STATE OF MAINE **DEPARTMENT OF ENVIRONMENTAL PROTECTION**





February 28, 2025

Mr. Philip Tucker Superintendent, York Sewer District P.O. Box 1039 York. Maine 03910 e-mail: ptucker@yorksewerdistrict.org

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit ME0101222 Maine Waste Discharge License # W002687-6D-K-R **Preliminary Draft Permit/License**

Dear Mr. Tucker:

Attached is a proposed draft MEPDES permit and Maine WDL 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 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 today, Friday, February 28, 2025, and ends on Friday, March 28, 2025. 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, March 28, 2025. Failure to submit comments in a timely fashion may 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

AUGUSTA 17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017 (207) 287-7688 FAX: (207) 287-7826 (207) 941-4570 FAX: (207) 941-4584

BANGOR 106 HOGAN ROAD, SUITE 6 BANGOR, MAINE 04401

PORTLAND 312 CANCO ROAD PORTLAND, MAINE 04103 (207) 822-6300 FAX: (207) 822-6303 (207) 764-0477 FAX: (207) 760-3143

PRESQUE ISLE 1235 CENTRAL DRIVE, SKYWAY PARK PRESQUE ISLE, MAINE 04769

If you have any questions regarding the matter, please feel free to call me at 287-7693 or e-mail me at gregg.wood@maine.gov

Sincerely,

2 leb

Gregg Wood Division of Water Quality Management Bureau of Water Quality

Enc.

cc: Fred Gallant, DEP/SMRO Lori Mitchell, DEP/CMRO Laura Crossley, DEP/CMRO Holly Ireland, DEP/CMRO Ellen Weitzler, USEPA Michael Cobb, USEPA Maine IFW Maine DMR



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

DEPARTMENT ORDER

IN THE MATTER OF

YORK SEWER DISTRICT YORK, YORK COUNTY, MAINE PUBLICLY OWNED TREATMENT WORKS ME0101222 W002687-6D-K-R APPROVAL) MAINE POLLUTANT DISCHARGE) ELIMINATION SYSTEM PERMIT) AND) WASTE DISCHARGE LICENSE) **RENEWAL**

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, Section 1251, *et. seq.* and *Conditions of Licenses*, 38 M.R.S., Section 414-A *et seq.*, and applicable regulations, the Department of Environmental Protection (Department hereinafter) has considered the application of the YORK SEWER DISTRICT (District/permittee hereinafter) with its supportive data, agency review comments, and other related material on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The District has filed a timely and complete application with the Department to renew combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0101222/ Maine Waste Discharge License (WDL) #W002687-6D-J-R (permit hereinafter), that was issued by the Department on March 1, 2016, for a five-year term. The permit authorized the District to discharge up to a monthly average flow of 3.0 million gallons per day (MGD) of secondary treated waste waters to Cape Neddick Harbor, Class SB, in York, Maine. See **Attachment A** of the <u>Fact Sheet</u> for aerial photographs depicting the location of the facility.

PERMIT SUMMARY

This permitting action is carrying forward all the terms and conditions of the 3/1/16 permit except that this permit is:

- 1. Imposing year-round rather than seasonal fecal coliform bacteria limitations to protect for the designated use of shellfish harvesting which is a year-round pursuant to Maine law, 38 M.R.S. §465-B(2).
- Establishing seasonal (April 15 October 31) enterococcus bacteria limitations to protect for the designated use of recreation in and on the water Pursuant to Maine law, 38 M.R.S. §465-B(2).
- 3. Establishing seasonal effluent (annually) and ambient water quality monitoring (every other year) for total nitrogen.

PERMIT SUMMARY

- 4. Establishing a requirement to optimize the removal of total nitrogen from the discharge.
- 5. Increasing the quantity of transported waste that the facility receives from 7,500 gpd to 30,000 gpd at the request of the permittee.

CONCLUSIONS

BASED on the findings in the attached **PROPOSED DRAFT** Fact Sheet dated February 28, 2025, 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 M.R.S. 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 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 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 (BPT).

ACTION

THEREFORE, the Department APPROVES the application of the YORK SEWER DISTRICT to discharge up to a monthly average flow of 3.0 MGD of secondary treated waste waters to Cape Neddick Harbor, Class SB, in York. The discharges shall be 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 thereafter. 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.A. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (effective September 15, 2024)].

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS ____ DAY OF ____ 2025.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:____

Melanie Loyzim, Commissioner

Date of initial receipt of application: February 22, 2021

Date of application acceptance: <u>February 26, 2021</u>

This Order prepared by GREGG WOOD, BUREAU OF LAND & WATER QUALITY

ME0101222 Proposed 2/28/2025

ME0101222 2/28/2025 Proposed Draft Permit W002687-6D-K-R

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge secondary treated waste waters from **Outfall #001** to the tidal waters of Cape Neddick Harbor. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations					Minin	num	
			0				Monitoring R	equirements
	Monthly	Weekly	Daily	Monthly	Weekly	Daily	Measurement	Sample
	Average	Average	Maximum	Average	Average	Maximum	Frequency	Type
Flow, MGD	3.0 MGD		Report MGD				Continuous	Recorder
[50050]	[03]		[03]				[99/99]	[RC]
BOD ₅	750 lbs/Day	1,125 lbs/Day	1,251 lbs/Day	30 mg/L	45 mg/L	50 mg/L	2/Week	Composite
[00310]	[26]	[26]	[26]	[19]	[19]	[19]	[02/07]	[24]
BOD ₅ % Removal ⁽¹⁾				85 %			1/Month	Calculate
[81010]				[23]			[01/30]	[CA]
TSS	750 lbs/Day	1,125 lbs/Day	1,251 lbs/Day	30 mg/L	45 mg/L	50 mg/L	2/Week	Composite
[00530]	[26]	[26]	[26]	[19]	[19]	[19]	[02/07]	[24]
TSS % Removal ⁽¹⁾				85 %			1/Month	Calculate
[81011]				[23]			[01/30]	[CA]
Settleable Solids						0.3 ml/L	3/Week	Grab
[00545]						[25]	[03/07]	[GR]
Fecal coliform				14/100 ml ⁽³⁾		34/100 ml	2/Week	Grab
<u>bacteria</u> ⁽²⁾ [31616]				[13]		[13]	[02/07]	[GR]
(Year round)								
Enterococcus bacteria ⁽⁴⁾				$8 \mathrm{cfu} / 100 \mathrm{m} \mathrm{l}^{(3)}$		$54 \mathrm{cfu} / 100$	2/Week	Grab
(Seasonally April 15 th -October						mL [12]	2/ W COK	ICRI
31st Beginning 2025) [61211]				[13]			[02/07]	[GR]
Total Residual Chlorine ⁽⁵⁾				0.1 mg/L		0.3 mg/L	3/Week	Grab
[50060]				[19]		[19]	[05/07]	[GR]
pH [00400]						6.0-9.0 SU	5/Week	Grab
						[12]	[05/07]	[GR]
Mercury (Total) ⁽⁶⁾				4.5 ng/L		6.8 ng/L	1/Year	Grab
[71900]				[3M]		[3M]	[01/YR]	[GR]

The italicized numeric values in brackets in the tables above and the tables that follow are not limitations but codes used by Department personnel to code monthly Discharge Monitoring Reports (DMR's).Footnotes: See pages 7-11 of this permit.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement.

SCREENING LEVEL TESTING

Effluent Characteristic	Discharge Limitations			Minimum		
				Monitoring Requirements		
	Monthly <u>Average</u>	Daily <u>Maximum</u>	Monthly <u>Average</u>	Daily <u>Maximum</u>	Measurement <u>Frequency</u>	Sample Type
Whole Effluent Toxicity ⁽⁷⁾						
<u>Acute – NOEL</u> Americamysis bahia _[TDM3E] (Mysid Shrimp)				Report % [23]	1/Year [01/YR]	Composite [24]
<u>Chronic – NOEL</u> Arbacia punctulata _[TBH3A] (Sea urchin)				Report % [23]	1/Year [01/YR]	Composite [24]
Analytical chemistry ^(8,10) [51477]				Report ug/L [28]	1/Quarter [01/90]	Composite/Grab [24]
Priority pollutant ^(9,10) [50008]				Report ug/L [28]	1/Year [01/YR]	Composite/Grab [24]

Footnotes: See pages 7-11 of this permit.

