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

DEPARTMENT ORDER

IN THE MATTER OF

WASHINGTON COUNTY COMMUNITY COLLEGE	)	MAINE POLLUTANT
CALAIS, WASHINGTON COUNTY, MAINE	)	DISCHARGE
OVERBOARD DISCHARGE	)	ELIMINATION SYSTEM PERMIT
ME0102831	)	AND
W001339-5D-E-R	)	WASTE DISCHARGE LICENSE
APPROVAL	)	**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 of the Department of Environmental Protection ("Department"), the Department has considered the application of WASHINGTON COUNTY COMMUNITY COLLEGE ("WCCC/permittee") with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

On May 15, 2024 the Department accepted as complete an application for the renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0102831/Maine Waste Discharge License (WDL) #W001339-5D-D-R (permit hereinafter) which was issued by the Department on January 16, 2019, and authorized the year-round discharge of 10,500 gallons per day (GPD) of secondary treated sanitary wastewater to the St. Croix River, Class SC, in Calais, Maine.

PERMIT SUMMARY

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

1. Establishing a monthly average and daily maximum limits of 14 CFU or MPN/100 mL and 94 CFU or MPN/100 mL for Enterococci bacteria from April 15th – October 31st with a 1/month monitoring frequency pursuant to *Standards for Classification of Estuarine and Marine Waters,* 38 M.R.S. §465-B (3).

2. Establishing a year-round testing requirement for and reducing fecal coliform bacteria to a monthly average of 14 CFU / 100mL and a daily maximum of 31 CFU / 100mL with a 1/month monitoring frequency pursuant to *Standards for Classification of Estuarine and Marine Waters*, 38 M.R.S. §465-B (3) and The National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish – 2023 Revision.

3. Establishing a monitoring frequency of 1/month for pH to be consistent with similar permits.

CONCLUSIONS

BASED on the findings in the Preliminary 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 met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification.

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

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

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

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

6. A non-discharging sub-surface wastewater disposal system could not be installed in compliance with the *Maine Subsurface Wastewater Disposal Rules* at the time the renewal application was accepted for processing by the Department.

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.

ACTION

THEREFORE, the Department APPROVES the above noted application of WASHINGTON COUNTY COMMUNITY COLLEGE, to discharge a monthly average flow of 10,500 gallons per day of secondary treated sanitary wastewater to the ST. CROIX RIVER, Class SC, in Calais, 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 from the effective 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 remain in effect until 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 C.M.R. 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: April 30, 2024
Date of application acceptance: May 15, 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 secondary treated sanitary wastewater from **Outfall #001A** to the St. Croix River, Class SC. Such discharges shall 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
Flow *[50050]*	10,500 GPD *[07]*	---	Report (GPD) *[07]*	---	---	---	Weekly *[01/07]*	Calculate *[CA]*
BOD_5 *[00310]*	2.6 lbs/day *[26]*	3.9 lbs/day *[26]*	4.4 lbs/day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	1/2 Month *[01/60]*	Grab *[GR]*
BOD_5 Percent Removal[2] *[81010]*	---	---	---	85% *[23]*	---	---	1/2 Month *[01/60]*	Calculate *[CA]*
TSS *[00530]*	2.6 lbs/day *[26]*	3.9 lbs/day *[26]*	4.4 lbs/day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	1/2 Month *[01/60]*	Grab *[GR]*
TSS Percent Removal[2] *[81011]*	---	---	---	85% *[23]*	---	---	1/2 Month *[01/60]*	Calculate *[CA]*
Settleable Solids *[00545]*	---	---	---	---	---	0.3 mL/L *[25]*	1/2 Month *[01/60]*	Grab *[GR]*
Fecal Coliform Bacteria[3,4] *[31616]*	---	---	---	14CFU/100 mL [4] *[13]*	---	31CFU/100 mL *[13]*	1 Month *[01/30]*	Grab *[GR]*
Enterococci Bacteria [4] ***(Seasonally April 15th-October 31st,) [61211]***	---	---	---	14CFU100/mL *[13]*	---	94CFU/100mL *[13]*	1/Month *[1/30]*	Grab *[GR]*
Total Residual Chlorine[5] *[50060]*	---	---	---	---	---	1.0 mg/L *[19]*	3/Week *[03/07]*	Grab *[GR]*
pH[6] *[00400]*	---	---	---	---	---	6.0 – 9.0 SU *[12]*	1/Month *[1/30]*	Grab *[GR]*

Footnotes **See Page 5 of this permit for applicable footnotes.**

SPECIAL CONDITIONS

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

Footnotes

1. **Monitoring** – All effluent monitoring shall be conducted at a location following the last treatment unit in the treatment process as to be representative of end-of-pipe effluent characteristics. 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.

