STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JANET T. MILLS
GOVERNOR

MELANIE LOYZIM
COMMISSIONER

June 18, 2026

Mr. Charles Applebee
Water Quality and Compliance Services, Inc.
Wiscasset, ME 04578

Sent via electronic mail
Delivery confirmation requested

RE: *Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100773*
Maine Waste Discharge License (WDL) Application #W002561-6C-E-R
Proposed Draft MEPDES Permit Renewal

Dear Mr. Applebee,

Enclosed is a **proposed draft** MEPDES renewal permit and Maine WDL which the Department proposes to issue as a final document after opportunity for your review and comment. By transmittal of this letter, you are provided with an opportunity to comment on the proposed draft permit and its special and standard conditions. If it contains errors or does not accurately reflect present or proposed conditions, please respond to this Department so that changes can be considered.

By copy of this letter, the Department is requesting comments on the proposed draft permit from various state and federal agencies and from any other parties who have notified the Department of their interest in this matter.

The comment period begins today, Thursday, June 18, 2026, and ends on Monday, July 20, 2026. All comments on the proposed draft permit must be received in the Department of Environmental Protection office on or before the close of business **Monday, July 20, 2026.** Failure to submit comments in a timely fashion may result in the proposed draft/license permit document being issued as drafted.

Comments in writing should be submitted to my attention at the following address:

Maine Department of Environmental Protection
Bureau of Water Quality
Division of Water Quality Management
17 State House Station
Augusta, ME 04333-0017

If you have any questions regarding the matter, please feel free to call me at 207-458-8706 or email me at Bekah.Farmer@Maine.gov

Sincerely,

Bekah Farmer
Division of Water Quality Management
Bureau of Water Quality

Enclosure

cc: Laura Crossley, DEP
David Bowie, DEP
Wendy Garland, DEP
Gary Brooks, DEP
Gregg Wood, DEP

Lori Mitchell, DEP
Michael Cobb, USEPA
Richard Carvalho, USEPA
Kathryn Rosenberg, USEPA
Sean Mahoney, Conservation Law Foundation
Erin Wilson, Maine Office of Community Affairs
Department of Marine Resources Environmental Review
Chief Pos Bassett, Passamaquoddy Tribal Government
Marvin Cling Jr., Passamaquoddy Tribal Government
Trevor White, Indian Township Tribal Government

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

IN THE MATTER OF

PASSAMAQUODDY TRIBAL COUNCIL	)	MAINE POLLUTANT DISCHARGE
PERRY, WASHINGTON COUNTY, MAINE	)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS	)	AND
ME0100773	)	WASTE DISCHARGE LICENSE
W002561-6C-E-R **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 the PASSAMAQUODDY TRIBAL COUNCIL ("PTC"/"permittee"), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

On May 1, 2017, the Department accepted as complete for processing an application from the permittee for renewal of combination Waste Discharge License (WDL) #W002561-6C-C-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0100773, which was issued by the Department on December 10, 2012 for a five-year term. The 12/10/2012 permit authorized the monthly average discharge of 0.15 million gallons per day (MGD) of secondary treated sanitary wastewater from a tribally owned and operated wastewater treatment facility to the Passamaquoddy Bay, Class SB, in Perry, Maine.

Since the December 10, 2012 renewal, the Department has issued one minor revision on June 10, 2014 to modify the sampling season of fecal coliform from year-round to a seasonal period of May 15 through September 30 of each year.

PERMIT SUMMARY

Terms and conditions - This permitting action is carrying forward all the terms and conditions of the previous permitting action except it is:

1. Incorporating the June 2014 modification to revise fecal coliform monitoring from year-round to the seasonal period of May 15 through September 30 in Special Condition B, *Effluent Limitations and Monitoring Requirements*;
2. Correcting the code associated with reporting fecal coliform on Discharge Monitoring Reports in Special Condition B, *Effluent Limitations and Monitoring Requirement*;
3. Revising fecal coliform monthly average and daily maximum limitations from 15 col/100 mL and 50 col/100 mL to 14 col/100 mL and 31 col/100 mL, respectively, in Special Condition B, *Effluent Limitations and Monitoring Requirement* in accordance with the National Shellfish Sanitation Program;