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd) OUTFALL #001A – Effluent

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements			
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Total Kjeldahl Nitrogen (as N) [00625] (May – Oct) Begin calendar year 2025	Report lbs/day _[26]	Report lbs/day _[26]	Report mg/L	Report mg/L	1/Month [01/30]	Composite [24]
Nitrate + Nitrite Nitrogen (as N) _[00630] (May – Oct) Begin calendar year 2025	Report lbs/day _[26]	Report lbs/day _[26]	Report mg/L	Report mg/L	1/Month [01/30]	Composite [24]
Total Nitrogen (as N) ⁽¹¹⁾ _[00600] (May – Oct) Begin calendar year 2025	Report lbs/day _[26]	Report lbs/day _[26]	Report mg/L	Report mg/L	1/Month [01/30]	Calculate [CA]
Total Nitrogen (as N) ^(12,13) [00600] DMR for the month of October beginning 2025	Report lbs/day _[26]				1/Season [01/SN]	Calculate _[CA]

B. <u>AMBIENT</u> MONITORING REQUIREMENTS⁽¹⁴⁾

OUTFALL AM-1

Effluent Characteristic	Discharge Limitations			Minimum Monitoring Requirements		
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Total Nitrogen (as N) [00600] May - October calendar years 2026, and 2028			Report mg/L	Report mg/L	1/3 Weeks	Grab [GR]

Footnotes See Page 7-11 of this permit for applicable footnotes.

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

Footnotes:

Sampling Locations:

Influent sampling for BOD₅ and TSS must be sampled after preliminary screening.

Monitoring - All effluent monitoring must be conducted at a location following the last treatment unit in the treatment process as to be representative of end-of-pipe effluent characteristics. A routine sampling program must be developed in which samples are taken at the same location, same time and same days of the week each month. Occasional deviations from the routine sampling program are allowed, but the reason for the deviation must be documented as an electronic attachment to the applicable discharge monitoring report.

Sampling and analysis must be conducted 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 waste water testing. Samples that are sent to another POTW licensed pursuant to *Waste discharge licenses*, 38 M.R.S. § 413 or laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended April 1, 2010). 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.

In accordance with 40 CFR § 122.44(i)(1)(iv), the permittee must monitor according to sufficiently sensitive test procedures (i.e., methods) approved under 40 CFR Part 136 or required under 40 CFR chapter I, subchapter N or O, for the analysis of pollutants or pollutant parameters (except WET). A method is "sufficiently sensitive" when: 1) The method minimum level (ML) is at or below the level of the effluent limitation established in the permit for the measured pollutant or pollutant parameter; or 2) The method has the lowest ML of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR chapter I, subchapter N or O for the measured pollutant or pollutant parameter. The term "minimum level" refers either to the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (MDL), whichever is higher. Minimum levels may be obtained in the following ways: they may be published in a method; they may be based on the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a laboratory, by a factor.

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

Footnotes:

- 1. **Percent removal** The treatment facility must maintain a minimum of 85 percent removal of both BOD₅ and TSS. The percent removal must be based on a monthly average calculation using influent and effluent concentrations.
- 2. Fecal coliform bacteria Limitations and monitoring requirement are in effect on a year-round basis.
- 3. **Bacteria reporting** The monthly average limitation is a geometric mean limitation and values must be calculated and reported as such.
- 4. Enterococcus bacteria Limitations and monitoring requirements are in effect from April 15 October 31 beginning calendar year 2025.
- 5. 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.
- 6. Mercury The permittee must conduct all mercury sampling required by this permit or required to determine compliance with interim limitations established pursuant to 06-096 CMR 519 in accordance with the USEPA's "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. For a mercury test results reporting form, select "Whole effluent Toxicity, Chemistry and Mercury Reporting forms" at https://www.maine.gov/dep/water/wd/municipal_industrial/index.html. 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.

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

Footnotes:

- 7. Whole Effluent Toxicity (WET) Testing Definitive WET testing is a multi-concentration testing event with a minimum of five dilutions bracketing the critical acute and chronic water quality thresholds of 3.1% and 0.8% respectively. It is noted the thresholds expressed as percent effluent are the mathematical inverses of the acute and chronic dilution factors of 32:1 and 132:1, respectively. WET testing provides a point estimate of toxicity in terms of No Observed Effect Level, commonly referred to as NOEL or NOEC. A-NOEL is defined as the acute no observed effect level with survival as the end point. C-NOEL is defined as the chronic no observed effect level with survival, reproduction or growth as the end points. See https://www.maine.gov/dep/water/wd/municipal_industrial/index.html for a copy of the Department's WET reporting form.
 - a. Surveillance level testing Waived pursuant to 06-096 CMR 530 §D(3)(b).
 - b. Screening level testing Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement, the permittee must conduct screening level WET testing at a minimum frequency of once per year (1/Year). Acute tests must be conducted on the mysid shrimp (*Americamysis bahia*) and chronic tests must be conducted on the sea urchin (*Arbacia punctulata*).

Toxicity tests must be conducted by an experienced laboratory approved by the Department. The laboratory must follow procedures as described in the following U.S.E.P.A. methods manuals:

- a. <u>Short Term Methods for Estimating the Chronic Toxicity of Effluent and</u> <u>Receiving Water to Marine and Estuarine Organisms</u>, Third Edition, October 2002, EPA-821-R-02-014.
- b. <u>Methods for Measuring the Acute Toxicity of Effluent and Receiving Waters to</u> <u>Freshwater and Marine Organisms</u>, Fifth Edition, October 2002, EPA-821-R-02-012.

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

Footnotes:

Once received by the permittee, WET test results must be submitted to the Department not later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, that the permittee may review the toxicity reports for up to 10 business days after receiving the results from the laboratory before submitting them. The permittee must evaluate test results being submitted and identify to the Department possible exceedances of the critical acute and chronic water quality thresholds of 3.1% and 0.8%, respectively.

Results of WET tests must be reported each time a WET test is performed. Reporting forms can be found at: <u>https://www.maine.gov/dep/water/wd/municipal_industrial/index.html</u>, under *Whole Effluent Toxicity, Chemistry, and Mercury Reporting Forms*. Each time a WET test is performed, the permittee must sample and analyze for the parameters in the WET Chemistry and the Analytical Chemistry section of the reporting forms.

- 8. Analytical chemistry See reporting form can be found at: <u>https://www.maine.gov/dep/water/wd/municipal_industrial/index.html</u>, under *Whole Effluent Toxicity, Chemistry, and Mercury Reporting Forms* for the suite of parameters.
 - a. Surveillance level testing Waived pursuant to 06-096 CMR 530 §D(3)(b).
 - b. Screening level testing Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement, the permittee must conduct screening level analytical chemistry testing at a minimum frequency of once per calendar quarter (1/Quarter).
- 9. Priority pollutant testing See reporting form can be found at: <u>https://www.maine.gov/dep/water/wd/municipal_industrial/index.html</u>, under Whole Effluent Toxicity, Chemistry, and Mercury Reporting Forms for the suite of parameters
 - a. Surveillance level testing Not required pursuant to 06-096 CMR 530 D(1).
 - b. Screening level testing Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement, the permittee must conduct screening level priority pollutant testing at a minimum frequency of once per year (1/Year).