2. **Percent Removal –** The treatment facility shall maintain a minimum of 85 percent removal of both BOD_5 and TSS for all flows receiving secondary treatment. If the permittee is required to calculate percent removals but does not have access to an influent sampling location, the permittee shall use an assumed influent value of 286 mg/L and measured effluent concentration values.

SPECIAL CONDITIONS

3. **Bacteria Limits –** Fecal coliform bacteria limits and monitoring requirements are in effect year-round.

4. **Bacteria Reporting –** The monthly average bacteria limitations are a geometric mean limitation and test results shall 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. For instances when a facility has not disinfected with chlorine-based compounds for an entire reporting period, the facility shall report "NODI-9" for this parameter on the monthly DMR. The permittee shall utilize approved test methods that are capable of bracketing the limitations in this permit.

6. **pH** – The pH value of the effluent must not be lower than 6.0 SU nor higher than 9.0 SU at any time unless these limitations are exceeded due to natural causes. The permittee must provide oral notification of any exceedance within 24 hours from the time the permittee becomes aware of the circumstances and shall submit a written explanation of the exceedance within 5 days of the time the permittee becomes aware of the circumstances.

A. 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 license/permit is sufficient grounds for revocation of the permit under *Board responsibilities and duties*, 38 M.R.S. §341-D, (3) and is subject to penalties for non-payment.

SPECIAL CONDITIONS

B. 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.

C. TREATMENT PLANT OPERATOR

The person who has the management responsibility over the treatment facility must hold a Maine **Grade I** (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 *Wastewater Treatment Plant 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 Permittee may engage the services of the contract operator.

D. 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 May 15, 2024, 2) the terms and conditions of this permit; and 3) only from Outfall #001A. 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

E. NOTIFICATION REQUIREMENT

In accordance with Standard Condition D, the permittee shall 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; and

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.

F. SITE EVALUATION FOR TRANSFERRED AND RENEWED PERMITS

Prior to permit transfer or **transfer of the property** occupying the permitted overboard discharge system, a site evaluation must be performed (if not done so within the most recent five-year period) by a licensed site evaluator with experience in designing systems for the replacement of overboard discharge systems.

Transfers - The Department may not grant approval for permit transfer if the site evaluation concludes that a non-discharging wastewater disposal system designed in compliance with the Maine Subsurface Wastewater Disposal Rules administered by the Maine Department of Health and Human Services, Division of Environmental Health can be installed as an alternative system for the overboard discharge. Pursuant to *Waste Discharge Licenses*, 38 M.R.S. §413(3) the alternative system would need to be installed within 90 days of property transfer, except that, if soil conditions are poor due to seasonal weather, the alternative system may be installed as soon as soil conditions permit.

Renewals – Pursuant to *Conditions of Licenses*, 38 M.R.S. §414-A(1-B), if a technologically proven alternative is identified, the alternative must be installed within 180 days of the application's being accepted by the department, subject to availability of funding under section 411-A. If the applicant is not eligible for funding under section 411-A, the alternative system must be installed within 180 days. If the applicant is eligible for funding but no funding is available, the installation of an alternative system may be postponed until funding is available.

SPECIAL CONDITIONS

G. OPERATION & MAINTENANCE (O&M) PLAN

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 EPA 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**.**

H. SEPTIC TANKS

1. All septic treatment tanks and other holding or treatment tanks must be regularly inspected (at least once every three years) and maintained to ensure that they are providing best practicable treatment.

2. Tank contents should be removed whenever the sludge and scum occupy one-third of the tank's liquid capacity or whenever levels approach maximum design capacity whichever is less. Following pumping, the tanks must be checked for damage at key joints and the inlet and outlet baffles and repaired promptly if damaged. The permittee must keep a pumping log including the date of pumping, quantity of material removed, name and number of the licensed contractor, pumping frequency and other relevant observations. The logs must be kept current and available to the Department for inspection upon request.