4. Establishing Enterococcus bacteria monthly average and daily maximum limitations of 8 CFU/100 mL and 54 CFU/100 mL, respectively, in Special Condition B, *Effluent Limitations and Monitoring Requirement* in accordance with Maine law, 38 M.R.S., § 465-B(2);
5. Revising footnotes in Special Condition B, *Effluent Limitations and Monitoring Requirements* to be consistent with other MEPDES permits subsequent to PTC's 2012 permit;
6. Revising Special Condition D, *Treatment Plant Operator*, requiring the person with management responsibility over the treatment facility to hold a minimum of a Maine Grade III biological certificate or be a Registered Maine Professional Engineer; and
7. Removing a requirement in Special Condition J, *Monitoring and Reporting* to submit a physical copy of data submitted electronically for the Discharge Monitoring Reports (DMRs) to be consistent with other MEPDES permits subsequent to PTC's 2012 permit.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated June 18, 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 waterbody, 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 *Conditions of licenses*, 38 M.R.S. § 414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the above noted application of the PASSAMAQUODDY TRIBAL COUNCIL to discharge a monthly average flow of up to 0.15 MGD of secondary treated waste waters from a tribally owned and operated wastewater treatment facility to the Passamaquoddy Bay, Class SB, 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 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 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: May 1, 2017
Date of application acceptance: May 1, 2017

This Order prepared by Bekah Farmer, BUREAU OF WATER QUALITY

A. 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 1, 2017, 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

B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge secondary treated waste waters from **Outfall #001A** to the Passamaquoddy Bay, in Perry, 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
Flow *[50050]*	0.150 MGD *[03]*	---	Report MGD *[03]*	---	---	---	Continuous *[99/99]*	Recorder *[RC]*
Biochemical Oxygen Demand (BOD_5) *[00310]*	38 lbs./Day *[26]*	56 lbs./Day *[26]*	62 lbs./Day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	1/Month *[01/30]*	Composite(2) *[24]*
BOD_5 % Removal(3) *[81010]*	---	---	---	85%*[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
Total Suspended Solids (TSS) *[00530]*	38 lbs./Day *[26]*	56 lbs./Day *[26]*	62 lbs./Day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	1/Month *[01/30]*	Composite(2) *[24]*
TSS % Removal (3) *[81011]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
Settleable Solids *[00545]*	---	---	---	---	---	0.3 mL/L *[25]*	1/Week *[01/07]*	Grab *[GR]*
Fecal coliform bacteria(4) *[31616]* *(May 15 – Sept. 30)*	---	---	---	14 CFU/100 mL *[13]*	---	31 CFU/100 mL *[13]*	1/Month *[01/30]*	Grab *[GR]*
Enterococcus bacteria(5)*[61211]* *(April 15 - Oct. 30)*	---	---	---	8 CFU/100 mL *[13]*	---	54 CFU/100 mL *[13]*	1/Month *[01/30]*	Grab *[GR]*
Total Residual Chlorine(6) *[50060]*	---	---	---	---	---	0.3 mg/L *[19]*	3/Week *[03/07]*	Grab *[GR]*
pH (Std. Units) *[00400]*	---	---	---	---	---	6.0 – 9.0 *[12]*	5/Week *[05/07]*	Grab *[GR]*

The italicized numeric values bracketed in the table above are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports.

Applicable footnotes can be found on pages 6-7 of this permit.

SPECIAL CONDITIONS

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

Footnotes

1. **Sampling** – 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.

   Sampling Locations:

   Influent sampling for BOD_5 and TSS must be conducted prior to preliminary treatment.

   Effluent sampling must be conducted for all parameters at the end of the chlorine contact chamber on a year-round basis.

2. **Composite Samples** – Samples must consist of 24-hour composites collected with an automatic composite sampler. Alternatively, when weather conditions and/or equipment prevents automatic compositing and upon Department notification, the permittee may manually composite a minimum of eight grab

SPECIAL CONDITIONS

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

samples collected at one-hour intervals during the working day at the facility. The permittee must indicate the type of sample collected on the DMR.

