STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

SMC REAL ESTATE INC	)	MAINE POLLUTANT DISCHARGE
d/b/a TOWN AND COUNTRY APARTMENTS	)	ELIMINATION SYSTEM PERMIT
PRESQUE ISLE, AROOSTOOK COUNTY, ME	)	AND
ME0036765	)	WASTE DISCHARGE LICENSE
W003641-5C-F-R **APPROVAL**	)	**TRANSFER & RENEWAL**

In compliance with the applicable provisions of *Pollution Control*, 38 M.R.S. §411 – 424-C, *Water Classification Program*, 38 M.R.S. §464 – 470 and *Federal Water Pollution Control Act*, Title 33 U.S.C. § 1251 *et seq*, and applicable rules, the Department of Environmental Protection ("Department") has considered the application of SMC REAL ESTATE INC.("SMC" or "permittee") with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

On January 4, 2024, the Department accepted as complete for processing an application from SMC REAL ESTATE INC, for the transfer and renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit ME0036765/Maine Waste Discharge License (WDL) W003641-5C-D-R which was issued by the Department on October 20, 2015. The October 20, 2015, permit authorized a year-round daily maximum discharge of 12,300 gallons per day (gpd) of secondary treated wastewater to the Aroostook River, Class C, in Presque Isle, Maine. On October 4, 2016, the 10/20/2015 permit was modified, upon request by the former permittee, to eliminate the seasonality of the flow monitoring to once per week for the entire year.

On March 30, 2021, SMC REAL ESTATE INC. filed the necessary paperwork with the office of the Maine Secretary of State to become a business in good standing. SMC REAL ESTATE INC has demonstrated that it has title, right or interest in the subject property and has provided evidence that it has the technical and financial capability to comply with all the terms and conditions of the applicable permit and to satisfy all statutory or regulatory criteria.

PERMIT SUMMARY

This permit carries forward all the terms and conditions of the previous permit, except that this permit:

1. Expands the seasonal monitoring requirement for *Escherichia coli* bacteria from May 15th to September 30th to April 15th through October 31st in each year of the permit pursuant to *Standards for classification of fresh surface waters*, 38 MRS § 465 (4)(B).

PERMIT SUMMARY (cont'd)

2. Establishes a monthly average limitation for Escherichia Coli bacteria of 100 CFU/mL (geometric mean) and 236 CFU/100mL (instantaneous) pursuant to *Standards for classification of fresh surface waters*, 38 MRS § 465 (4)(B).

CONCLUSIONS

BASED on the findings in the attached PROPOSED DRAFT Fact Sheet dated March 27, 2026, 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, *Classification of Maine Waters*, 38 M.R.S. §464(4)(F), will be met, in that:

   (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected.

   (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected.

   (c) Where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification.

   (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and

   (e) Where a discharge will result in lowering the existing water quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.

4. The discharges will be subject to effluent limitations that require application of best practicable treatment as defined in *Condition of Licenses*, 38 M.R.S., §414-A(1)(D) and 414-A(1-B).

5. The overboard discharge system was in continuing existence for the 12 months preceding June 1, 1987.

CONCLUSIONS (cont'd)

6. The Department finds that there are no technologically proven alternative methods of wastewater disposal consistent with the plumbing code adopted by the Department of Health and Human Services pursuant to Title 22, section 42 that allows for eliminating this overboard discharge. A subsurface wastewater disposal system cannot be installed in compliance with the *Maine Subsurface Wastewater Disposal Rules (10-144 CMR Ch.241 effective September 23, 2023)* at the time of the renewal.

7. A publicly owned sewer line is not located on, or abutting land owned or controlled by the permittee or is not available for the permittee's use.

8. The discharge is not located within the boundaries of a sanitary district or sewer district and connecting it to infrastructure is not practicable as none exists.

9. SMC REAL ESTATE INC has demonstrated that it has title, right or interest in the subject property by way of a deed for the property and has provided evidence that it is a duly organized business corporation under the laws of the State and has the technical and financial capacity to comply with all terms and conditions of the applicable permit and to satisfy all applicable statutory or regulatory criteria.

ACTION

THEREFORE, the Department APPROVES the above noted application of the SMC REAL ESTATE INC to discharge a year-round daily maximum flow of 12,300 gpd of secondary treated sanitary wastewater to the Aroostook River, Class C, in Presque Isle, Maine, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

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

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

3. This permit becomes effective upon the date of signature below and expires at midnight five (5) years after that date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the terms and conditions of this permit and all subsequent modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S. § 10002 and Department Rule*, Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR Ch. 2(20)(A) (effective September 15, 2024)]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS _____ DAY OF _____ 2026.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:_____
For MELANIE LOYZIM, Commissioner

Date of initial receipt of application __December 21, 2023.
Date of application acceptance_____ January 4, 2024.