SPECIAL CONDITIONS

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.

J. COMPLIANCE SCHEDULE

1. In compliance with *Conditions of Licenses*, 38 M.R.S. §414-A(1-B), The permittee must provide the Department with a current site evaluation conducted by a Licensed Site Evaluator (LSE) to determine whether an alternative to the overboard discharge system exists no later than September 30, 2026.

2. In order to be compliant with year-round fecal coliform limits and chlorination, the permittee has stated that they will need to make improvements to its testing access point. The Department concurs with the permittee's assessment and grants a delay in year-round testing for fecal coliform. The permittee will make the necessary improvements to its testing access point and comply with year-round testing for fecal coliform no later than September 30, 2027.

K. REOPENING OF PERMIT FOR MODIFICATIONS

In accordance with *Conditions of Licenses*, 38 M.R.S. § 414-A(5) and upon evaluation of the test results in the 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/District, modify this permit to: (1) include effluent limitations 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.

L. SEVERABILITY

In the event that any provision or part thereof of this permit is declared to be unlawful by a reviewing court, the remainder of the permit shall remain in full force and effect and shall be construed and enforced in all aspects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
WASTE DISCHARGE LICENSE

FACT SHEET

DATE: **March 27, 2026**

MEPDES PERMIT: **ME0102831**
WASTE DISCHARGE LICENSE: **W001339-5D-E-R**

NAME AND ADDRESS OF APPLICANT:

WASHINGTON COUNTY COMMUNITY COLLEGE
One College Drive
Calais, Maine 04619

COUNTY: **Washington County**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

One College Drive
Calais, Maine

RECEIVING WATER / CLASSIFICATION: **St. Croix River/Class SC**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Annaleis Hafford**
(207) 223-2232

CONTRACT OPERATOR: **annaleis@olverassociatesinc.com**
207-223-2232

1. APPLICATION SUMMARY

a. Application: On May 15, 2024 the Department accepted as complete an application for the renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0102831/Maine Waste Discharge License (WDL) #W001339-5D-D-R (permit hereinafter) which was issued by the Department on January 16, 2019, and authorized the year-round discharge of 10,500 gallons per day (GPD) of secondary treated sanitary wastewater to the St. Croix River, Class SC, in Calais, Maine. See Attachment A of this Fact Sheet for a location map.

2. PERMIT SUMMARY

a, Terms and Conditions: This permit carries forward all the terms and conditions of the previous permit except this permit is:

1. Establishing a monthly average and daily maximum limits of 14 CFU or MPN/100 mL and 94 CFU or MPN/100 mL for Enterococci bacteria from April 15th – October 31st with a 2/Month monitoring frequency pursuant to *Standards for Classification of Estuarine and Marine Waters,* 38 M.R.S. §465-B (3).

2. Establishing a year-round testing requirement for fecal coliform bacteria pursuant to *Standards for Classification of Estuarine and Marine Waters*, 38 M.R.S. §465-B (3) and The National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish – 2023 Revision.

3. Establishing a monitoring frequency of 1/month for pH to be consistent with similar permits.

b. Source description: The Washington County Community College (WCCC) is a division of the Maine Community College System. The facility is located on a 400-acre parcel in Calais, Maine and serves approximately 500 students and 60 faculty and staff employees.

c. Wastewater treatment: The wastewater treatment system serves only the WCCC and is entirely on its property. The system consists of one 10,000 gallon septic tank connected to a large sand filter bed and one 3,000 gallon septic tank connected to a separate, smaller sand filter bed. Valves in a valve pit allow the sewage flow to be directed to the larger tank and bed or changed to the smaller tank and bed. The treated wastewater is discharged to the St. Croix River via a 6-inch outfall pipe with no diffuser. The outfall depth below mean low water is 2 feet.

d. Replacement Options: In May of 2003, the Maine State Legislature adopted several amendments to the licensing of overboard discharges and the Department revised its rule, Chapter 596, *Overboard Discharges: Licensing and Abandonment*, accordingly. One of the amendments in the revised rule requires OBD owners who are applying to the Department to renew their OBD licenses to hire a licensed site evaluator (LSE) to determine whether or not it is technologically feasible to replace the existing wastewater treatment system prior to license renewal and install a replacement system within 180 days if grant money is offered by the Department. Seasonal conditions currently prohibit a site evaluation from being completed. The permittee has agreed to a Schedule of Compliance to provide to the Department, a site evaluation completed by a Licensed Site Evaluator no later than September 30, 2026. (See Special Condition J of the permit.)