3. **BOD_5 and TSS Percent removal** - The treatment facility must maintain a minimum of 85 percent removal of both BOD_5 and TSS for all wastewaters receiving a secondary level of treatment. The percent removal must be based on a monthly average calculation using influent and effluent concentrations. The percent removal shall be waived if the calculated percent removal is less than 85% and the monthly average influent concentration is less than 200 mg/L. For instances when this occurs, the facility must report *"N-9"* on the monthly Discharge Monitoring Report.
4. **Fecal coliform bacteria** – The monthly average limitation is a geometric mean limitation and must be calculated and reported as such. Limits are in effect between May 15 and September 30 of each year to protect the health and welfare of the public.
5. **Enterococcus Bacteria Reporting** – The monthly average limitation for enterococci is a geometric mean and results must be calculated and reported as such. Enterococcus bacteria limits and monitoring requirements are seasonal running from April 15 and October 31 of each year.
6. **Total Residual Chlorine (TRC)** – Limitations and monitoring requirements are in effect any time elemental chlorine or chlorine-based compounds are utilized to disinfect the discharge(s). The permittee must utilize a USEPA-approved test method capable of bracketing the TRC limitations specified in this permitting action. For instances when a facility has not disinfected with chlorine-based compounds for an entire reporting period, the facility must report "N9" for this parameter on the monthly DMR.

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.

SPECIAL CONDITIONS

D. TREATMENT PLANT OPERATOR

The person who has the management responsibility over the treatment facility must hold a **Maine Grade III** 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). The permittee has five (5) years from the effective date of this permit to come into compliance with the updated treatment plant operator grade. For the period from the effective date of this permit to five years from the effective date of this permit, the person who has the management responsibility and exercises oversight over the treatment facility must hold a minimum of a Maine Grade II 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 approved by the Department before the permittee may engage the services of the contract operator.

E. LIMITATIONS FOR INDUSTRIAL USERS

Pollutants introduced into the wastewater collection and treatment system by a non-domestic source (user) must not pass through or interfere with the operation of the treatment system. The permittee must conduct an Industrial Waste Survey (IWS) any time a new industrial user proposes to discharge within its jurisdiction, an existing user proposes to make a significant change in its discharge, or at an alternative minimum, once every permit cycle and submit the results to the Department. The IWS must identify, in terms of character and volume of pollutants, any Significant Industrial Users discharging into the POTW subject to Pretreatment Standards under section 307(b) of the federal Clean Water Act, 40 C.F.R. Part 403 (general pretreatment regulations) or *Pretreatment Program*, 06-096 C.M.R. Ch. 528 (last amended March 17, 2008).

F. NOTIFICATION REQUIREMENT

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

1. Any introduction of pollutants into the 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 caused by the change in the quantity or quality of the wastewater to be discharged from the treatment system.

SPECIAL CONDITIONS

G. WET WEATHER MANAGEMENT PLAN

The permittee must maintain a current written Wet Weather Management Plan to direct the staff on how to operate the facility effectively during periods of high flow. The Department acknowledges that the existing collection system may deliver flows in excess of the monthly average design capacity of the treatment plant during periods of high infiltration and rainfall. The plan must include operating procedures for a range of intensities, address solids handling procedures (including septic waste and other high strength wastes if applicable) and provide written operating and maintenance procedures during the events. **The permittee must review their plan annually, or as requested by the Department,** and record any necessary changes to keep the plan up to date.

H. OPERATION & MAINTENANCE (O&M) PLAN

This facility must maintain a current written comprehensive Operation & Maintenance (O&M) Plan. The plan must provide a systematic approach by which the permittee must at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit.

Within 90 days of completion of new and or substantial upgrades of the waste water treatment facility, the permittee must submit an updated O&M Plan to their Department inspector for review and comment.

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 personnel upon request.

I. STATEMENT FOR REDUCED/WAIVED TOXICS TESTING

In accordance with 06-096 C.M.R. Ch. 530(2)(D)(4), and by **December 31 of each calendar year**, the permittee must provide the Department with a certification describing any of the following that have occurred since the effective date of this permit [ICIS Code 75305]. See **Attachment A** of this permit for an acceptable certification form to satisfy this Special Condition.

(a) Changes in the number or types of non-domestic wastes contributed directly or indirectly to the wastewater treatment works that may increase the toxicity of the discharge;

(b) Changes in the operation of the treatment works that may increase the toxicity of the discharge; and

(c) Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge.

In addition, in the comments section of the certification form, the permittee must provide the Department with statements describing:

(d) Changes in storm water collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge.

SPECIAL CONDITIONS

I. STATEMENT FOR REDUCED/WAIVED TOXICS TESTING (cont'd)

(e) Increases in the type or volume of transported (hauled) wastes accepted by the facility.

The Department may require whole effluent toxicity (WET) testing or other toxicity testing if new information becomes available that indicates the discharge may cause or have a reasonable potential to cause exceedances of ambient water quality criteria/thresholds.