This Order prepared by Rod Robert, Bureau of Water Quality

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge a year-round daily maximum of 12,300 GPD of **secondary treated sanitary wastewater from Outfall #001A** to the Aroostook River, Class C in Presque Isle, Maine. Such discharges must be limited and monitored by the permittee as specified below[1]

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type [6]
Flow *[50050]*	Report GPD *[07]*	---	12,300 GPD *[07]*	---	---	---	1/Week *[01/07]*	Metered *[MT]*
BOD_5 *[00310]*	3.1 lbs/day *[26]*	4.6 lbs/day *[26]*	5.1 lbs/day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	Quarterly *[01/90]*	Grab *[GR]*
BOD_5 Percent Removal[2] *[81010]*	---	---	---	85% *[23]*	---	---	Quarterly *[01/90]*	Calculate *[CA]*
TSS *[00530]*	3.1 lbs/day *[26]*	4.6 lbs/day *[26]*	5.1 lbs/day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	Quarterly *[01/90]*	Grab *[GR]*
TSS Percent Removal[2] *[81011]*	---	---	---	85% *[23]*	---	---	Quarterly *[01/90]*	Calculate *[CA]*
***E. coli*[3]** *[31633] April 15th- Oct 31st*	---	---	---	100CFU/100 mL[4] *[13]*	---	236CFU /100 mL *[13]*	Quarterly *[01/90]]*	Grab *[GR]*
Total Residual Chlorine[5] *[50060]*	---	---	---	---	---	1.0 mg/L *[19]*	1/Week *[01/07]*	Grab *[GR]*
pH *[00400]*	---	---	---	---	---	6.0 – 9.0 SU *[12]*	1/Week *[01/07]*	Grab *[GR]*
The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports.								

FOOTNOTES: See Page 6 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

Footnotes:

1. **Sampling** – 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. Any change in sampling location must be approved by the Department in writing. The permittee must conduct sampling and analysis in accordance with; a) methods approved by 40 Code of Federal Regulations (C.F.R.) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 C.F.R. 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 wastewater. Samples that are sent to a POTW pursuant to *Waste discharge licenses*, 38 M.R.S. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Accreditation Rules*, 10-144 C.M.R. ch. 263 (amended March 15, 2023). Laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of 10 − 144 C.M.R. ch. 263. If the permittee monitors any pollutant more frequently than required by the license using test procedures approved under 40 C.F.R. Part 136 or as specified in this license, the results of this monitoring must be included in the calculation and reporting of the data submitted in the discharge monitoring report (DMR).

   In accordance with 40 C.F.R. § 122.44(i)(1)(iv), the permittee must monitor according to sufficiently sensitive test procedures (i.e., methods) approved under 40 C.F.R. Part 136 or required under 40 C.F.R. 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 C.F.R. Part 136 or required under 40 C.F.R. 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.

SPECIAL CONDITIONS

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

2. **Percent Removal** – The permittee must maintain a minimum of 85 percent removal of both BOD_5 and TSS for all flows receiving secondary treatment. The percent removal must be calculated based on influent and effluent concentration values. For influent concentrations an assumed value of 286 mg/L will be used for total suspended solids and biochemical oxygen demand.

3. **Bacteria limits –** *E. coli* bacteria limits and monitoring requirements are seasonal and apply between April 15th and October 31st of each year. The Department reserves the right to impose bacteria limits on a year-round basis to protect the health, safety, and welfare of the public.

4. **Bacteria reporting –** The monthly average *E. coli.* bacteria limitation is a geometric mean limitation and sample results must be reported as such.

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 can bracket the TRC limitation in this permit.

6. **Sample Type –** Where grab sampling is specified, the applicant may choose to obtain a composite sample instead provided the alternate sampling is noted on the DMR.

B. ANNUAL DISCHARGE FEES

Pursuant to *Annual waste discharge license fees*, 38 M.R.S. § 353(B), the permittee is required to pay an applicable annual fee for discharges authorized by this permit. Failure to pay an annual fee within 30 days of the billing date of a permit is sufficient grounds for accruing interest charges, penalties, or revocation of the permit.

C. NARRATIVE EFFLUENT LIMITATIONS

1. The permittee must not discharge effluent that contains 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 permittee must not discharge effluent that contains 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 permittee must not discharge effluent that imparts color, taste, turbidity, toxicity, radioactivity or other properties which cause those waters to be unsuitable for the designated uses and characteristics ascribed to their classification.

4. The permittee must not discharge effluent that lowers the quality of any classified body of water below such classification or lowers the existing quality of any body of water if the existing quality is higher than the classification.