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 C.M.R. Ch. 530, require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants,* 06-096 C.M.R. Ch. 584 (last 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 estuarine and marine waters, 38 M.R.S.§ 469(7)(B)(1) classifies the tidal waters of the St. Croix River as Class SC waters. *Standards for classification of estuarine and marine waters,* 38 M.R.S. § 465-B, (3) describes the standards for Class SC waters as follows.

3. Class SC waters. Class SC waters shall be the 3rd highest classification.

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

B. Class SC 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 SC waters may not be less than 70% of saturation. Between April 15th and October 31st, the number of enterococcus bacteria in these waters may not exceed a geometric mean of 14 CFU or MPN per 100 milliliters in any 90-day interval or 94 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 restricted 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.

*C. Discharges to Class SC waters may cause some changes to estuarine and marine life provided that the receiving waters are 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***.**

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine Department of Environmental Protection 2018/2020/2022 Integrated Water Quality Monitoring and Assessment Report published by the Department pursuant to Section 305(b) of the Federal Water Pollution Control Act, identifies the St. Croix River at the point of discharge as Assessment Unit ID ME010500010809_SC_EU_PE, *Category 3 : Estuarine and Marine Waters with Insufficient Data or Information to Determine if Shellfish Harvesting Designated Use is Attained).*

Category 5-D: Estuarine and Marine Waters Impaired by Legacy Pollutants. All estuarine and marine waters capable of supporting American lobster are listed in Category 5-D, partially supporting fishing ("shellfish" consumption) due to elevated levels of polychlorinated biphenyls (PCBs) and other persistent, bioaccumulating substances in lobster tomalley.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

a. Best Practicable Treatment (BPT) - Overboard discharges may be permitted only where no technologically proven alternative exists. Overboard discharge treatment systems must be capable of meeting secondary treatment standards as described in CMR Chapter 525, Section 3 and Chapter 596 section 9, unless the Department finds that alternate limits are appropriate. After accepting a renewal application as complete for processing, the Department shall approve an overboard waste discharge license only if all of the following criteria are met:

(1) A publicly owned sewer line is not located on or abutting land owned or controlled by the applicant or is not available for the applicant's use.

(2) A subsurface wastewater disposal system cannot be installed in compliance with the *Subsurface Wastewater Disposal Rule*, 10-144 CMR ch. 241 (effective date September 23, 2023), on land owned or controlled by the applicant. Or, a subsurface wastewater disposal system can be installed on land owned or controlled by the applicant and the applicant is eligible for grant funding pursuant to *Condition of licenses*, 38 M.R.S.§411-A but no funding is available.

(3) The discharge is not located within the boundaries of a sanitary or sewer district and the district has not agreed to service and maintain a holding tank at an annual fee that does not exceed those fees charged to other similar users of the district's services who are physically connected to the sewers of the district.

(4) For a school, the volume or quantity of wastewater that is discharged does not exceed;

(a) the limit imposed by the previous license.

(b) the actual or estimated flow at the time of current application if a license volume increase is necessary.

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

(5) The receiving water is not:

(a) A Class GPA, AA, A, or SA water;

(b) A tributary to Class GPA water; or

(c) A waterbody with a drainage area of less than 10 square miles,

(6) The discharge meets the requirements of *Maine's Pollution Control Laws* 38 M.R.S. §414-A, and Maine's *Water Classification Laws* 38 M.R.S. §§464 to 469.

(7) The discharge receives best practicable treatment consistent with requirements in Section 9 of Department rule Chapter 596.