J. 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 electronically to the Department in support of the electronic DMR may be attached to the electronic DMR and must be submitted no later than midnight on the 15th day of the month following the completed reporting period.

K. REOPENING OF PERMIT FOR MODIFICATIONS

In accordance with 38 M.R.S. § 414-A(5) and upon evaluation of the test results specified by 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, 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 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.

ATTACHMENT A

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHAPTER 530.2(D)(4) CERTIFICATION

MEPDES#_____Facility Name_____

Since the effective date of your permit, have there been;		NO	YES Describe in comments section
1	Increases in the number, types, and flows of industrial, commercial, or domestic discharges to the facility that in the judgment of the Department may cause the receiving water to become toxic?	☐	☐
2	Changes in the condition or operations of the facility that may increase the toxicity of the discharge?	☐	☐
3	Changes in storm water collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge?	☐	☐
4	Increases in the type or volume of hauled wastes accepted by the facility?	☐	☐

COMMENTS:

Name (printed): _____

Signature:_____Date: _____

This document must be signed by the permittee or their legal representative.

This form may be used to meet the requirements of Chapter 530.2(D)(4). This Chapter requires all dischargers having waived or reduced toxic testing to file a statement with the Department describing changes to the waste being contributed to their system as outlined above. As an alternative, the discharger may submit a signed letter containing the same information.

Scheduled Toxicity Testing for the next calendar year

Test Conducted	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
WET Testing	□	□	□	□
Priority Pollutant Testing	□	□	□	□
Analytical Chemistry	□	□	□	□
Other toxic parameters [1]	□	□	□	□

Please place an "X" in each of the boxes that apply to when you will be conducting any one of the three test types during the next calendar year.

[1] This only applies to parameters where testing is required at a rate less frequently than quarterly.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
MAINE WASTE DISCHARGE LICENSE

FACT SHEET

DATE: **June 18, 2026**

PERMIT NUMBER: **ME0100773**

WASTE DISCHARGE LICENSE: **W002561-6C-E-R**

NAME AND ADDRESS OF APPLICANT:
PASSAMAQUODDY TRIBAL COUNCIL
P.O. BOX 343
PERRY, MAINE 04667

COUNTY: **WASHINGTON**

NAME AND ADDRESS WHERE DISCHARGE(S) OCCUR(S):
PASSAMAQUODDY WASTEWATER FACILITY
7 TREATMENT PLANT ROAD
PLEASANT POINT
PERRY, MAINE, 04667

RECEIVING WATER/CLASSIFICATION: **PASSAMAQUODDY BAY/Class SB**

COGNIZANT OFFICIAL CONTACT INFORMATION:
MR. CHARLES APPLEBEE
OPERATOR
(207) 882-5476
chuck@waterqualityme.com
capplebee@wabanaki.com

ALTERNATE CONTACT:
MR. GENE FRANCIS
ON-SITE SUPERINTENDENT
(207) 853-4356
genewfrancis@wabanaki.com

1. APPLICATION SUMMARY

a. Application

On May 1, 2017, the Department accepted as complete for processing an application from the permittee for renewal of combination Waste Discharge License (WDL) #W002561-6C-C-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0100773, which was issued by the Department on December 10, 2012 for a five-year term. The 12/10/2012 permit authorized the monthly average discharge of 0.15 million gallons per day (MGD) of secondary treated sanitary wastewater from a tribally owned and operated wastewater treatment facility to the Passamaquoddy Bay, Class SB, in Perry, Maine. See **Attachment A** of this Fact Sheet for a location map.

Since the December 10, 2012 renewal, the Department has issued one minor revision on June 10, 2014 to modify the sampling season of fecal coliform from year-round to a seasonal period of May 15 through September 30 of each year.

2. PERMIT SUMMARY (cont'd)

b. Source Description:

The facility receives commercial and residential sanitary wastewater serving a population of 880 residents on Pleasant Point in Perry, Maine. The collection system consists of approximately 10 miles of collector and interceptor sewers and nine sewage pump stations. Some of the manholes on Bayview Street in low lying areas have infiltrators with a purge which prevents inflow due to a likelihood of flooding. There are no significant industrial users within the collection system and there are no combined sewer overflows. The facility is not authorized to treat transported wastes.

