STATE OF MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION





January 12, 2016

Mr. Nathan Gustafson P.O. Box 639 Brewer, Maine 04412 ngustafson@ces-maine.com

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0102695

Maine Waste Discharge License Application #W008223-5T-C-R

Town of Milford - CSO Proposed Draft Permit

Dear Mr. Gustafson:

Enclosed is a proposed draft MEPDES permit and Maine WDL (permit hereinafter) which the Department proposes to issue 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 conditions (special conditions specific to this permit are enclosed; standard conditions applicable to all permits are available upon request). 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, as required by our new regulations, and from any other parties who have notified the Department of their interest in this matter.

All comments must be received in the Department of Environmental Protection office on or before the close of business Thursday, February 11, 2016. Failure to submit comments in a timely fashion will result in the final 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.

If you have any questions regarding the matter, please feel free to call me at 446-1875.

Sincerely,

Rodney Robert

Division of Water Quality Management

Bureau of Water Quality

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Enc.

cc: Clarissa Trasko, DEP/EMRO

David Breau, DEP/CMRO

Lori Mitchell, DEP/CMRO

Oliver Cox, DMR

Environmental Review, DMR

Environmental Review, DIFW

Kathleen Leyden, DACF

David Webster, USEPA

David Pincumbe, USEPA

Alex Rosenburg, USEPA

Olga Vergara, USEPA

Marelynn Vega, USEPA

Richard Carvalho, USEPA



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

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF MILFORD) MAINE POLLUTANT DISCHARGE
MILFORD, PENOBSCOT COUNTY, MAINE) ELIMINATION SYSTEM PERMIT
COMBINED SEWER OVERFLOW) AND
W008223-5T-C-R) WASTE DISCHARGE LICENSE
ME0102695	APPROVAL) RENEWAL

In compliance with the provisions of the Federal Water Pollution Control Act, Title 33 U.S.C. § 1251, Conditions of licenses, 38 M.R.S.A. § 414-A, and applicable regulations, the Department of Environmental Protection (Department) has considered the application of the Town of Milford (Town) with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The Town has submitted a timely and complete application to the Department for the renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0102695/Waste Discharge License (WDL) #W008223-5T-B-N, (permit hereinafter) that was issued by the Department on December 22, 2010, and is due to expire on December 22, 2015. The permittee is seeking continued authorization to discharge an unspecified quantity of untreated sanitary waste water combined with storm water runoff from a manhole structure (referred to as the Bangor Hydro Electric CSO) to the Penobscot River, Class B in Milford, Maine.

PERMIT SUMMARY

As with the previous permitting action, this permitting action requires the permittee to monitor the flow and number of overflow events at the combined sewer overflow (CSO) structure, periodically update the Town's CSO Master Plan and annually submit a report detailing progress to eliminate the CSO.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated January 12, 2016, 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) 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 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 Maine law, 38 M.R.S.A., §414-A(1)(D) and 414-A(1-B).

ACTION

THEREFORE, the Department APPROVES the above noted application of the TOWN of MILFORD to discharge an unspecified quantity of untreated sanitary waste water combined with storm water runoff from a manhole structure (referred to as the Bangor Hydro Electric CSO) to the Penobscot River, Class B in Milford, Maine, 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.
- 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 and Services*, 5 M.R.S.A. § 10002 and Rules Concerning the *Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (amended August 25, 2013).

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES
DONE AND DATED AT AUGUSTA, MAINE, THIS DAY OF 2016.
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BY: For Avery T. Day, Acting Commissioner
Date of initial receipt of applicationJuly 31, 2015. Date of application acceptance August 14, 2015.
Date filed with Board of Environmental Protection

This Order prepared by Rod Robert, Bureau of Water Quality

A. CONDITIONS FOR COMBINED SEWER OVERFLOW (CSO)

1. Pursuant to Chapter 570 of Department Rules (Combined Sewer Overflow Abatement), the permittee is authorized to discharge combined storm water and sanitary waste water from the following CSO subject to the conditions and requirements contained herein:

Outfall #	<u>Location</u>	Receiving Water & Class
001	Bangor Hydro Electric CSO	Penobscot River, Class B

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.

3. Narrative Effluent Limitations

- a) The effluent shall not contain 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.
- d) Notwithstanding specific conditions of this permit, the effluent by itself or in combination with other discharges shall not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

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

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

The permittee shall implement CSO control projects in accordance with the approved abatement schedule as outlined in an approval letter issued by the Department on October 14, 2010.

On or before June 30, 2016, (*PCS Code 06699*), the permittee shall submit to the Department for review and approval, an updated CSO Master Plan that determines the feasibility of removing the CSO and proposes future abatement projects and a schedule for their implementation if removal is not feasible.