The discharge from the WCCC facility has met all the above criteria. Site evaluation conducted in 2008 from a licensed site evaluator concluded that a replacement subsurface wastewater disposal system cannot be installed in compliance with the Subsurface Rules, 10-144 CMR 241, on land owned or controlled by the applicant.

b. Flow: A previous permitting action established a monthly average flow limitation of 10,500 gallons per day (gpd) and a daily maximum reporting requirement along with a weekly measurement frequency, both of which are being carried forward in this permitting action. The Discharge Monitoring Report (DMR) data for the period February 2019 – July 2025 indicates the permittee has reported flow values as follows:

Flow (DMRs = 77)

Value	Limit (gpd)	Range (gpd)	Mean (gpd)
Monthly Average	10,500	199 – 6,457	2,919
Daily Maximum	Report	937 – 41,076	4,448

c. Dilution Factors – Department rule 06-096 CMR, Chapter 530, *Surface Water Toxics Control Program*, §4(A)(2) states,

(2) For estuaries where tidal flow is dominant and marine discharges, dilution factors are calculated as follows. These methods may be supplemented with additional information such as current studies or dye studies:

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

(a) 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.

(b) For discharges to estuaries, dilution must be calculated using a method such as MERGE, CORMIX or another predictive model determined by the Department to be appropriate for the site conditions.

(c) In the case of discharges to estuaries where tidal flow is dominant and marine waters, the human health criteria must be analyzed using a dilution equal to three times the chronic dilution factor.

With a permitted flow of 10,500 GPD, the location and configuration of the outfall structure, the Department has made a best professional judgment that dilution factors are follows:

Acute = 103.4:1 Chronic = 30,692:1 Harmonic Mean[(1)] = 92,076:1

Footnote:

(1) The harmonic mean dilution factor is approximated by multiplying the chronic dilution factor by 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.

d. Biochemical Oxygen Demand (BOD_5) and Total Suspended Solids (TSS): This permit carries forward technology based monthly average, weekly average, and daily maximum BOD_5 and TSS concentration limits of 30 mg/L, 45 mg/L and 50 mg/L, respectively. The monthly average and weekly average concentration limits are based on secondary treatment requirements as defined in Department rule, 06-096 CMR Chapter 525(3)(III), and the daily maximum concentration limit of 50 mg/L is based on a best professional judgment by the Department of best practicable treatment (BPT). This permitting action carries forward all three technology-based concentration limits.

06-096 CMR Chapter 523, *Waste Discharge License Conditions*, Section 6, *Calculating NPDES permit conditions*, sub-section f(1) states that, *"all pollutants limited in permits shall have limitations, standards or prohibitions expressed in terms of mass…."*

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

Therefore, this permitting action is carrying forward the monthly average, weekly average and daily maximum BOD_5 and TSS mass limitations based on calculations using the permittee's daily maximum permitted flow limitation of 10,500 GPD (0.0105 MGD) and the applicable concentration limits as follows:

Monthly Average Mass Limit: (30 mg/L)(8.34 lbs/gallon)(0.0105 MGD) = 2.6 lbs/day

Weekly Average Mass Limit: (45 mg/L)(8.34 lbs/gallon)(0.0105 MGD) = 3.9 lbs/day

Daily Maximum Mass Limit: (50 mg/L)(8.34 lbs/gallon)(0.0105 MGD) = 4.4 lbs/day

This permit carries forward a minimum monitoring frequency requirement of once every two months (1/2 Month) for BOD_5 and TSS. A review of the discharge data as reported on the permittee's Discharge Monitoring Reports (DMR's) submitted to the Department for the period February 2019 – July 2025 indicates the following:

BOD concentration (Ns = 21)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	2 - 19	7
Weekly Average	45	2 - 19	7
Daily Maximum	50	2 - 19	7

TSS concentration (N = 67)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	1 - 28	12
Weekly Average	45	0.13 - 28	12
Daily Maximum	50	1 - 28	12

BOD Mass (N = 67)

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	30	0 - 0.8	0.2
Weekly Average	45	0 - 0.8	0.2
Daily Maximum	50	0.02 - 0.8	0.2

TSS Mass (N = 67)

Value	Limit (lbs/day)	Range (lbs/day)	Average (lbs/day)
Monthly Average	30	0 – 2.1	0.4
Weekly Average	45	0 – 2.1	0.4
Daily Maximum	50	0.03 – 2.1	0.4

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

This permitting action carries forward the requirement for a minimum of 85% removal of BOD_5 and TSS pursuant to Chapter 525(3)(III)(a)(3) and (b)(3) of the Department's rule.