The current facility is below the 100-year floodplain and, as of this permit, the Passamaquoddy Tribal Council (PTC) is seeking a new location to move the facility out of the floodplain. The permit may need to be reopened during the facility construction process.

c. Wastewater Treatment

Sanitary wastewater received at the PTC wastewater treatment facility receives a secondary level of treatment via a grit chamber with a grinder, a 150,000 gallon oxidation ditch with fine bubble diffusers, two clarifiers each measuring 22 feet in diameter, and a chlorine/dechlorination tank. See **Attachment B** of this Fact Sheet for a schematic of the treatment process. The treated waste is discharged to Passamaquoddy Bay via a high-density polyethylene pipe measuring 10 inches in diameter that extends out into the bay approximately 660 feet with approximately 8.7 feet of water over the crown of the pipe at mean low water.

2. PERMIT SUMMARY

a. Terms and conditions

This permitting action is carrying forward all the terms and conditions from the previous permitting action except it is:

1. Incorporating the June 2014 modification in Special Condition B, *Effluent Limitations and Monitoring Requirements* to revise fecal coliform monitoring from year-round to the seasonal period of May 15 through September 30;
2. Correcting the code associated with reporting fecal coliform on Discharge Monitoring Reports in Special Condition B, *Effluent Limitations and Monitoring Requirement*;
3. Revising fecal coliform monthly average and daily maximum limitations from 15 col/100 mL and 50 col/100 mL to 14 col/100 mL and 31 col/100 mL, respectively, in Special Condition B, *Effluent Limitations and Monitoring Requirement* in accordance with the National Shellfish Sanitation Program and based on changes promulgated by the USEPA;
4. Establishing Enterococcus bacteria monthly average and daily maximum limitations of 8 CFU/100 mL and 54 CFU/100 mL, respectively, in Special Condition B, *Effluent Limitations and Monitoring Requirement* in accordance with Maine law, 38 M.R.S., § 465-B(2);

2. PERMIT SUMMARY (cont'd)

5. Revising footnotes in Special Condition B, *Effluent Limitations and Monitoring Requirements* to be consistent with other MEPDES permits subsequent to PTC's 2012 permit;
6. Revising Special Condition D, *Treatment Plant Operator*, requiring that the person who has management responsibility over the treatment facility must hold a minimum of a Maine Grade III biological certificate or be a Registered Maine Professional Engineer; and
7. Removing the requirement in Special Condition J, *Monitoring and Reporting* to submit a physical copy of data submitted electronically for the Discharge Monitoring Reports (DMRs) to be consistent with other MEPDES permits subsequent to PTC's 2012 permit.

b. History

This section provides a summary of significant licensing/permitting actions and milestones that have been completed for the District's facility.

December 27, 1979 – The Department issued WDL #W2561 to the PTC for a five-year term.

January 29, 1979 – The U.S. Environmental Protection Agency (EPA) issued National Pollutant Discharge Elimination System (NPDES) permit #ME0100773 to the PTC for a five-year term.

June 22, 1983 – The Department issued WDL renewal #W2561 to the PTC for a five-year term.

December 27, 1985 – The EPA issued NPDES permit renewal #ME0100773 to the PTC for a five-year term.

June 22, 1988 – The Department issued WDL renewal #W002561-58-A-R to the PTC for a five-year term.

October 13, 1999 – The Department issued WDL renewal #W002561-5L-B-R to the PTC for a five-year term.

December 19, 2005 – The EPA issued NPDES permit renewal #ME0100773 to the PTC for a five-year term.

November 17, 2010 – The PTC submitted an application to the EPA for the renewal of NPDES permit. EPA deemed the application complete for processing but the permit was never issued as a final document.

October 5, 2012 – The Department received the PTC's NPDES application from the EPA.

November 9, 2012 – The PTC submitted a complete application to the Department to renew the October 13, 1999 WDL.

December 10, 2012 – The Department issued combination MEPDES permit #ME0100773/ WDL #W002561-6C-C-R to the PTC for a five-year term.

June 10, 2014 – The Department issued a modification of the 12/10/12 permit by imposing the bacteria limitations on a seasonal basis rather than year-round. The Maine Department of Marine Resources approved the modification.

2. PERMIT SUMMARY (cont'd)

May 1, 2017 – The PTC submitted a timely and complete application to the Department to renew combination MEPDES permit #ME0100773 / WDL #W002561-6C-C-R. The application was accepted for processing on the same day and was assigned WDL #W002561-6C-E-R.