D. TREATMENT PLANT OPERATOR

The person who has the management responsibility over the treatment facility must hold a **Maine Grade II** certificate (or higher) Biological Treatment certificate (or higher) or must be a Maine Registered Professional Engineer pursuant to *Wastewater Treatment Plant Operators,* 32 M.R.S. § 4171-4182 and *Regulations for Wastewater Operator Certification*, 06-096 C.M.R. Ch. 531 (effective July 24, 2023). All proposed contracts for facility operation by any person must be reviewed by the Department before the District may engage the services of the contract operator.

E. 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 January 4, 2024, 2) the terms and conditions of this permit; and 3) from Outfall #001A only. 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.

SPECIAL CONDITIONS

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 wastewater collection and treatment system from an indirect discharger in a primary industrial category discharging process wastewater;

2. Any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants into the system at the time of permit issuance.

3. For the purposes of this section, adequate notice must include information on:

   (a) The quality and quantity of wastewater introduced to the wastewater collection and treatment system; and

   (b) Any anticipated impact of the change in the quantity or quality of the wastewater to be discharged from the treatment system.

G. SITE EVALUATION FOR TRANSFERRED AND RENEWED PERMITS

Pursuant to *Waste Discharge licenses*, 38 M.R.S. § 413(3-A) (B), prior to permit transfer or transfer of the property occupying the permitted overboard discharge system, a site evaluation must be performed by a licensed site evaluator with experience in designing systems for the replacement of overboard discharge systems.

The Department may not grant approval for permit transfer if the site evaluation concludes that a there is a technologically proven alternative disposal system designed in compliance with the *Maine Subsurface Wastewater Disposal Rules (10-144 CMR Ch.241 effective September 23, 2023)* administered by the Maine Department of Health and Human Services, that can be installed as a replacement system for the overboard discharge.

The Department may not grant approval for a permit renewal if the site evaluation concludes that there exists a technologically proven alternative disposal system that can be installed as a replacement system for the overboard discharge and the Department has offered the permittee funding for the renewal of the discharge.

The permittee provided a site evaluation from a Licensed Site Evaluator as part of the application for transfer and renewal accepted by the Department on January 4, 2024. The site evaluation determined that a technologically proven alternative disposal system for the facility does not exist at this time.

SPECIAL CONDITIONS

H. OPERATION & MAINTENANCE (O&M) PLAN

The permittee must maintain a current written comprehensive Operation & Maintenance (O&M) Plan for the facility. The plan must provide a systematic approach by which the permittee must always 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.

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 always kept on-site and made available to Department and USEPA personnel upon request.

Within 90 days of completion of new 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.

I. 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. 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.

SPECIAL CONDITIONS

J. REOPENING OF PERMIT FOR MODIFICATIONS

In accordance with *Conditions of Licenses*, 38 M.R.S. § 414-A(5) and upon evaluation of the tests results or monitoring requirements specified in Special Conditions of this licensing 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 monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
WASTE DISCHARGE LICENSE

FACT SHEET

Date: **March 27, 2026**

MEPDES PERMIT: **ME0036765**
WASTE DISCHARGE LICENSE: **W003641-5C-F-R**

NAME AND ADDRESS OF APPLICANT:

SMC REAL ESTATE INC.
d/b/a Town and Country Apartments
5 Industrial Street
Presque Isle, Maine 04769

COUNTY: **Aroostook County**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

Reach Road
Presque Isle, Maine 04769

RECEIVING WATER / CLASSIFICATION: **Aroostook River, Class C**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Scott Caron**
(207) 762-3200
scottcaron@live.com

1. APPLICATION SUMMARY

a. Application - On January 4, 2024, the Department accepted as complete for processing an application from SMC REAL ESTATE INC, for the transfer and renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit ME0036765/Maine Waste Discharge License (WDL) W003641-5C-D-R which was issued by the Department on October 20, 2015. The October 20, 2015, permit authorized a year-round daily maximum discharge of 12,300 gallons per day (gpd) of secondary treated wastewater to the Aroostook River, Class C, in Presque Isle, Maine. See Fact Sheet Attachment A for a location map of the facility. On October 4, 2016, the 10/20/2015 permit was modified, upon request by the permittee, to eliminate the seasonality of the flow monitoring to once per week for the entire year.

1. APPLICATION SUMMARY (cont'd)

On March 30, 2021, SMC REAL ESTATE INC. filed the necessary paperwork with the office of the Maine Secretary of State to become a business in good standing. SMC REAL ESTATE INC has demonstrated that it has title, right or interest in the subject property and has provided evidence that it has the technical and financial capability to comply with all the terms and conditions of the applicable permit and to satisfy all statutory or regulatory criteria.

b. Source Description and Wastewater Treatment – The discharge is from the Town and Country Apartment complex. The complex is comprised of sixty-four (64) apartment units located in four buildings consisting of a total of 138 bedrooms. The potable water serving the apartments is filtered by five sand filters that contribute an estimated 500 gpd of additional wastewater during their daily backwash cycle. The filters are passive in that they do not add softening or purification agents to the water. The design flow from the 64 apartment units is 12,300 gpd. Since the last permit, the permittee reports that two (2) two thousand (2000) gallon chlorination tanks have been installed to aid treatment.