e. Settleable Solids: This permit carries forward a daily maximum settleable solids technology-based concentration limit of 0.3 mL/L and a regular monitoring frequency of once every two months pursuant to 40 CFR §122, 44(h)(i)(2), to be consistent with monitoring and reporting for BOD_5 and TSS. A review of the discharge data as reported on the permittee's Discharge Monitoring Reports (DMR's) submitted to the Department for the period February 2019 – July 2025 indicates the following

(N = 63)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	0.3	0.10 – 1.00	< 0.114

f. Fecal coliform bacteria: This permit establishes a year-round fecal coliform monthly average limitation of 14 CFU/100 mL (geometric mean) and a daily maximum limitation of 31 CFU/100 mL to be consistent with the limits established in *Standards for Classification of Estuarine and Marine Waters*, 38 M.R.S. §465-B (3), and The National Shellfish Sanitation Program (NSSP) Guide for the Control of Molluscan Shellfish – 2023 Revision and USEPA guidance pursuant to 40 CFR §122, 44(h)(i)(2).

A review of the seasonal monthly average and daily maximum data as reported on the DMRs submitted to the Department for the period February 2019 – July 2025 indicates monthly average and daily maximum fecal coliform bacteria counts have been reported as follows:

Fecal coliform bacteria (N=42)

Value	Limit (col/100 ml)	Range (col/100 ml)	Mean (col/100 ml)
Monthly Average	15	0-1,4920	39.2
Daily Maximum	50	0-2,419	119.4

[There were two exceedances for Fecal coliform bacteria during the reporting period.]

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

g. Total Residual Chlorine (TRC): The previous permitting action established a daily maximum TRC technology-based concentration limit of 1.0 mg/L along with a 3/Week monitoring requirement. Limitations on TRC are specified to ensure that ambient water quality standards are maintained at all times of the year 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.

With dilution factors as determined in Section 7C of this fact sheet, end-of-pipe (EOP) water quality-based concentration thresholds for TRC may be calculated as follows:

Acute (A) Criterion	Chronic (C) Criterion	A & C Dilution Factors	Calculated Acute Limit	Calculated Chronic Limit
0.013 mg/L	0.0075 mg/L	103.4:1 (A) 30,692:1 (C)	1.34 mg/L	 230 mg/L

Example: Acute Limit Calculation: (0.013 mg/L) (103.4) = 1.34 mg/L

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. Based on the calculated acute and chronic total residual chlorine limits, the WCCC facility is not required to dechlorinate the effluent prior to discharge in order to consistently achieve compliance with the calculated water quality-based thresholds. This permitting action is carrying forward the technology-based daily maximum TRC concentration limitation of 1.0 mg/L along with the 3/Week monitoring requirement.

A review of the daily maximum data as reported on the DMRs submitted to the Department for the period February 2019 – July 2025 indicates the maximum TRC discharged has been as follows:

Total residual chlorine (N = 45)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	1.0	0.05 – 0.98	0.57

h. pH: This permit carries forward a technology-based pH range limit of 6.0 – 9.0 standard units (SU), pursuant to Department rule found at 06-096 CMR Chapter 525(3)(III)(c). This permit also establishes a pH monitoring frequency of 1/Month pursuant to 40 CFR §122, 44(h)(i)(2), and to be consistent with similar permits.

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

i. Whole Effluent Toxicity (WET), Priority Pollutant, and Analytical Chemistry Testing: Maine law, *Conditions of Licenses*, 38 M.R.S §414-A and *Certain Deposits and Discharges Prohibited*, 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. Department rule, 06-096 CMR Chapter 530, *Surface Water Toxics Control Program* (toxics rule) 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. Department rule 06-096 CMR Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants*, sets forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

Chapter 530 Section (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 wastewaters 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."*

Chapter 530 Section (2) (A) specifies the criteria for exemption of certain discharges from toxics testing as follows:

(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 Chapter 530 requirements as it is permitted to discharge less than 50,000 gpd, the chronic dilution factor is greater than 50:1 (Department Best Professional Judgement) and the wastewater has domestic-like characteristics. 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 K, *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.

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 SC waters.

9. PUBLIC COMMENTS

Public notice of this application was made in the *Calais Advertiser* newspaper on or about April 22, 2024, 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 shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

10. DEPARTMENT CONTACTS

Additional information concerning this permitting action 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
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11. RESPONSE TO COMMENTS

Reserved until the end of the formal comment period

ATTACHMENT A

ME 0102831 - Attachment A – WCCC Location -