To modify the date 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.

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

The permittee shall implement and follow the Nine Minimum Control documentation. Work performed 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 flow monitoring according to a Department approved *Compliance Monitoring Program* on Outfall 001, as part of the CSO Master Plan.

Annual flow volumes for Outfall 001 shall be determined by actual flow monitoring.

Results shall be submitted annually as part of the annual CSO Progress Report (see below), and shall include annual precipitation, and actual CSO volumes. Any abnormalities during CSO monitoring shall also be reported. The results shall be reported to the Department on 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 Code 11099*) the permittee shall submit *CSO Progress Reports* 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 Reports 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 Water Quality
Division of Water Quality Management
17 State House Station
Augusta, Maine 04333-0017
e-mail: CSOCoordinator@maine.gov

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 below). 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. Any sewer extensions upstream of a CSO must be reviewed and approved by the Department prior to their connection to the collection system. A Sewer Extension/Addition Reporting Form shall be completed and submitted to the Department along with plans and specifications of the proposed extension/addition.

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

9. Signs

The permittee shall maintain an identification sign at the CSO location as notification to the public that intermittent discharges of untreated sanitary wastewater occur. The sign must be located at or near the outfall and be easily readable by the public. 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:

TOWN OF MILFORD WET WEATHER SEWAGE DISCHARGE BANGOR HYDRO ELECTRIC OUTFALL

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 is 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. AUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from Outfall 001. Discharges of waste water from any other point source are not authorized under this permit, but shall be reported in accordance with Standard Condition D(1)(f) (twenty four hour reporting) of this permit.

C. REOPENING OF PERMIT FOR MODIFICATIONS

Upon evaluation of test results required by this permit, new site specific information or any other pertinent information gathered during the term of this permit, the Department may, at anytime and with notice to the permittee, modify this permit to: (1) include effluent limits 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.

D. 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 shall remain in full force and effect, and shall be construed and enforced in all aspects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

AND

MAINE WASTE DISCHARGE LICENSE

DRAFT FACT SHEET

Date: **January 12, 2016**

PERMIT NUMBER: ME0102695

LICENSE NUMBER: W008223-5T-C-R

NAME AND ADDRESS OF APPLICANT:

TOWN OF MILFORD P.O Box 336 Milford, ME 04461-0639

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

Davenport Street Milford, ME. 04461

RECEIVING WATER/CLASSIFICATION: Penobscot River/Class B

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: Mr. Nate Gustafson

207-989-4824

Email: ngustafson@ces-maine.com

1. APPLICATION SUMMARY

The permittee has submitted a timely and complete application to the Department for the renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0102695/Waste Discharge License (WDL) #W008223-5T-B-N, (permit hereinafter) that was issued by the Department on December 22, 2010, and is due to expire on December 22, 2015. The permittee is seeking continued authorization to discharge an unspecified quantity of untreated sanitary waste water combined with storm water runoff from a manhole structure (referred to as the Bangor Hydro Electric CSO) to the Penobscot River, Class B in Milford, Maine. See **Attachment A** of this Fact Sheet for a location map of the CSO outfall.

2. PERMIT SUMMARY

- a. <u>Terms and Conditions</u>: This permitting action requires the permittee to monitor the flow and number of overflow events at the combined sewer overflow (CSO) structure, periodically update the Town's CSO Master Plan and annually submit a report detailing progress to eliminate the CSO.
- b. Source Description: The Town of Milford has an existing sanitary sewer collection system which collects sanitary waste waters generated by residential and commercial entities in the Town of Milford. Sanitary waste waters are conveyed to the Town of Old Town's waste water treatment facility that is regulated by this Department via MEPDES permit #ME0100471. The Town of Milford's sanitary collection system is approximately 40,000 feet long with five pump stations. All waste water collected flow through one of two main lines which combine on Main Street prior to crossing the bridge from Milford to French Island. One line comes from the Bradley Road pump station and the other is considered the west side interceptor line and collects waste water from the downtown area, westerly side residences and the northerly area of the Town along Route #2. The combined flow is metered through a metering station located on French Island just after the bridge between the Town of Milford and French Island.
- c. History: The most recent regulatory actions include the following:

July 1992 – The James Sewall Company prepared and submitted a draft report to the Department entitled, <u>Town of Milford, Combined Sewer Overflow Master Plan, Draft, Assessment Report, July 1992</u>.

February 2003 – Civil Engineering Services, Inc. prepared and submitted to the Department a report entitled, <u>Town of Milford, Sanitary Sewer Overflow Report, February 2003</u>.

July 26, 2005 – The Town of Milford submitted an application to the Department for a combination MEPDES permit/WDL for discharges from the CSO referred to as the Bangor Hydro Electric CSO.