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

Footnotes:

10. Analytical chemistry and priority pollutant – Testing must be conducted on samples collected at the same time as those collected for whole effluent toxicity tests when applicable. Priority pollutant and analytical chemistry testing must be conducted using methods that permit detection of a pollutant at existing levels in the effluent or that achieve minimum reporting levels of detection as specified by the Department. See https://www.maine.gov/dep/water/wd/municipal_industrial/index.html, under Whole Effluent Toxicity, Chemistry, and Mercury Reporting Forms for a list of the Department's reporting levels (RLs) of detection.

Once received by the permittee, priority pollutant and analytical chemistry test results must be submitted to the Department not later than the next DMR required by the permit provided, however, that the permittee may review the toxicity reports for up to 10 business days after receiving the test results from the laboratory before submitting them. The permittee must evaluate test results being submitted and identify to the Department, possible exceedances of the acute, chronic or human health AWQC as established in Department rule Chapter 584. For the purposes of Discharge Monitoring Report (DMR) reporting, enter a "1" for yes, testing done this monitoring period or "N9" monitoring <u>not required</u> this period.

- 11. **Total nitrogen (as N) Monthly** The permittee is required to report the monthly average and daily maximum mass and concentrations for each month (May October) by adding the total kjeldahl nitrogen values to the nitrate + nitrite nitrogen values.
- 12. Total Nitrogen (as N) Seasonal daily average The permittee is required to report the seasonal daily average mass of total nitrogen discharged from the facility on the October DMR for each year. The seasonal daily average mass must be calculated by summing the mass results for each sampling event and dividing by the total number of samples. See Attachment A of this permit for the Department's protocol entitled, *Protocol For Nitrogen Sample Collection and Analysis For Waste Water Effluent*.
- 13 See Special Condition J, *Nitrogen Optimization*, on page 16 of this permit for requirements to optimize the removal of nitrogen from the discharge.
- 14. See Special Condition K, *Nitrogen Ambient Water Quality Monitoring*, on page 17 of this permit.

B. TREATMENT PLANT OPERATOR

The person who has the management responsibility over the treatment facility must hold a minimum of a Maine **Grade IV** certificate (or higher) or must be a Maine Registered Professional Engineer pursuant to *Sewerage Treatment Operators*, Title 32 M.R.S., Sections 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.

C. 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 February 26, 2021; 2) the terms and conditions of this permit, and 3) only from Outfall #001. 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.

D. NARRATIVE EFFLUENT LIMITATIONS

- 1. The effluent must not contain a visible oil sheen, foam or floating solids at any time which would impair the usages designated for the classification of the receiving waters.
- 2. The effluent must not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated for the classification of the receiving waters.
- 3. The discharge must not impart color, taste, turbidity, toxicity, radioactivity or other properties which cause those waters to be unsafe for the designated uses and characteristics ascribed to their classification.
- 4. Notwithstanding specific conditions of this permit, the effluent must 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.

E. LIMITATIONS FOR INDUSTRIAL USERS

Pollutants introduced into the wastewater collection and treatment system by a nondomestic source (user) must not pass through or interfere with the operation of the treatment system. The permittee must conduct an Industrial Waste Survey (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 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).

F. NOTIFICATION REQUIREMENT

In accordance with Standard Condition D, the permittee must notify the Department of the following:

- 1. Any introduction of pollutants into the waste water collection and treatment system from an indirect discharger in a primary industrial category discharging process waste water; and
- 2. Any substantial change in the volume or character of pollutants being introduced into the waste water collection and treatment system.
- 3. For the purposes of this section, adequate notice must include information on:
 - a. The quality and quantity of waste water introduced to the waste water collection and treatment system; and
 - b. Any anticipated impact of the change in the quality or quantity of the waste water to be discharged from the treatment system.

G. OPERATION & MAINTENANCE (O&M) PLAN

The permittee must maintain a current written comprehensive Operation & Maintenance (O&M) Plan. 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.

G. OPERATION & MAINTENANCE (O&M) PLAN (cont'd)

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 other regulatory 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.

H. WET WEATHER FLOW MANAGEMENT PLAN

The treatment facility staff must maintain a current written Wet Weather Flow Management Plan to direct the staff on how to operate the facility effectively during periods of high flow and maximize the volume of waste water receiving secondary treatment under all operating conditions. 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 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 annually and record any necessary changes to keep the plan up to date.

I. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY

During the effective period of this permit, the permittee is authorized to receive and introduce into the treatment process or solids handling stream **a daily maximum of 30,000 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.

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

- 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 shall 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.

- 5. The addition of transported wastes into the treatment process or solids handling stream shall not cause the treatment facility's 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 shall not be recorded as transported wastes but should be reported in the treatment facility's influent flow.

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

- 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 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. Access to transported waste receiving facilities may be permitted only during the times specified in the application materials and under the control and supervision of the person responsible for the wastewater treatment facility or his/her designated representative.
- 10. 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.

J. NITROGEN - OPTIMIZATION

The permittee must operate the waste water treatment facility to optimize nitrogen removal in order to reduce to the extent practicable, with existing resources, the mass discharge of total nitrogen based on the seasonal daily average mass loading of total nitrogen. Seasonal is defined as May 1^{st} – October 31^{st} of each year.

K. NITROGEN - AMBIENT WATER QUALITY MONITORING

On or before September 1, 2025, the permittee must submit an ambient water quality monitoring plan to the Department for review and comment, to monitor sampling stations established by the Department. The proposed monitoring plan must conform with a Department approved Quality Assurance Project Plan (QAPP). All sampling and analysis must be conducted by 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.

K. NITROGEN - AMBIENT WATER QUALITY MONITORING (cont'd)

Beginning May 1, 2026, the permittee must commence ambient monitoring at the designated sites established by the Department at a frequency of approximately every three (3) weeks between May 1st and October 31st for calendar years 2026 and 2028. Each monitoring event must be conducted during a four (4) hour sampling window on the second half of an ebb or flood tide. Minimum parameters to be monitored via grab samples are total total kjeldahl nitrogen, nitrate + nitrite nitrogen.

On or before December 31st of calendar years 2026 and 2028, the permittee must submit a report to the Department summarizing the data collected from the ambient water quality monitoring plans and report any trends or anomalies with the data.

L. 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 D** 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; and
- (c) Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge.
- (d) Changes in storm water collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge.
- (e) Increases in the type or volume of hauled wastes accepted by the facility.

The Department reserves the right to establish annual (surveillance level) testing or other toxicity testing if new information becomes available that indicates the discharge may cause or have a reasonable potential to cause exceedances of ambient water quality criteria/thresholds.

M. 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 Discharge Monitoring Reports (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 DEP 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.

N. REOPENING OF PERMIT FOR MODIFICATIONS

Upon evaluation of the tests results or monitoring requirements specified in 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 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 effluent or ambient water quality monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

O. 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.

ATTACHMENT A

• •

Protocol for Nitrogen Sample Collection and Analysis for Waste Water Effluent

Approved Analytical Methods (from Table 1 B of Part 136 per the 2012 Method Update Rule): (laboratory must be certified for any method performed)

Total Kjeldahl Nitrogen (TKN):

Manual digestion and	SM4500-N	org B-97 or	ASTM D3590-	I-4515-9145
distillation or gas diffusion	C-97 and \$	SM4500-NH3	02 (06) (A)	
followed by any of the	B-97.			
following				
Titration	SM4500-N	H3 C-97	ASTM D3590-	973.48.3
			89, 02 (A)	
Nesslerization			ASTM D1426-0	8 (A)
Electrode	SM4500-N	H3 D-97 or	ASTM D1426-0	8 (B)
	E-97			
Semi-automated phenate	EPA 350.1	Rev. 2.0	SM4500-NH3 G	6-97 or H-97
	(1993)			
Manual phenate, salicylate,	SM4500-N	H3 F-1997		
or other substituted				
phenols in Berthelot				C.8
reaction based methods				
Automated methods for Th	(N that do n	ot require ma	anual digestion	
Automated phenate,	EPA 351.1	(1978)		I-4551-788
salicylate, or other				
substituted phenols in				
Berthelot reaction based				
methods colorimetric (auto				
digestion and distillation)			*. *****	V
Semi-automated block	EPA	SM4500-	ASTM D3590-	I-4515-9145
digestor colorimetric	351.2,	Norg D-97	02 (06) (B)	
(distillation not required)	Rev. 2.0			
·	(1993)			