2. PERMIT SUMMARY

This permitting action is carrying forward all the terms and conditions of the previous permitting action, except that this permit:

1. Expands the seasonal monitoring requirement for Escherichia Coli bacteria from May 15th to September 30th to April 15th through October 31st in each year of the permit pursuant to 38 MRS § 465 (4)(B).

2. Establishes a monthly average limitation for Escherichia Coli bacteria of 100 CFU/mL (geometric mean) and 236 CFU/100mL (instantaneous) pursuant to *Standards for classification of fresh surface waters*, 38 MRS § 465 (4)(B).

3. CONDITIONS OF PERMIT

Conditions of licenses, 38 M.R.S. § 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require the 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, *Certain deposits and discharges prohibited*, 38 M.R.S. § 420 and Department rule *Surface Water Toxics Control Program*, 06-096 CMR Ch.530 (effective March 21, 2012), require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR Ch.584 (amended February 16, 2020), 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

Classification of major river basins, 38 M.R.S.§ 467(15)(C)(1)(d) states that the Aroostook River, main stem from its confluence with Presque Isle Stream to a point located 3.0 miles upstream of the intake of the Caribou water supply, including all impoundments is classified as a Class C water way. Standards for *classification of fresh surface waters*, 38 M.R.S., § 465(4) describes the standards for Class C waterways as follows:

A. Class C waters must be of such quality that they are suitable for the designated uses of drinking water supply after treatment; fishing; agriculture; recreation in and on the water; industrial process and cooling water supply; hydroelectric power generation, except as prohibited under Title 12, section 403; navigation; and as a habitat for fish and other aquatic life.

B. Class C waters must be of sufficient quality to support all species of fish indigenous to those waters and to maintain the structure and function of the resident biological community. The dissolved oxygen content of Class C water may not be less than 5 parts per million or 60% of saturation, whichever is higher, except that in identified salmonid spawning areas where water quality is sufficient to ensure spawning, egg incubation and survival of early life stages, that water quality sufficient for these purposes must be maintained. In order to provide additional protection for the growth of indigenous fish, the following standards apply.

(1) The 30-day average dissolved oxygen criterion of a Class C water is 6.5 parts per million using a temperature of 22 degrees centigrade or the ambient temperature of the water body, whichever is less, if:

(a) A license or water quality certificate other than a general permit was issued prior to March 16, 2004 for the Class C water and was not based on a 6.5 parts per million 30-day average dissolved oxygen criterion; or

(b) A discharge or a hydropower project was in existence on March 16, 2005, and required but did not have a license or water quality certificate other than a general permit for the Class C water.

This criterion for the water body applies to licenses and water quality certificates issued on or after March 16, 2004.

(2) In Class C waters not governed by subparagraph (1), dissolved oxygen may not be less than 6.5 parts per million as a 30-day average based upon a temperature of 24 degrees centigrade or the ambient temperature of the water body, whichever is less. This criterion for the water body applies to licenses and water quality certificates issued on or after March 16, 2004.

4. RECEIVING WATER QUALITY STANDARDS

The department may negotiate and enter into agreements with licensees and water quality certificate holders in order to provide further protection for the growth of indigenous fish. Agreements entered into under this paragraph are enforceable as department orders according to the provisions of sections 347-A to 349.

Between April 15th and October 31st, the number of Escherichia coli bacteria in Class C waters may not exceed a geometric mean of 100 CFU or MPN per 100 milliliters over a 90-day interval or 236 CFU or MPN per 100 milliliters in more than 10% of the samples in any 90-day interval. The board shall adopt rules governing the procedure for designation of spawning areas. Those rules must include provision for periodic review of designated spawning areas and consultation with affected persons prior to designation of a stretch of water as a spawning area.

C. Discharges to Class C waters may cause some changes to aquatic life, except that the receiving waters must be of sufficient quality to support all species of fish indigenous to the receiving waters and maintain the structure and function of the resident biological community. For the purpose of allowing the discharge of aquatic pesticides or chemicals approved by the department and conducted by the department, the Department of Inland Fisheries and Wildlife or an agent of either agency to restore biological communities affected by an invasive species, the department may find that the discharged effluent will not cause unacceptable changes to aquatic life as long as the materials and methods used will ensure the support of all species of indigenous fish and the structure and function of the resident biological community and will allow restoration of nontarget species

This segment is subject to a sustenance fishing designated use pursuant to *Sustenance fishing designated use*, 38 M.R.S. § 466-A.