August 22, 2005 – On behalf of the Town of Milford, consulting firm Civil Engineering Services (CES) submitted an amended CSO Master Plan that was reviewed and approved by the Department.

November 4, 2005 – The Department issued combination MEPDES permit ME0102695/WDL W008223-5T-A-N to the Town of Milford for a five year term.

August 27, 2010 – On behalf of the Town of Milford, consulting firm Civil Engineering Services (CES) submitted an amended CSO abatement schedule that was reviewed and approved by the Department in a letter dated October 14, 2010.

2. PERMIT SUMMARY (cont'd)

December 22, 2010 – The Department issued combination MEPDES permit ME0102695/WDL W008223-5T-B-N to the Town of Milford for a five year term.

July 31, 2015 – The Town of Milford submitted a timely and complete application to the Department to renew the 12/22/10 MEPDES permit.

3. 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 (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, 38 M.R.S.A., Section 420 and Department rule 06-096 CMR Chapter 530, *Surface Water Toxics Control Program*, require the regulation of toxic substances not to exceed levels set forth in Department rule 06-096 CMR Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants*, and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

Department Regulation Chapter 570, Combined Sewer Overflow Abatement, requires that a CSO Master Plan be submitted to the Department for review and approval. The Town of Milford has satisfied this requirement by the submission of the original CSO Master Plan to the Department in 1992 and updated in August 2005 and August 2010. The regulation also requires an implementation schedule for CSO abatement projects, the implementation of the Nine Minimum Controls, a compliance monitoring program, and submission of annual CSO progress reports.

4. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A., Section 467(7)(A)(5) classifies the Penobscot River at the point of discharge as a Class B waterway. Maine law, 38 M.R.S.A., Section 465(3) describes the classification standards for Class B waterways.

5. RECEIVING WATER QUALITY CONDITIONS

A document entitled <u>The State of Maine 2012 Integrated Water Quality Monitoring and Assessment Report</u>, prepared pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the segment of the Penobscot River at Old Town-Milford (assessment unit ME0102000509_233R_03) in a section of the report entitled *Category 4-A: Rivers and Streams with Impaired Use other than Mercury TMDL Completed.* The report indicates the area at the point of discharge as CSO affected with the cause for categorical listing being Escherichia coli.

5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

In addition, the report lists all freshwaters in Maine as "Category 5-C: Waters Impaired by Atmospheric Deposition of Mercury". Maine has a fish consumption advisory for fish taken from all freshwaters due to mercury. Many waters, and many fish from any given water, 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. Maine has already instituted statewide programs for removal and reduction of mercury sources.

The Department is not aware of any information that indicates the intermittent discharges from the CSO owned by the Town of Milford is causing or contributing to the continuance of the fish consumption advisory.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

This permitting action does not establish numeric effluent limitations for the discharges from the Bangor Hydro Electric CSO. However, in April, 1994, the EPA adopted a National Combined Sewer Overflow Control Policy that strives to: 1) Accurately characterize collection systems through sampling, monitoring and modeling; 2) Implement best management practices as described in its Nine Minimum Controls Strategy and 3) Develop a long term control plan often referred to as a Master Plan.

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

The Town of Milford is currently addressing the National Policy by: 1) characterizing the discharge through the installation of flow monitoring equipment to monitor the overflows; and 2) has completed the development of a CSO Master Plan entitled *Town of Milford Sanitary Sewer Overflow Report, February 2003* prepared by Civil Engineering Services (CES), submitted an amendment letter and schedule contained in a CES letter dated August 22, 2005, and August 27, 2010 and submitted a Sanitary Sewer Overflow Report to abate the overflows. Special Condition A, *Conditions For Combined Sewer Overflow (CSO)*, of this permitting action requires the Town of Milford to continue to evaluate and take specific actions to eliminate the CSO.

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As permitted, the Department has determined the existing water uses will be maintained and protected. The Department acknowledges that total elimination of the CSO is a costly long term project. With the implementation of the CSO Master Plan and Nine Minimum Controls, the Department anticipates a significant reduction in CSO discharge events and improvements in the water quality in the Penobscot River affected by the CSO discharges.

8. PUBLIC COMMENTS

Public notice of this application was made in the Bangor Daily News newspaper on or about July 31, 2015. 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 to request a public hearing pursuant to Chapter 522 of the Department's rules.

9. DEPARTMENT CONTACTS

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

Rod Robert
Division of Water Quality Management
Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017
Email: rodney.robert@maine.gov

Telephone (207) 446-1875

10. RESPONSE TO COMMENTS

Reserved until the end of the formal thirty day comment period.

ATTACHMENT A

12.41