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Nitrate + Nitrite (NO3 + NO2):

Cadmium reduction, Manual		SM4500-NO3 E-00	ASTM D3867-04 (B)	
Cadmium reduction,	EPA 353.2,	SM4500-NO3 F-	ASTM	I-4545-852
Automated, or	Rev. 2.0	00	D3867-	
Ĵ.	(1993)	•	04(A)	
Automated hydrazine		SM4500-NO3 H-0	00	
Ion chromatography	EPA 300.0,	SM4110 B-00 or	ASTM	993.303
	Rev. 2.1	C-00	D4327-03	
	(1993) and			3
	EPA 300.1,		£3	•
	rev. 1.0)		
	(1997)			
CIE/UV		SM4140 B-97	ASTM	ASTM
			D6508-00	D6508,
			(05)	Rev. 2

Sample Collection: The Maine DEP is requesting that nitrogen analysis be conducted on composite effluent samples, unless a facility's Permit specifically designates grab sampling for this parameter. Facilities can use individual collection bottles or a single jug made out of glass or polyethylene. Bottles and/or jugs should be cleaned prior to each use with dilute H_2SO_4 . This cleaning should be followed by several rinses with distilled water. Commercially purchased, pre-cleaned sample containers are an acceptable alternative. The sampler hoses should be cleaned; as needed.

Sample Preservation: During compositing the sample must be at 0-6 degrees C (without freezing). If the sample is being sent to a commercial laboratory or analysis cannot be performed the day of collection then the sample must be preserved using H_2SO_4 to obtain a sample pH of <2 su and refrigerated at 0-6 degrees C (without freezing). The holding time for a preserved sample is 28 days.

Laboratory QA/QC: Laboratories must follow the appropriate QA/QC procedures that are described in each of the approved methods.

Sampling QA/QC: If a composite sample is being collected using an automated sampler, then once per month run a blank on the composite sampler. Automatically, draw distilled water into the sample jug using the sample collection line. Let this water set in the jug for 24 hours and then analyze for total nitrogen. Preserve this sample as described above.

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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).

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT AND MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: February 28, 2025

PERMIT NUMBER:ME0101222LICENSE NUMBER:W002687-6D-K-R

NAME AND ADDRESS OF APPLICANT:

YORK SEWER DISTRICT P.O. Box 1039 York, Maine 03910

COUNTY:

York County

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

21 Bay Haven Road York, Maine 03910

RECEIVING WATER/CLASSIFICATION:

Cape Neddick Harbor/Class SB

COGNIZANT OFFICIAL AND TELEPHONE NUMBER:

Mr. Philip Tucker, Superintendent Tel: (207) 205-7095 Email: ptucker@yorksewerdistrict.org

1. APPLICATION SUMMARY

a. <u>Application</u> - The York Sewer District (District/permittee) has filed a timely and complete application with the Department to renew combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0101222/Waste Discharge License (WDL) #W002687-6D-J-R (permit hereinafter), which was issued by the Department on March 1, 2016, for a five-year term. The permit authorized the District to discharge up to a monthly average flow of 3.0 million gallons per day (MGD) of secondary treated waste waters to Cape Neddick Harbor, Class SB, in York, Maine. See Attachment A of this Fact Sheet for an aerial photograph depicting the location of the treatment facility and the outfall location.

1. APPLICATION SUMMARY (cont'd)

- b. <u>Source Description</u>: The District's waste water treatment facility receives sanitary waste waters from residential and commercial users within the District's boundaries. There are no significant industrial users contributing flows to the facility. The separated sewer collection system, which does not contain combined sewer overflow (CSO) points, consists of 45 miles of collection piping and thirteen (13) pump stations. Nine (9) of the pump stations have on-site generators for back-up power and the remaining four (4) pump stations are equipped with emergency generator receptacles and manual transfer switches such that back-up power via a portable generator can be supplied to the stations in the event of a power failure. The District's facility is currently permitted to accept and treat up to 7,500 gallons of transported wastes per day from local septage haulers.
- c. <u>Waste Water Treatment</u>: The District's facility provides a secondary level of treatment via a conventional activated sludge treatment process that includes a bar screen, a cyclonic Pista grit separation chamber, six aeration basins, two secondary clarifiers, and a chlorine contact chamber for disinfection using sodium hypochlorite. The waste water treatment facility has an average daily design capacity of 3.0 MGD and a peak hourly flow capacity of 7.5 MGD. The majority of waste water is transported to the facility via the Long Beach Pump Station.

Waste water receives preliminary treatment in the headworks. Rags and other debris are removed by a mechanical filter screen while grit and other inorganic material are removed with the grit removal system. Waste water then flows to the aeration tanks, where a mixed liquor provides biological treatment. From the aeration tanks, waste waters flows to the two circular clarifiers. The 70-foot diameter clarifiers, each with a 13-foot sidewall depth, are covered with an aluminum dome and have a center feed system with peripheral overflow into launders that extend into the tanks. The sludge collection mechanism is a differential head system with sludge withdrawal lines mounted on the revolving scraper arms. Floating scum is collected by a full length radial surface skimmer and trough and is discharged to a scum well. Return activated sludge from the clarifiers is recycled back to the aeration tanks via 8-inch diameter pipes. The sludge can be returned to the headworks or to the aeration tanks. Clarified effluent flows to a chlorine contact tank and the treated plant effluent discharges to Cape Neddick Harbor via a 24-inch diameter ductile iron pipe that extends out into the receiving waters approximately 1,700 feet. The end of the existing outfall pipe is fitted with a diffuser consisting of a 10-meter long manifold with 16 equally spaced 8-inch diameter ports oriented vertically to enhance mixing of the effluent with the receiving waters. There is approximately 20 feet of water over the diffuser at mean low tide. See Attachment B of this Fact Sheet a schematic of the waste water treatment process.

2. PERMIT SUMMARY

- a. <u>Terms and Conditions</u> This permitting action is carrying forward all the terms and conditions of the 3/1/16 permit except that this permit is:
 - 1. Imposing year-round rather than seasonal fecal coliform bacteria limitations to protect for the designated use of shellfish harvesting which is a year-round pursuant to Maine law, 38 M.R.S. §465-B(2).
 - 2. Establishing seasonal (April 15 October 31) enterococcus bacteria limitations to protect for the designated use of recreation in and on the water Pursuant to Maine law, 38 M.R.S. §465-B(2).
 - 3. Establishing seasonal effluent (annually) and ambient water quality monitoring (every other year) for total nitrogen.
 - 4. Establishing a requirement to optimize the removal of total nitrogen from the discharge.
 - 5. Increasing the quantity of transported waste that the facility receives from 7,500 gpd to 30,000 gpd at the request of the permittee.
- b. <u>History</u> Relevant regulatory actions for the YSD include the following:

August 22, 1988—The Department issued WDL #W002687-46-A-R for five-year term. The WDL approved a monthly average discharge of up to 1.6 MGD of secondary treated waste water to Cape Neddick Harbor.

March 2, 1992—The U.S. Environmental Protection Agency (EPA) issued an Administrative Order to the YSD requiring improvements at the facility to adequately treat up to 3.0 MGD.

September 24, 1992—The EPA issued a permit modification and the Department issued WDL #W002687-46-B-A authorizing an increase in the discharge flow from 1.6 MGD to 3.0 MGD.

May 4, 1993—The Department authorized a reduction in whole effluent toxicity (WET) testing from 1/Quarter to 1/Year.

July 5, 1995—The Department issued a renewal of W002687-46-B-A for a five-year term.

September 23, 1996—The EPA issued National Pollutant Discharge Elimination System (NPDES) permit #ME0101222 for a five-year term.