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2018/2020/2022 Integrated Water Quality Monitoring and Assessment Report, prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the segment of the Aroostook River, main stem between confluence with Presque Isle Stream and 3 miles upstream of Caribou water supply intake (Assessment Unit ID ME0101000413_148R), which includes the receiving water at the point of discharge, as "Category 5A: Rivers and Streams Impaired by Pollutants other than those listed in 5-B through 5-D (Total Maximum Daily Load (TMDL) Required) due to pH criteria exceedances.

5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

The report also lists all of Maine's fresh waters as Category 4-A: Rivers and Streams with Impaired by Atmospheric Deposition of Mercury. Impairment in this context refers to a statewide fish consumption advisory due to elevated levels of mercury in some fish tissues. The Report states, "All freshwaters are listed in Category 4A (TMDL Completed) due to USEPA approval of a Regional Mercury TMDL in December 2007. Maine has a fish consumption advisory for fish taken from all freshwaters due to mercury. Many waters, and many fish from any given water, do not exceed the action level for mercury. However, because it is impossible for someone consuming a fish to know whether the mercury level exceeds the action level, the Maine Department of Health and Human Services decided to establish a statewide advisory recommending limits on consumption for all freshwater fish. Maine has instituted statewide programs for removal and reduction of mercury sources."

The Department has no information that the discharge from the permittee, as conditioned, causes or contributes to non-attainment of applicable Class C water quality standards.

6 EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

a. Best Practicable Treatment (BPT): The Department will find that the discharge meets the requirements of best practicable treatment pursuant to 38 M.R.S. § 414-A(1-B) for purposes of licensing when it finds that there are no technologically proven alternative methods of wastewater disposal consistent with the plumbing code adopted by the Department of Health and Human Services pursuant to Title 22, section 42 that will not result in an overboard discharge. Pursuant to *Overboard Discharges: Licensing and* Abandonment*,* 06-096 CMR Ch.596(9) (effective November 27, 2004); *Criteria and Standards for Waste Discharge Licenses* 06-096 CMR Ch.524(2) (effective January 12, 2001) and *Effluent Guidelines and Standards,* 06-096 CMR Ch.525(3)(III) (effective date January 12, 2001), BPT for overboard discharges is secondary treatment. The secondary treatment regulation establishes technology-based effluent limitations for BOD_5, TSS, and pH which are discussed in more detail in the individual parameter sections below. Department records contain sufficient information to conclude that there is no technologically proven alternative to this OBD system at this time.

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

b. Flow: The previous permit established a monthly average discharge flow limitation of 12,300 gallons per day (gpd) based on the design flow for the treatment system and established a monitoring frequency of 1/Day between May 1 and October 31 and 1/Week between November 1 and April 30.

The October 10, 2015, permit was revised on October 4, 2016, at the request of the prior permittee. The Minor Revision allowed for a year -round monitoring frequency of once per week (1/week). This permit carries forward the year round once per week monitoring frequency.

A review of the daily maximum discharge flow data as reported on the Discharge Monitoring Reports (DMRs) submitted to the Department for the period March 31, 2021 – August 14, 2024, indicates the following.

Flow(N=14)

Value	Limit (gpd)	Range (gpd)	Mean (gpd)
Monthly Average	Report	5,158 – 7,366	6336
Daily Maximum	12,300	5,883-9,173	7,230

This permitting action is carrying forward the monthly average discharge flow limit of 12,300 gpd or 0.0123 million gallons per day (MGD), which is considered representative of the design flow for the facility.

c. Dilution Factors - The Department establishes applicable dilution factors for the discharge in accordance with freshwater protocols established in *Surface Water Toxics Control Program*, 06-096 C.M.R. Ch.530. The Department has estimated the 1Q10, 7Q10, and harmonic mean flow at facility's outfall using flow data from the USGS gauge on the Aroostook River at Washburn (NWIS 01014000) for the 1930-2023 record period. Using these estimated flows and a monthly average flow limit of 1.23 MGD for the facility's discharge, dilution factors for the discharge are calculated as follows:

Acute: 1Q10 = 137 cfs $\Rightarrow \frac{(137 \text{ cfs})\ (0.6464) + (0.0123 \text{ MGD})}{(0.0123 \text{ MGD})} = 7{,}201{:}1$

Modified Acute: ¼ 1Q10 = 34.3 cfs[(1)] $\Rightarrow \frac{(34.3 \text{ cfs})(0.6464) + (0.0123 \text{ MGD})}{(0.0123 \text{ MGD})} = 1{,}804{:}1$

Chronic: 7Q10 = 156 cfs $\Rightarrow \frac{(156 \text{ cfs})\ (0.6464) + (0.0123 \text{ MGD})}{(0.0123 \text{ MGD})} = 8{,}199{:}1$

Human Health Harmonic Mean: = 990 cfs[(2)] $\Rightarrow \frac{(990 \text{ cfs } 0.6464) + (0.0123 \text{ MGD})}{(0.0123 \text{ MGD})} = 52{,}028{:}1$

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

Footnotes:

(1) 06-096 C.M.R. 530(4)(B)(1) states that analyses using numeric acute criteria for aquatic life must be based on one-fourth of the 1Q10 stream design flow to prevent substantial acute toxicity within any mixing zone. The regulation goes on to say that where it can be demonstrated that a discharge achieves rapid and complete mixing with the receiving water by way of an efficient diffuser or other effective method, analyses may use a greater proportion of the stream design, up to including all of it. The department has determined that SMC Real Estate's discharge structure does not provide rapid and complete mixing of the effluent with the receiving water; therefore, the default value of one-fourth (25%) of the 1Q10 is being used in any acute evaluations for this discharge.

