Diamond @Marginal Way (Fox @ Anderson)

City owned and maintained Regulators #15A and #16A discharge through Outfalls #015 (PWD #019) and #016 (PWD #021) respectively. Outfalls #015 (PWD #019) and #016 (PWD #021) are permitted by the Department to the Portland Water District. Regulators #15B and #16 B are owned and maintained by the Portland Water District.

2. Prohibited Discharges

a) The discharge of dry weather flows is prohibited. All such discharges shall be reported to the Department in accordance with Standard Condition D (1) of this permit.

b) No discharge shall occur as a result of mechanical failure, improper design or inadequate operation or maintenance.

c) No discharges shall occur at flow rates below the maximum design capacity of the wastewater treatment facility, pumping stations or sewerage system.

## A. CONDITIONS FOR COMBINED SEWER OVERFLOW (CSO) (cont'd)

3. Narrative Effluent Limitations

   a) The effluent shall not contain a visible oil sheen, settled substances, foam, or floating solids at any time that impair the characteristics and designated uses ascribed to the classification of the receiving waters.

   b) The effluent shall not contain materials in concentrations or combinations that are hazardous or toxic to aquatic life; or which would impair the usage designated by the classification of the receiving waters.

   c) The discharge shall not cause visible discoloration or turbidity in the receiving waters which would impair the usages designated by the classification of the receiving waters.

4. CSO Master Plan (see Sections 2 & 3 of Chapter 570 Department Rules)

   The permittee shall implement CSO control projects in accordance with an approved CSO Master Plan and abatement schedule. The CSO Master Plan *entitled Combined Sewer Overflow Abatement Study Master Plan-City of Portland, Maine*, dated December 1993 (revised in January 1997) and the abatement project schedule was approved on June 25, 1997. The abatement schedule was modified in the document entitled *City of Portland Tier II Combined Sewer Overflow Abatement 8-Year Implementation Plan*, dated February 5, 2003 and was approved on February 10, 2003. The abatement schedule may be amended from time to time based on mutual agreements between the permittee and the Department. The permittee must notify the Department in writing prior to any proposed changes to the implementation schedule.

5. Nine Minimum Controls (NMC) (see Section 5 Chapter 570 of Department Rules)

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

6. CSO Compliance Monitoring Program (see Section 6 Chapter 570 of Department Rules)

   The permittee shall conduct block testing or flow monitoring according to an approved *Compliance Monitoring Program* on all CSO points, as part of the CSO Master Plan. Annual flow volumes for all CSO locations shall be determined by actual flow monitoring, or by estimation using a model such as EPA's Storm Water Management Model (SWMM).

   **Results shall be submitted annually** as part of the annual *CSO Progress Report* (see below), and shall include annual precipitation, CSO volumes (actual or estimated) and any required block test data. Any abnormalities during CSO monitoring shall also be reported. The results shall be reported on the Department form "CSO Activity and Volumes" (Attachment A of this permit) or similar format and submitted to the Department on diskette.

## A. CONDITIONS FOR COMBINED SEWER OVERFLOW (CSO) (cont'd)

CSO control projects that have been completed shall be monitored for volume and frequency of overflow to determine the effectiveness of the project toward CSO abatement. This requirement shall not apply to those areas where complete separation has been completed and CSO outfalls have been eliminated.

7. Annual CSO Progress Reports (see Section 7 of Chapter 570 of Department Rules)

**By March 1 of each year**, *(PCS event 33101)* the permittee shall submit a *CSO Progress Report* covering the previous calendar year (January 1 to December 31). The CSO Progress Report shall include, but is not necessarily limited to, the following topics as further described in Chapter 570; CSO abatement projects, schedule comparison, progress on inflow sources, costs, flow monitoring results, CSO activity and volumes, nine minimum controls update, sewer extensions, and new commercial or industrial flows.

The CSO Progress Report shall be completed on a standard form entitled "Annual CSO Progress Report", furnished by the Department, and submitted in electronic form, if possible, to the following address:

CSO Coordinator
Department of Environmental Protection
Bureau of Land and Water Quality
Division of Engineering, Compliance and Technical Assistance
17 State House Station
Augusta, Maine 04333

e-mail: CSOCoordinator@state.me.us

8. Additions of New Wastewater (see Section 8 Chapter 570 of Department Rules)

Chapter 570 Section 8 lists requirements relating to any proposed addition of wastewater to the combined sewer system. Documentation of the new wastewater additions to the system and associated mitigating measures shall be included in the annual *CSO Progress Report* (see above). Reports must contain the volumes and characteristics of the wastewater added or authorized for addition and descriptions of the sewer system improvements and estimated effectiveness.

9. Signs

If not already installed, the permittee shall install and maintain an identification sign at each CSO location as notification to the public that intermittent discharges of untreated sanitary waste water occur. The sign must be located at or near the outfall and be easily readable by the public.

## A. CONDITIONS FOR COMBINED SEWER OVERFLOW (CSO) (cont'd)

The sign shall be a minimum of 12" x 18" in size with white lettering against a green background and shall contain the following information:

CITY OF PORTLAND
WET WEATHER
SEWAGE DISCHARGE
LICENSE # AND NAME

Any existing signs not meeting the physical description and wording above shall be replaced, at the discretion of the Departments facility compliance inspector, with signs as described above.

10. Definitions

For the purposes of this permit, the following terms are defined as follows:

a. Combined Sewer Overflow - a discharge of excess waste water from a municipal or quasi-municipal sewerage system that conveys both sanitary wastes and storm water in a single pipe system and that is in direct response to a storm event or snowmelt.

b. Dry Weather Flows - flow in a sewerage system that occurs as a result of non-storm events or are caused solely by ground water infiltration.

c. Wet Weather Flows - flow in a sewerage system that occurs as a direct result of a storm event, or snowmelt in combination with dry weather flows.

## B. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge untreated sanitary wastewater and stormwater during wet weather events only in accordance with the terms and conditions of this permit and only from Outfalls 006, 013, 014, 017, 018, 019, 024, 026, 036, 039, 042, and 043. Discharges of waste water from any other point sources are not authorized under this permit, but shall be reported in accordance with Standard Condition B(5)(Bypass) of this permit.

## C. REOPENER CLAUSE

Upon evaluation of the data and information required by the Special Conditions of this permitting action, new site specific information, or any other pertinent information obtained during the term of this permit, the Department may, at anytime and with notice to the permittee, modify this permit to require additional monitoring, inspections and/or reporting based on the new information.

# ATTACHMENT A
# MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
# CSO ACTIVITY AND VOLUMES

| | |
|---|---|
| MUNICIPALITY OR DISTRICT | MEPDES / NPDES PERMIT NO. |
| REPORTING YEAR | SIGNED BY: |
| YEARLY TOTAL PRECIPITATION INCHES | DATE: |

| CSO EVENT NO. | START DATE OF STORM | PRECIP. DATA | | FLOW DATA (GALLONS PER DAY) OR BLOCK ACTIVITY("1") | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | TOTAL INCHES | MAX. HR. INCHES | LOCATION: NUMBER: | LOCATION: NUMBER: | LOCATION: NUMBER: | LOCATION: NUMBER: | LOCATION: NUMBER: | LOCATION: NUMBER: | EVENT OVERFLOW GALLONS | EVENT DURATION HRS |
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| | TOTALS | | | | | | | | | | |

Note 1: Flow data should be listed as gallons per day. Storms lasting more than one day should show total flow for each day.

Note 2: Block activity should be shown as a "1" if the block floated away.