2. PERMIT SUMMARY (cont'd)

November 3, 1997—The Department administratively modified the daily maximum limitation for fecal coliform bacteria by increasing the limit from 15 colonies per 100 mL to 50 colonies per 100 mL.

May 23, 2000 – The Department administratively modified the 5/5/95 WDL by establishing interim average and maximum concentration limits for mercury.

September 25, 2000—The EPA issued a renewal of NPDES permit #ME0101222 for a five-year term.

January 12, 2001 – The State of Maine received authorization from the U.S. Environmental Protection Agency to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine.

May 6, 2001 - The Department issued combination MEPDES permit #ME0101222/WDL #W002687-5L-E-R for a five-year term that superseded the terms and conditions of the 5/25/00 NPDES permit issued by the EPA.

May 31, 2006 - The Department issued combination MEPDES permit #ME0101222/WDL #W002687-5L-G-R for a five-year term.

April 21, 2011 - The Department issued combination MEPDES permit #ME0101222/WDL #W002687-6D-H-R for a five-year term.

February 6, 2012 – The Department issued a modification of the April 21, 2011, permit that reduced the monitoring frequency for total mercury from 4/Year to 1/Year.

January 25, 2016 – The District submitted a timely and complete application to the Department to renew the MEPDES permit/WDL.

March 1, 2016- The Department issued combination MEPDES permit #ME0101222/WDL #W002687-6D-I-R for a five-year term.

February 22, 2023 – The District submitted a timely and complete application to the Department to renew the MEPDES permit/WDL.

February 26, 2025 – The permittee submitted an amendment to their 2/23/2023 renewal application requesting an increase in the quantity of transported waste that the facility receives from 7,500 gpd to 30,000 gpd

3. CONDITIONS OF PERMITS

Maine law, 38 M.R.S. 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., 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.

4. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S., Section 469 classifies the marine waters of Cape Neddick Harbor as a Class SB waterway. Maine law, 38 M.R.S., Section 465-B(2) describes the classification standards for Class SB waterways as follows:

Class SB waters must be of such quality that they are suitable for the designated uses of recreation in and on the water, fishing, aquaculture, propagation and harvesting of shellfish, industrial process and cooling water supply, hydroelectric power generation, navigation and as habitat for fish and other estuarine and marine life. The habitat must be characterized as unimpaired.

Class SB waters must be of sufficient quality to support all estuarine and marine species indigenous to those waters without detrimental changes in the resident biological community. The dissolved oxygen content of Class SB waters may not be less than 85% of saturation. Between April 15th and October 31st, the number of enterococcus bacteria in these waters may not exceed a geometric mean of 8 CFU or MPN per 100 milliliters in any 90-day interval or 54 CFU or MPN per 100 milliliters in more than 10% of the samples in any 90-day interval. The number of total coliform bacteria or other specified indicator organisms in samples representative of the waters in shellfish harvesting areas may not exceed the criteria recommended under the National Shellfish Sanitation Program, United States Food and Drug Administration as set forth in its publication "Guide for the Control of Molluscan Shellfish" (2019 revision) or any successor publication.

Discharges to Class SB waters may not cause adverse impact to estuarine and marine life in that the receiving waters must be of sufficient quality to support all estuarine and marine species indigenous to the receiving water without detrimental changes in the resident biological community. There may be no new discharge to Class SB waters that would cause closure of open shellfish areas by the Department of Marine Resources. For the purpose of allowing the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health

4. RECEIVING WATER QUALITY STANDARDS (cont'd)

and safety, the department may find that the discharged effluent will not cause adverse impact to estuarine and marine life as long as the materials and methods used provide protection for nontarget species. When the department issues a license for the discharge of aquatic pesticides authorized under this paragraph, the department shall notify the municipality in which the application is licensed to occur and post the notice on the department's publicly accessible website.

5. RECEIVING WATER QUALITY CONDITIONS

<u>The 2018/2020/2022 State of Maine, Department of Environmental Protection, Integrated</u> <u>Water Quality Monitoring and Assessment Report</u> (305b) report published by the Department pursuant to Section 305(b) of the Federal Water Pollution Control Act lists Assessment Unit ID ME010600031106_SA_WC_PE East Point (York) to Bald Head Cliff (York) (Prohibited) Boon Island vicinity (York), (DMR Growing Area WC-P1) in a table entitled, *Category 3: Estuarine and Marine Waters with Insufficient Data or Information to Determine if Shellfish Harvesting Designated Use is Attained.*

The Maine Department of Marine Resources (DMR) assesses information on shellfish growing areas to ensure that shellfish harvested are safe for consumption. The DMR has authority to close shellfish harvesting areas wherever there is a pollution source, a potential pollution threat, or poor water quality. The DMR traditionally closes shellfish harvesting areas if there are known sources of discharges with unacceptable bacteria levels (instream thresholds established in the National Shellfish Sanitation Program) or maintains shellfish harvesting closure areas due to lack of updated information regarding ambient water quality conditions. In addition, the DMR prohibits shellfish harvesting in the immediate vicinity of all wastewater treatment outfall pipes as a precautionary measure in the event of a failure in the treatment plant's disinfection system. Thus, DMR shellfish harvesting Growing Area WC is closed to the harvesting of shellfish due to insufficient or limited ambient water quality data to determine that the area meets the standards in the National Shellfish Sanitation Program. The shellfish closure area is identified on the map included as Attachment C of this Fact Sheet. The Department is making the determination that compliance with the year-round fecal coliform bacteria limitations and other secondary wastewater treatment limits established in this permitting action ensure that the discharge of secondary treated wastewater from the York wastewater treatment facility will not cause or contribute to the failure of the receiving waters to meet the standards of its designated classification.

a. <u>Flow</u> - The previous permitting action established a monthly average flow limitation of 3.0 MGD that is being carried forward in this permitting action. The limit reflects the monthly average dry weather design capacity of the existing waste water treatment facility.

A review of the monthly Discharge Monitoring Report (DMR) data for the period January 2020 – September 2023 indicates values have been reported as follows;

110W (DWKS-43)						
Value	Limit (MGD)	Range (MGD)	Mean (MGD)			
Monthly average	3.0	0.75 - 1.94	1.22			
Daily maximum	Report	0.92 - 5.45	2.18			

Flow (DMRs=45)

b. <u>Dilution Factors</u>: Department Regulation Chapter 530, "*Surface Water Toxics Control Program*", §4(A)(2)(a) states that for discharges to the ocean, dilution must be calculated as near-field or initial dilution, or that dilution available as the effluent plume rises from the point of discharge to its trapping level, at mean low water level and slack tide for the acute exposure analysis and at mean tide for the chronic exposure analysis using appropriate models determined by the Department such as MERGE, CORMIX or another predictive model determined by the Department to be appropriate for the site conditions. Using plan and profile information of the diffuser installed in calendar year 2006 provided by the permittee and the CORMIX model, the Department has determined the dilution factors for the discharge of 3.0 MGD from the waste water treatment facility will be as follows:

Acute = 32:1Chronic -132:1Harmonic Mean $=396:1^{(1)}$ Footnote:

- (1) Pursuant to Department rule Chapter 530, "*Surface Water Toxics Control Program*", §4(2)(c), the harmonic mean dilution factor is approximated by multiplying the chronic dilution factor by a factor of three (3).
- c. <u>Biochemical Oxygen Demand (BOD5) & Total Suspended Solids (TSS):</u> The previous permitting action established monthly and weekly average BOD5 and TSS best practicable treatment (BPT) concentration limits of 30 mg/L and 45 mg/L respectively, that are based on secondary treatment requirements pursuant to Department rule Chapter 525(3)(III). The maximum daily BOD5 and TSS concentration limits of 50 mg/L were based on a Department best professional judgment of BPT. All three concentration limits and the monitoring frequency of 2/Week are being carried forward in this permitting action.