.

(2) The harmonic mean dilution factor is approximated by multiplying the chronic receiving water flow (7Q10) by a factor of three (3). This multiplying factor is based on guidelines for estimation of human health dilution presented in the USEPA publication *"Technical Support Document for Water Quality-Based Toxics Control"* (Office of Water; EPA/505/2-90-001, page 88), and represents an estimation of harmonic mean flow on which human health dilutions are based in a riverine 7Q10 flow situation

c. Biochemical Oxygen Demand (BOD_5) and Total Suspended Solids (TSS): The previously established technology-based monthly average and daily maximum BOD_5 and TSS concentration limits of 30 mg/L and 50 mg/L, are being carried forward in this permitting action. The monthly average concentration limit is based on secondary treatment requirements as defined in Department rule, 06-096 CMR Chapter 525(3)(III). The daily maximum BOD_5 and TSS concentration limits of 50 mg/L were based on a Department best professional judgment (BPJ) of best practicable treatment (BPT). This permitting action is carrying forward both technology based and concentration limitations. In addition, pursuant to 06-096 CMR Ch. 525(3)(III), this permitting action is carrying forward the BOD5 and TSS weekly average BPT concentration limits of 45 mg/L. This permitting action is continuing monthly average, weekly average and daily maximum BOD_5 and TSS mass limitations based on calculations using the design flow for the facility of 12,300 gpd (0.0123 MGD) and the applicable concentration limits as follows:

Monthly Average Limit: (30 mg/L) (8.34 lbs./gallon) (0.0123 MGD) = 3.1 lbs/day
Weekly Average Limit: (45 mg/L) (8.34 lbs./day) (0.0123 MGD) = 4.6 lbs/day
Daily Maximum Limit: (50 mg/L) (8.34 lbs./day) (0.0123 MGD) = 5.1 lbs/day

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

This permitting action carries forward the quarterly BOD_5 and TSS minimum monitoring frequencies based on Department guidance for facilities discharging up to 0.1 MGD.

This permitting action carries forward the requirement for a minimum of 85% removal of BOD5 and TSS pursuant to Waste Discharge License Conditions, 06-096 CMR Ch. 525(3)(III)(a)(3) and (b)(3). This permitting action carries forward the minimum monitoring frequency requirement of once per month for percent removal. The permittee's wastewater treatment system does not contain an influent sampling location that is representative of raw wastewater conditions. According to the USEPA's Onsite Wastewater Treatment Systems Manual, dated February 2002, table 3-7 entitled "Constituent Mass Loadings and Concentrations in Typical Residential Wastewater" high end range of values, influent values for BOD5 and TSS may be assumed to be 286 mg/L and 300 mg/L, respectively. Therefore, this permitting action authorizes the permittee to assume an influent BOD5 and TSS concentration value of 286 mg/L for purposes of calculating the monthly percent removal value.

For BOD_5, a review of the monthly average effluent concentration data as reported on the DMRs submitted to the Department for the period March 31, 2021 – August 14, 2024, indicates the following:

BOD Mass (N=13) * There were 19 excursions for the date range listed

Value	Limit (lbs./day)	Range (lbs./day)	Mean (lbs./day)
Monthly Average	3.1	0.0 – 4.8	1.6
Weekly Average	4.6	0.0 – 5.1	1.8
Daily Maximum	5.1	0.16 – 5.1	1.9

*

BOD Concentration (N=13)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	30	2.9 - 78	30.25
Weekly Average	45	2.9 - 78	32.9
Daily Maximum	50	2.9 - 78	32.9

*The permittee violated BOD(5) limits on five separate dates for the date range listed above

TSS Mass (N=13)

Value	Limit (lbs. / day)	Range (lbs. / day)	Mean (lbs. / day)
Monthly Average	3.1	0.55 – 3.0	1.4
Weekly Average	4.6	0.59 – 3.22	1.5
Daily Maximum	5.1	0.59 – 3.22	1.6

TSS concentration (N=13)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	30	10 – 48/8	25.9
Weekly Average	45	10 – 56.8	28.8
Daily Maximum	50	10 – 56.8	28.8

*The permittee violated TSS limits on four separate dates for the date range listed above

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

d. *Escherichia coli* Bacteria: The previous permit established seasonal (May 15 – September 30) monthly average and daily maximum concentration limits for *E. coli* bacteria of 126 CFU/100 ml (geometric mean) and 939 CFU/100 ml (instantaneous level), respectively, along with a quarterly monitoring frequency requirement.