3. CONDITIONS OF PERMITS

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 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

Classifications of marine estuarine waters, 38 M.R.S., § 469(7)(H-1) classifies Passamaquoddy Bay as a Class SB waterway that is subject to Sustenance Fishing Designated Use pursuant to 38 M.R.S. § 466-A. Maine law, 38 M.R.S., Section 465-B(2) describes standards for classification of Class SB waters as follows:

Class SB waters shall be the 2nd highest classification.

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

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

C. Discharges to Class SB waters may not cause adverse impact to estuarine and marine life in that the receiving waters must be of

4. RECEIVING WATER QUALITY STANDARDS (cont'd)

sufficient quality to support all estuarine and marine species indigenous to the receiving water without detrimental changes in the resident biological community. There may be no new discharge to Class SB waters that would cause closure of open shellfish areas by the Department of Marine Resources. For the purpose of allowing the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety, the department may find that the discharged effluent will not cause adverse impact to estuarine and marine life as long as the materials and methods used provide protection for nontarget species. When the department issues a license for the discharge of aquatic pesticides authorized under this paragraph, the department shall notify the municipality in which the application is licensed to occur and post the notice on the department's publicly accessible website.

5. REASONABLE POTENTIAL

Pursuant to 33 U.S.C. § 1311(b)(1)(C) and 40 C.F.R. § 122.44(d)(1), NPDES permits must contain any requirements in addition to technology based effluent limitations (TBELs) that are necessary to achieve water quality standards established under 33 U.S.C. § 1311(b)(1)(C). In addition, limitations "must control any pollutant or pollutant parameter (conventional, non-conventional, or toxic) which the permitting authority determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any water quality standard (WQS), including State narrative criteria for water quality," 40 C.F.R. § 122.44(d)(1)(i). To determine if the discharge causes, or has the reasonable potential to cause, or contribute to an excursion above any WQS, EPA considers: 1) existing controls on point and non-point sources of pollution; 2) the variability of the pollutant or pollutant parameter in the effluent; 3) the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity); and 4) where appropriate, the dilution of the effluent by the receiving water. *See* 40 C.F.R. § 122.44(d)(1)(ii).

If the permitting authority determines that the discharge of a pollutant will cause, has the reasonable potential to cause, or contribute to an excursion above WQSs, the permit must contain water quality-based effluent limitations (WQBELs) for that pollutant. *See* 40 C.F.R. § 122.44(d)(1)(i).

6. RECEIVING WATER QUALITY CONDITIONS

The State of Maine Department of Environmental Protection 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 Passamaquoddy Bay at the point of discharge as:

Category 2 for non-shellfish harvesting designated uses (ME010500040702_SB_E - Lewis Cove (Perry) to Todd Head (Eastport), Treat Island vicinity (Eastport, Lubec));

Category 3 for shellfish harvesting designated uses (ME010500040702_SB_EU_PE - St. Croix River; Eastport to Calais (Prohibited)); and

Category 5-D for legacy pollutants (statewide marine consumption advisory).

6. RECEIVING WATER QUALITY CONDITIONS (cont'd)

If future ambient water quality monitoring or modeling determines that at full permitted discharge limits the permittee's discharge is causing or contributing to the non-attainment of standards, this permit will be re-opened per Special Condition K, *Reopening of Permit For Modifications*, to impose more stringent limitations to meet water quality standards.

7. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

a. Flow

The previous permit contained a monthly average flow limitation of 0.150 MGD and a daily maximum reporting requirement that are being carried forward in this permitting action. The monthly average limit is considered to be representative of the dry weather monthly average design flow for the facility.

A review of the monthly Discharge Monitoring Report (DMR) data for the period October 2020 through September 2025 indicates the permittee has reported values as follows:

Flow (N=60)

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly average	0.150	0.03 – 0.10	0.06
Daily maximum	Report	0.04 – 1.36	0.13

b. Dilution Factors

Department Regulation Chapter 530, "*Surface Water Toxics Control Program*", §4(A)(2)(a) states that for discharges to the ocean, dilution must be calculated as near-field or initial dilution, or that dilution available as the effluent plume rises from the point of discharge to its trapping level, at mean low water level and slack tide for the acute exposure analysis and at mean tide for the chronic exposure analysis using appropriate models determined by the Department such as MERGE, CORMIX or another predictive model determined by the Department to be appropriate for the site conditions. Using plan and profile information provided by the permittee and the CORMIX model, the previous permitting action contained a Department determination for the dilution factors for the discharge of 0.150 MGD from the waste water treatment facility are as follows:

Acute = 43:1 Chronic = 1,000:1 Harmonic Mean = 3,000:1

The Department deems these dilution factors as still applicable and are being carried forward in this permitting action due to the facility discharge, outfall design, and outfall location remaining the same, discharging to a system with a very high current speed and tidal range. Pursuant to 06-096 C.M.R. Department rule Chapter 530, "*Surface Water Toxics Control Program*", §4(A)(2)(c), the harmonic mean dilution factor is approximated by multiplying the chronic dilution factor by a factor of three (3).

c. Biochemical Oxygen Demand & Total Suspended Solids

The previous permit contained, and this permitting action is carrying forward, technology based monthly and weekly average biochemical oxygen demand (BOD_5) and total suspended solids (TSS) best practicable treatment (BPT)

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

concentration limits of 30 mg/L and 45 mg/L respectively, that are based on secondary treatment requirements of the Clean Water Act of 1977, §301(b)(1)(B) as defined in 40 C.F.R. § 133.102 and Department rule *Effluent Guidelines and Standards*, 06-096 C.M.R. Chapter 525(3)(III). The maximum daily BOD_5 and TSS concentration limits of 50 mg/L were based on a Department best professional judgment of BPT. All three concentration limits for BOD_5 and TSS and a once per month monitoring requirement are being carried forward in this permitting action.

The previous permitting action contained technology based monthly average and daily maximum mass limitations based on a monthly average limit of 0.150 MGD which is representative of the dry weather design capacity of the treatment facility. The Department has calculated technology-based mass limits as follows;

Monthly average: (0.150 MGD)(8.34)(30 mg/L) = 38 lbs./day
Weekly average: (0.150 MGD)(8.34)(45 mg/L) = 56 lbs./day
Daily maximum: (0.150 MGD)(8.34)(50 mg/L) = 62 lbs./day

A review of the monthly DMR data for the period October 2020 through September 2025 indicates values have been reported as follows:

BOD_5 Concentration (N=59)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	2 – 24	9
Weekly Average	45	2 – 25	9
Daily Maximum	50	2 – 25	9

BOD_5 Mass (N=59)

Value	Limit (lbs./day)	Range (lbs./day)	Average (lbs./day)
Monthly Average	38	0 – 14	5
Weekly Average	56	0 – 14	5
Daily Maximum	62	1 – 14	5

TSS concentration (N=60)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	1 – 15	5
Weekly Average	45	1 – 15	5
Daily Maximum	50	1 – 15	5

TSS mass (N=60)

Value	Limit (lbs./day)	Range (lbs./day)	Average (lbs./day)
Monthly Average	38	0 – 8	3
Weekly Average	56	0 – 8	3
Daily Maximum	62	1 – 8	3

This permitting action is carrying forward a requirement of 85% removal for BOD and TSS pursuant to Department rule Chapter 525(3)(III)(a&b)(3) except in the circumstances where the influent concentration is less than 200 mg/L and the calculated percent removal is less than 85%.

A review of the monthly DMR data for the period October 2020 through September 2025 indicates values have been reported as follows:

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

BOD_5 % Removal (N=58)

Value	Limit (%)	Range (%)	Average (%)
Monthly Average	85	82 – 99	95

TSS % Removal (N=60)

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

One excursion occurred for BOD_5 percent removal in September of 2023.

d. Settleable Solids

The previous permitting action contained a technology based daily maximum limit of 0.3 mL/L and a monitoring frequency of once per week. Both are being carried forward in this permitting action.

A review of the monthly DMR data for the period October 2020 through September 2025 indicates values have been reported as follows:

Settleable solids (N = 60)

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

e. Fecal coliform bacteria

The previous permitting action contained year-round monthly average and daily maximum limits of 15 colonies/100 mL and 50 colonies/100 mL that were based on the Maine Water Classification Program criteria for the receiving waters (including standards in the National Shellfish Sanitation Program). This permitting action is establishing monthly average and daily maximum fecal coliform limitations of 14 colonies/100 mL and 31 colonies/100 mL respectively. An explanation of the Department's position on Bacteria Limitations is included as **Attachment C** of this Fact Sheet.