As for mass limitations, the previous permitting action established monthly average, weekly average and daily maximum limitations based on a monthly average flow limit of 3.0 MGD that are being carried forward in this permitting action. The limitations were derived as follows:

Monthly average: (3.0 MGD)(8.34)(30 mg/L) = 750 lbs/dayWeekly average: (3.0 MGD)(8.34)(45 mg/L) = 1,125 lbs/dayDaily maximum: (3.0 MGD)(8.34)(50 mg/L) = 1,250 lbs/day

A review of the monthly DMR data for the period January 2020 – September 2023 indicates values have been reported as follows;

BOD Mass (DMRs=45)

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	750	35 - 186	85
Weekly Average	1,125	40 - 257	110
Daily Maximum	1,250	66 - 393	159

BOD Concentration (DMRs=45)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	4 - 20	9
Weekly Average	45	5 - 23	12
Daily Maximum	50	6 - 43	15

TSS mass (DMRs=45)

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	750	19 - 142	53
Weekly Average	1,125	28 - 254	85
Daily Maximum	1,250	32 - 632	153

TSS concentration (DMRs=45)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	3 - 12	5
Weekly Average	45	3 - 19	8
Daily Maximum	50	6 - 41	12

This permitting action carries forward the requirement for 85% removal for BOD and TSS pursuant to Department rule Chapter 525(3)(III)(a&b)(3). A review of the monthly DMR data for the period January 2020 through September 2023 indicates values have been reported as follows;

BOD % Removal (DMRs=45)

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	85	90 - 98	95

TSS % Removal (DMRs=45)

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	85	91 - 99	97

d. <u>Settleable Solids</u> - The previous permit established a BPT daily maximum concentration limit of 0.3 ml/L along with a monitoring frequency of 3/Week. Both are being carried forward in this permitting action. A review of the DMR data for the period January 2020 – September 2023 indicates values have been reported as follows:

Settleable solids (DMRs=45)

Value	Limit (ml/L)	Range (ml/L)	Average (ml/L)
Daily Maximum	0.3	<0.1 - <0.1	< 0.1

e. <u>Fecal coliform bacteria</u> - The previous permitting action established monthly average and daily maximum fecal coliform bacteria limits of 15 colonies/100 ml and 50 colonies/100 ml that are based on the Maine Water Classification Program criteria for the receiving waters [including standards in the 2003 National Shellfish Sanitation Program (NSSP)] and required the application of BPT technology. The limitations were seasonal and applied from May 15th – September 30th of each year. The NSSP was updated in 2017 and established fecal coliform limitations of 14 CFU/100 ml as a monthly average and 34 CFU/100 ml. These limitations are being carried forward in this permit along with the 2/Week. Based on comments received from the USEPA, fecal coliform limitations need to be imposed on a year-round basis to protect the designated use of shellfish harvesting, a year-round use.

A review of the seasonal monthly DMR data for the period May 2020 – September 2023 indicates the permittee has reported values as follows:

Value	Limit (col/100 ml)	Range (col/100 ml)	Mean (col/100 ml)
Monthly Average	15	1 - 11	2
Daily Maximum	50	1 - 40	10

Fecal coliform bacteria (DMRs=20)

DMR shellfish harvesting Area WB (York, Boon Island) in the vicinity of the discharge is closed (prohibited) to the harvesting of shellfish due to the location of the waste water treatment plant outfall. The DMR has established closure areas for all coastal facilities in Maine as a safety measure in the event of a malfunctioning disinfection system at waste water treatment facility. In the case of the YSD, even with the facility disinfecting the effluent on a year-round basis, Area WC would remain closed. See **Attachment C** of this Fact Sheet for a map depicting Area WC.

- f. Enterococcus bacteria The previous permit did not establish limitations or monitoring requirements for enterococcus bacteria. This permit is establishing monthly average and daily maximum enterococcus bacteria limitations of 8 CFU/100 ml and 54 CFU/100 ml, respectively, along with a 2/Week monitoring frequency for enterococcus bacteria pursuant to Maine law 38 M.R.S. 465-B(2). The limitations are seasonal and apply from April 15th– October 31st of each year beginning in calendar year 2024. Imposition of enterococcus bacteria are based on comments received from the USEPA, enterococcus bacteria limitations are necessary to protect the designated use of recreation in and on the water, a seasonal use.
- g. <u>Total Residual Chlorine (TRC)</u> The previous permitting action established a daily maximum technology-based concentration limit of 0.3 mg/L and a monthly average technology based concentration limit of 0.1 mg/L along with a monitoring frequency of 3/Week. Limits on TRC are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. The Department imposes the more stringent of the water quality or technology-based thresholds in permitting actions. End-of-pipe water quality-based concentration thresholds may be calculated as follows:

Acute	Chronic	Acute	Chronic	Acute	Chronic
Criteria	Criteria	Dilution	Dilution	Threshold	Threshold
0.013 mg/L	0.0075 mg/L	32:1	132:1	0.42 mg/L	0.99 mg/L

Example calculation: Acute -0.013 mg/L (32) = 0.42 mg/L

To meet the acute water quality-based threshold calculated above, the permittee must dechlorinate the effluent prior to discharge. The Department has established a daily maximum BPT limitation of 0.3 mg/L for facilities that need to dechlorinate their effluent unless calculated water quality-based limits are lower than 0.3 mg/L. In the case of the permittee, the calculated acute (daily maximum) water quality-based threshold of 0.42 mg/L is higher than the BPT limit of 0.3 mg/L, thus the technology-based limit of 0.3 mg/L is imposed. For the monthly average, the calculated chronic water-quality based threshold of 0.99 mg/L is higher than the BPT limit of 0.1 mg/L, thus the BPT limit of 0.1 mg/L is imposed.

A review of the monthly DMR data for the period May 2020 through September 2023 indicates values have been reported as follows;

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	0.1	0.01 - 0.04	0.02
Daily Maximum	0.3	0.03 - 0.28	0.16

Total residual chlorine (DMRs=20)

h. <u>pH Range</u>- The previous permitting action established a BPT pH range limit from to 6.0–9.0 standard units pursuant to Department rule found at Chapter 525(3)(III)(c). The pH range limit is being carried forward in this permitting action and the monitoring frequency is being reduced from 1/Day to 5/Week given the excellent compliance history and the fact the District utilizes an in-line pH analyzer for the remaining two days of the week..

A review of the DMR data for the period January 2020 through September 2023 indicates values have been reported as follows:

pH (DMRs = 45)

Value	Limit range(su)	Minimum (su)	Maximum (su)
Daily Maximum	6.0 - 9.0	60	7.9

i. <u>Mercury</u>: Pursuant to Maine law, 38 M.R.S. §420 and Department rule, 06-096 CMR Chapter 519, *Interim Effluent Limitations and Controls for the Discharge of Mercury*, the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying the permittee's WDL by establishing interim monthly average and daily maximum effluent concentration limits of 4.5 parts per trillion (ppt) and 6.8 ppt, respectively, and a minimum monitoring frequency requirement of four tests per year for mercury. It is noted the limitations have been incorporated into Special Condition A, *Effluent Limitations And Monitoring Requirements*, of this permit.

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. The Department reviewed DMRs for the period January 2016 – September 2023. A summary of the data is as follows:

Value	Limit (ng/L)	Range (ng/L)	Mean (ng/L)
Average	4.5	0.85 5.02	1.0
Daily Maximum	6.8	0.83 - 3.02	1.9

Mercury (n=9)

It is noted the long-term average from June 2000 to the present is 4.2 ng/L.