This permit establishes seasonal (April 15 – October 31) monthly average and daily maximum concentration limits for E. *coli* of 100 CFU/100ml (geometric mean) and 236 CFU/100ml (instantaneous) based on the *State of Maine Water Classification Program* criteria for Class C waters found at 38 M.R.S. §465(4)(B).

Although *E. coli* bacteria limits are seasonal, the Department reserves the right to impose year-round bacteria limits if deemed necessary to protect the health, safety and welfare of the public. A review of the monthly average and daily maximum data as reported on the DMRs submitted to the Department for the period March 31, 2021 – August 14, 2024, indicates the monthly (geometric mean) and daily maximum *E. coli* bacteria discharged as follows.

***E coli*. Bacteria (N= 13)**

Value	Limit (CFU/100 ml)	Range (CFU/100 ml)	Mean (CFU/100 ml)
Monthly Average	126	0 – 2,419.6	222.2
Daily Maximum	949	1.0 – 2,419.6	572.7

*The permittee violated E. coli limits on three separate dates for the date range listed above

e. Total Residual Chlorine (TRC): This permit carries forward the daily maximum technology-based concentration limit of 1.0 mg/L for TRC. Limitations on TRC are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. Department permitting actions impose the more stringent of either a water quality-based or BPT-based limit.

Criterion (A)	Dilution Factor (B)	Calculated Threshold (A x B)
Acute (daily maximum) = 0.019 mg/L	Acute: 1,804:1	Acute (daily maximum) = 34.3 mg/L
Chronic (monthly average) = 0.011 mg/L	Chronic: 7,201:1	Chronic (monthly average) = 79.2 mg/L

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

The Department has established a daily maximum BPT limitation of 1.0 mg/L for facilities that disinfect their effluent with elemental chlorine or chlorine-based compounds. For facilities that need to dechlorinate the discharge in order to meet water quality-based thresholds, the Department has established daily maximum and monthly average BPT limits of 0.3 mg/L and 0.1 mg/L, respectively unless the water quality-based thresholds calculated are lower than the BPT limits. The permittee does not need to dechlorinate the effluent prior to discharge in order to consistently achieve compliance with the calculated acute and chronic water quality-based thresholds. Therefore, this permitting action is carrying forward the technology based daily maximum concentration limitation of 1.0 mg/L.
A review of the daily maximum data as reported on the DMRs submitted to the Department for the period March 31, 2021 – August 14, 2024, indicates the maximum TRC discharged has been as follows;

Total residual chlorine (N=14)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	1.0	0.04– 2.2	0.771

*The permittee violated TRC limits on four separate dates for the date range listed above

f. pH: This permitting action carries forward, a technology-based pH limit of 6.0 – 9.0 standard units (SU), which is based on 06-096 CMR Ch.525(3)(III) along with a 1/Week monitoring frequency. There were no pH violations during the March31, 2021 – August 2024 review period.

g. Whole Effluent Toxicity (WET), Priority Pollutant, and Analytical Chemistry Testing:
38 M.R.S. § 414-A and 38 M.R.S. § 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. 06-096 CMR Ch.530 sets forth effluent monitoring requirements and procedures to establish safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected, and narrative and numeric water quality criteria are met. *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR Ch. 584 sets forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters. 06-096 CMR Ch. 530(2)(A) specifies the dischargers subject to the rule as, "…all licensed dischargers of industrial process wastewater or domestic wastes discharging to surface waters of the State must meet the testing requirements of this section. Dischargers of other types of wastewater are subject to this subsection when and if the Department determines that toxicity of effluents may have reasonable potential to cause or contribute to exceedances of narrative or numerical water quality criteria."
06-096 CMR Ch. 530(2)(A) further specifies the criteria for the exemption of certain discharges from toxics testing as follows:

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

(1) Discharges from individual discharge points licensed to discharge less than 50,000 gallons per day of solely domestic wastewater and with a chronic dilution factor of at least 50 to 1, provided no holding tank wastes containing chemicals are accepted by the facility.

(2) Discharges from residential overboard discharge systems; or

(3) Discharges from combined sewer overflow discharge points, provided the owner of the sewerage system is conducting or participating in a discharge abatement program.

The permittee's facility is exempt from the 06-096 CMR Ch.530 requirements as it permitted to discharge less than 50,000 gpd or solely domestic wastewater and the chronic dilution factor is greater than 50:1. However, should there be a substantial change in the characteristics of the discharge in the future; the Department may reopen this permit pursuant to Special Condition J, Reopening of Permit for Modifications, to incorporate the applicable whole effluent toxicity (WET), priority pollutant or analytical testing requirements cited above.