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

Pursuant to 38 M.R.S. §420(1-B)(F), the Department issued a minor revision on February 6, 2012, thereby revising the minimum monitoring frequency requirement from four times per year to once per year given the permittee has maintained at least five years of mercury testing data. In fact, the permittee has been monitoring mercury since June 2000 or 23 years. Pursuant to 38 M.R.S. §420(1-B)(F), this permitting action is carrying forward the 1/Year monitoring frequency established in the February 6, 2012, permit modification.

j. <u>Nitrogen</u> – Pursuant to 40 C.F.R. §122.44(d)(1), and Department rule 06-096 CMR Chapter 523 §5(d) NPDES/MEPDES permits must contain any requirements in addition to TBELs necessary to achieve water quality standards established under § 303 of the CWA. In addition, limitations "must control any pollutant or pollutant parameter (conventional, non-conventional, or toxic) which the Director determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any water quality standard, including State narrative criteria for water quality". *See* 40 C.F.R. § 122.44(d)(1)(i) and Department rule 06-096 CMR Chapter 523 §5(d). There is reasonable potential to cause or contribute to an excursion if the projected or actual in-stream concentration exceeds the applicable criterion. If the permitting authority determines that a discharge causes, has the reasonable potential to cause, or contributes to such an excursion, the permit must contain WQBELs for the pollutant. See 40 C.F.R. 122.44(d)(1)(ii) and Department rule 06-096 CMR Chapter 523 §5(d).

In determining reasonable potential, the permitting authority considers: 1) existing controls on point and non-point sources of pollution; 2) the variability of the pollutant or pollutant parameter in the effluent; 3) the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity); and 4) where appropriate, the dilution of the effluent in the receiving water. The permitting authority typically considers the statistical approach outlined in *Technical Support Document for Water Quality-based Toxics Control (TSD)*1 to determine if the discharge causes, or has the reasonable potential to cause, or contribute to an excursion above any WQS. *See* 40 C.F.R. § 122.44(d) and Department rule 06-096 CMR Chapter 523 §5(d). The permitting authority's quantitative approach statistically projects effluent concentrations based on available effluent data, which are then compared to the applicable WQC.

As of the date of this permitting action, the State of Maine has not promulgated numeric ambient water quality criteria for total nitrogen. According to several studies in EPA's Region I, numeric total nitrogen criteria have been established for relatively few estuaries but the criteria that have been set typically fall between 0.35 mg/L and 0.50 mg/L to protect marine life using dissolved oxygen as the indicator. While the thresholds are site-specific, nitrogen thresholds set for the protection of eelgrass habitat range from 0.30 mg/L to 0.39 mg/L. Based on studies in EPA Region I and the Department's best

professional judgment of thresholds that are protective of Maine water quality standards, the Department is utilizing a threshold of 0.45 mg/L for the protection of aquatic life in marine waters using dissolved oxygen as the indicator, and 0.32 mg/L for the protection of aquatic life using eelgrass as the indicator.

Three know surveys have been completed along the York shoreline to document presence/absence of eelgrass. The eelgrass surveys considered in this permit renewal were conducted in 1995 and 2010 by the Maine Department of Marine Resources and 2021 by the Department of Environmental Protection. Each survey documented a small eelgrass bed in the same location approximately 0.38 km to the southwest of the discharge, with a maximum extent of 0.07 ha in 2021. Due to the recent mapping effort confirming an eelgrass resource that has been persistently present during survey years, the Department is applying the threshold value of 0.32 mg/L for the protection of aquatic life in marine waters using eelgrass as a sensitive indicator.

The Department and external partners have been collecting ambient total nitrogen data along Maine's coast. For the 2016 permit, the Department calculated a mean background concentration of 0.21 mg/L based on ambient surface water data collected from 1996 -2009 from mouths of small southern Maine estuaries located adjacent to exposed coastline. For this permit renewal, the Department revised the background concentration to exclude values from within the Kennebunk River estuary to avoid potential influence of a municipal waste water discharger and added 2017 and 2022 data from a site at the mouth of the York River estuary. Further, the Department is now using the median statistic to characterize total nitrogen conditions in the receiving water. Based on the revised calculation that includes new data, the median background surface water total nitrogen of 0.20 mg/L (n=27) is considered to be representative of background concentration at this time. However, Cape Neddick Harbor is neither open ocean or a confined embayment. Therefore, this permit requires the ambient water quality monitoring for total nitrogen in Cape Neddick Harbor in calendars 2025 and 2027 to determine the harbor specific concentration of nitrogen to be utilized in the calculations for reasonable potential.

As for effluent data, the permittee voluntarily participated in a Department coordinated project to measure effluent total nitrogen and submitted monthly samples from June-October 2015. Values ranged from 5.6 mg/L to 28.5 mg/L with a mean value of 15.5 mg/L (n=4). One sample was excluded from the data set as it was above the acceptable preservation temperature upon laboratory receipt. Since issuance of the 2016 permit renewal, the permittee has been actively working on optimizing the removal of nitrogen from its discharge. The Department considers the four data points from eight years ago to be an insufficient dataset and may no longer be representative of the discharge and should not be used to conduct a reasonable potential calculation at is time as it will not be statistically defensible. The

Department finds that accurately quantifying the load of total nitrogen from the permittee's facility is an important step to understanding the impact of nitrogen loading on the receiving water. Seasonal (May – October) monitoring and reporting requirements for total nitrate + nitrite, total kjeldahl nitrogen (TKN) and total nitrogen are being established in the permit to gather the appropriate data to be able to perform reasonable potential calculations. The monitoring frequency has been established at once per month for the term of the permit. The permit also includes calculating and reporting total nitrogen at the same frequency as total nitrate + nitrite and TKN. The effluent data and the ambient water quality monitoring data required by this permit will provide the Department with necessary information on the loading of nitrogen and its impact to Cape Neddick Harbor. Special Condition J, *Nitrogen Optimization*, of this permit requires the permittee to continue its efforts to optimize the removal of total nitrogen from the discharge.

k. <u>Whole Effluent Toxicity (WET) & Chemical-Specific Testing</u>: Maine law, 38 M.R.S.A., Sections 414-A and 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. Department Rules, 06-096 CMR Chapter 530, *Surface Water Toxics Control Program*, and Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants* set forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

WET, priority pollutant and analytical chemistry testing as required by Chapter 530 are included in this permit in order to characterize the effluent. This permit also provides for reconsideration of effluent limits and monitoring schedules after evaluation of toxicity testing results. The monitoring schedule includes consideration of results currently on file, the nature of the wastewater, existing treatment and receiving water characteristics.

WET monitoring is required to assess and protect against impacts upon water quality and designated uses caused by the aggregate effect of the discharge on specific aquatic organisms. Acute and chronic WET tests are performed on invertebrate and vertebrate species. Priority pollutant and analytical chemistry testing is required to assess the levels of individual toxic pollutants in the discharge, comparing each pollutant to acute, chronic, and human health ambient water quality criteria as established in Chapter 584.

Chapter 530 establishes four categories of testing requirements based predominately on the chronic dilution factor. The categories are as follows:

- 1) Level I chronic dilution factor of <20:1.
- 2) Level II chronic dilution factor of \geq 20:1 but <100:1.
- 3) Level III chronic dilution factor \geq 100:1 but <500:1 or >500:1 and Q \geq 1.0 MGD
- 4) Level IV chronic dilution factor>500:1 and Q \leq 1.0 MGD

Department rule Chapter 530 (2)(D) specifies the criteria to be used in determining the minimum monitoring frequency requirements for WET, priority pollutant and analytical chemistry testing. Based on the Chapter 530 criteria, the permittee's facility falls into the Level III frequency category as the facility has a chronic dilution factor of \geq 100:1 but <500:1. Chapter 530(2)(D)(1) specifies that <u>routine</u> surveillance and screening level testing requirements are as follows:

Screening level testing

Level	WET Testing	Priority pollutant testing	Analytical chemistry
III	1 per year	1 per year	4 per year

Surveillance level testing

Level	WET Testing	Priority pollutant testing	Analytical chemistry
III	1 per year	None required	1 per year

A review of the data on file with the Department for the permittee indicates that to date, it has fulfilled the WET and chemical-specific testing requirements of Chapter 530.

Chapter 530(2)(D)(3)(b) states in part that for Level III facilities "... may be waived from conducting surveillance testing for individual WET species or chemicals provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedance as calculated pursuant to section 3(E)".

Chapter 530 §3 states, "In determining if effluent limits are required, the Department shall consider all information on file and effluent testing conducted during the preceding 60 months. However, testing done in the performance of a Toxicity Reduction Evaluation (TRE) approved by the Department may be excluded from such evaluations."

Chapter 530 §(3)(E) states "For effluent monitoring data and the variability of the pollutant in the effluent, the Department shall apply the statistical approach in Section 3.3.2 and Table 3-2 of USEPA's "Technical Support Document for Water Quality-Based Toxics Control" (USEPA Publication 505/2-90-001, March, 1991, EPA, Office of Water, Washington, D.C.) to data to determine whether water-quality based effluent limits must be included in a waste discharge license. Where it is determined through this approach that a discharge contains pollutants or WET at levels that have a reasonable potential to cause or contribute to an exceedance of water quality criteria, appropriate water quality-based limits must be established in any licensing action."

WET Evaluation

On October 23, 2023, the Department conducted a statistical evaluation on the WET tests results in the most recent 60-month period. The statistical evaluation indicates the discharge from the permittee's waste water treatment facility does not exceed or have a reasonable potential to exceed the critical acute or chronic water quality thresholds of 3.1% and 0.8% respectively, (mathematical inverse of the acute and chronic dilution factors of 32:1 and 132:1 respectively) for any of the WET species specified for testing in Chapter 530. Therefore, no numeric limitations for any WET species are being established in this permitting action.

As for testing frequencies, Chapter 530(2)(D)(3)(b) states in part that for Level III facilities "... may be waived from conducting surveillance testing for individual WET species or chemicals provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedance as calculated pursuant to section 3(E)". Based on the results of the 10/23/2023 statistical evaluation, the Department has made the determination that the permittee qualifies for the testing waiver. Therefore, this permit action establishes only screening level WET testing requirements as follows:

Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement the permittee shall conduct screening level testing as follows:

Screening level testing			
Level	WET Testing		
III	1 per year		

Chapter 530 (2)(D) states:

- (4) 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.

Special Condition K, 06-096 CMR 530(D)(2)(4) Statement For Reduced/Waived Toxics Testing, of this permitting action requires the permittee to file an annual certification with the Department.

Analytical chemistry and priority pollutant testing evaluation

Chapter 530 §3 states, "In determining if effluent limits are required, the Department shall consider all information on file and effluent testing conducted during the previous 60 months. However, testing done in the performance of a Toxicity Reduction Evaluation (TRE) approved by the Department may be excluded from such evaluations."

Chapter 530 §4(C), states "The background concentration of specific chemicals must be included in all calculations using the following procedures. The Department may publish and periodically update a list of default background concentrations for specific pollutants on a regional, watershed or statewide basis. In doing so, the Department shall use data collected from reference sites that are measured at points not significantly affected by point and non-point discharges and best calculated to accurately represent ambient water quality conditions." The Department shall use the same general methods as those in section 4(D) to determine background concentrations. For pollutants not listed by the Department, an assumed concentration of 10% of the applicable water quality criteria must be used in calculations. The Department has no information on the background levels of metals in the water column in Cape Neddick Harbor. Therefore, a default background concentration of 10% of the applicable ambient water quality criteria is being used in the calculations of this permitting action.

Chapter 530 4(E), states "In allocating assimilative capacity for toxic pollutants, the Department shall hold a portion of the total capacity in an unallocated reserve to allow for new or changed discharges and non-point source contributions. The unallocated reserve must be reviewed and restored as necessary at intervals of not more than five years. The water quality reserve must be not less than 15% of the total assimilative quantity". However, the Department's policy is not to hold the reserve of 15% for dischargers to marine waters given the significant far field dilution and distant between dischargers.

As with WET test results, on 10/23/2023, the Department conducted a statistical evaluation on the most recent 60 months of analytical chemistry and priority pollutant test results on file with the Department in accordance with the statistical approach specified by Chapter 530. The statistical evaluation indicates that none of the parameters evaluated exceed or have a reasonable potential to exceed acute, chronic or human health AWQC.

Chapter 530(2)(D)(3)(b) states in part that for Level III facilities "... may be waived from conducting surveillance testing for individual WET species or chemicals provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedance as calculated pursuant to section 3(E). Based on the results of the 10/23/2023 statistical evaluation, the Department has made the determination that the permittee qualifies for the testing waiver. Therefore, this permit action establishes screening level chemical testing requirements as follows:

Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement the permittee shall conduct screening level testing as follows:

Screening level testing

Level	Priority pollutant testing	Analytical chemistry
III	1 per year	4 per year

As with WET testing, Special Condition K, $06-096 \ CMR \ 530(D)(2)(4)$ Statement For Reduced/Waived Toxics Testing, of this permitting action requires the permittee to file an annual certification with the Department.

It is noted however that if future WET or chemical testing indicates the discharge exceeds critical water quality thresholds or AWQC, this permit will be reopened pursuant to Special Condition M, *Reopening of Permit For Modification*, of this permit to establish applicable limitations and monitoring requirements.

<u>Septage/Transported Wastes</u> – The previous permitting action authorized the permittee to receive and introduce into the treatment process or solids handling stream a daily maximum of 7,500 gallons per day of transported wastes. Department rule Chapter 555, *Standards For The Addition of Transported Wastes to Wastewater Treatment Facilities*, limits the quantity of septage received at a facility to 1% of the design capacity of treatment facility if the facility utilizes a side stream or storage method of introduction into the influent flow, or 0.5% of the design capacity of the facility if the facility does not utilize the side stream or storage method of introduction into the influent flow. A facility may receive more than 1% of the design capacity on a case-by-case basis. In their amended application for permit renewal, the permittee has requested the Department establish a daily quantity 30,000 gpd of transported waste it is authorized to receive and treat.

With a design capacity of 3.0 MGD, 30,000 gpd represents 1.03% of said capacity. The permittee has submitted an up-to-date Transported Management Plan as an exhibit to their 2/22/2021 application for permit renewal.

The Department has reviewed and approved said plan and determined that under normal operating conditions, the receipt and treatment of 30,000 gpd of transported waste into the facility will not cause or contribute to upset conditions of the treatment process.

7. ANTI-BACKSLIDING/ANTIDEGRADATION

Federal regulation 40 CFR, §122(l) contains the criteria for what is often referred to as the anti-backsliding provisions of the Federal Water Pollution Control Act (Clean Water Act). In general, the regulation states that except for provisions specified in the regulation, effluent limitations, standards or conditions must be at least as stringent as the final effluent limitations, standards or conditions in the previous permit. Applicable exceptions include (1) material and substantial alterations or additions to the permitted facility occurred after permit issuance which justify the application of a less stringent effluent limitation and (2) information is available which was not available at the time of the permit issuance (other than revised regulations, guidance or test methods) and which would justify the application of less stringent effluent limitations in this permit are equally or more stringent than the previous permit.

The Department has made a best professional judgment determination based on information gathered to date, that as permitted, the discharge will not cause or contribute the failure of the Cape Neddick Harbor to meet the standards for Class SB classification and the designated uses of the waterbody will continue to be maintained and protected.

8. PUBLIC COMMENTS

Public notice of this application was made in the York weekly newspaper on January 20, 2021. 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.

9. DEPARTMENT CONTACTS

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

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

10. RESPONSE TO COMMENTS

Reserved until the close of the 30-day public comment period/

ATTACHMENT A

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Maine Department of Environmental Protection

MEPDES - Waste Discharge Program





200ft -70.608 43.183 Degrees

ATTACHMENT B

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ATTACHMENT C



This map is provided as a courtesy. Read the provided legal notice for closure details. Closures are not shown outside of the designated growing area. Any navigation aids shown are not suitable for maritime navigation.

ATTACHMENT D

STATE OF MAINE **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

CHAPTER 530.2(D)(4) CERTIFICATION

_Facility Name_____ MEPDES#

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	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th 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.