7. ANTI-BACKSLIDING

Federal regulation 40 C.F.R. §122.44(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 at the time of permit issuance. All limitations in this permit are equally or more stringent than those in the previous permit.

8. ANTI-DEGRADATION

As permitted, the Department has determined the existing water uses will be maintained and protected, and that the discharge as permitted will not cause or contribute to the failure of the water body to meet standards for Class C waters.

9. PUBLIC COMMENTS

Public notice of this application was made in The Star Herald on or about November 1, 2023. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits must have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

10. DEPARTMENT CONTACTS

Additional information concerning this permit may be obtained from, and written comments sent to:

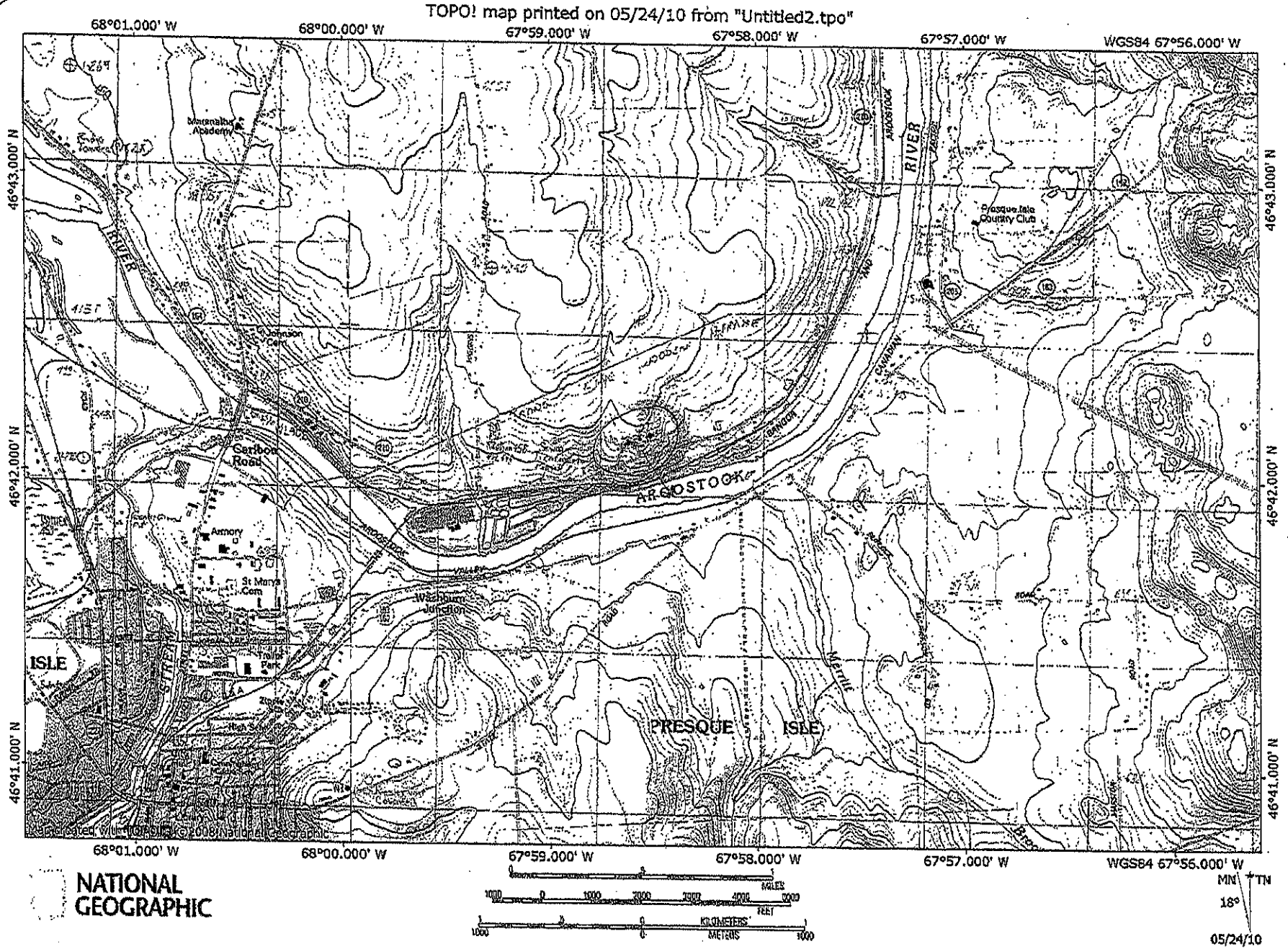
Rod Robert
Division of Water Quality Management
Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 680-0576
e-mail: rodney.robert@maine.gov

11. RESPONSE TO COMMENTS

Reserved until the end of the formal thirty (30) day comment period.

ATTACHMENT A

#11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