The minor revision permitting action from 2014 permitted the facility to reduce the fecal coliform monitoring from year-round to seasonally from May 15 through September 30 based on a recommendation from the Maine Department of Marine Resources (DMR). The DMR determined the prohibited area that surrounds the plant is sufficient to account for non-chlorinated effluent. The seasonal monitoring requirement period of May 15 through September 30 is being carried forward in this permitting action with DMR approval.

This permitting action is carrying forward the monitoring frequency requirement of once per month.

A review of the monthly DMR data for the period October 2020 through September 2025 indicates values have been reported as follows:

Fecal coliform bacteria (N=25)

Value	Limit (col/100 ml)	Range (col/100 ml)	Mean (col/100 ml)
Monthly Average	15	1 – 11	3
Daily Maximum	50	1 – 11	3

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

f. Enterococcus bacteria

38 M.R.S. § 465-B(3)(B) defines the water quality requirements for enterococcus bacteria for Class SB waters. This permit establishes seasonal effluent limits for enterococcus bacteria to protect the designated use of "recreation in and on the water." The effluent limits are a monthly average of 8 colony-forming units (CFU) or most probable number (MPN)/100 mL and a daily maximum of 54 CFU or MPN/100 mL during the period April 15th through October 31st every year. An explanation of the Department's position on Bacteria Limitations is included as **Attachment C** of this Fact Sheet.

This permitting action is establishing a monitoring frequency of one time per month, which continues the bacteria monitoring regime in place for this facility and allows for direct comparison of bacterial data.

g. Total Residual Chlorine

The previous permitting action contained, and this permitting action is carrying forward, a technology-based daily maximum limit of 0.3 mg/L along with a monitoring requirement of three times per week. Limits on total residual chlorine (TRC) are specified to ensure attainment of the in-stream water quality criteria for levels of chlorine and that BPT technology is utilized to abate the discharge of chlorine. Permits issued by this Department impose the more stringent of the calculated water quality based or BPT based limits. With dilution factors as determined above, water quality-based thresholds for TRC may be calculated as follows:

Threshold	Criterion	Dilution Factor	Calculated Limit
Acute	0.013 mg/L	43:1	0.55 mg/L
Chronic	0.0075 mg/L	1,000:1	7.5 mg/L

To meet the acute water quality-based threshold calculated above, the permittee must dechlorinate the effluent prior to discharge. The Department has established a daily maximum BPT limitation of 0.3 mg/L for facilities that need to dechlorinate their effluent unless calculated water quality-based thresholds are lower than 0.3 mg/L. In the case of the PTC, the acute water quality-based threshold calculated above is higher than 0.3 mg/l, thus the technology-based limit of 0.3 mg/L is being carried forward in this permitting action.

A review of the monthly DMR) data for the period October 2020 through September 2025 indicates values have been reported as follows;

Total residual chlorine (N = 25)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	0.3	0.03 – 0.24	0.10

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

h. pH

The previous permitting action contained, and this permitting action is carrying forward, a technology-based pH range limitation of 6.0 – 9.0 standard units based on Department rule Chapter 525(3)(III)(c) along with a monitoring frequency of five times per week. The limit range is considered BPT. A review of the DMR data for the period October 2020 through September 2025 indicates the pH range limitation has never been exceeded.

i. Whole Effluent Toxicity (WET) and priority pollutant testing

Maine law, 38 M.R.S., Sections 414-A and 420, prohibit the discharge of effluents containing substances in amounts that would cause the surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the USEPA. Department Rules, *Surface Water Toxics Control Program*, 06-096 C.M.R. Ch. 530, and *Surface Water Quality Criteria for Toxic Pollutants,* Ch. 584, set forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

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

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

Level I – chronic dilution factor of <20:1.
Level II – chronic dilution factor of ≥20:1 but <100:1.
Level III – chronic dilution factor ≥100:1 but <500:1 or >500:1 and flow ≥1.0 MGD
Level IV – chronic dilution >500:1 and flow ≤1.0 MGD

Department rule Chapter 530 (2)(D) specifies the criteria to be used in determining the minimum monitoring frequency requirements for WET, priority pollutant and analytical chemistry testing. Based on the Chapter 530 criteria, the permittee's facility falls into the Level IV frequency category as the facility has a chronic dilution factor ≥500:1 and discharges ≤1.0 MGD. Chapter 530(2)(D)(1) specifies that routine surveillance and screening level testing requirements are as follows:

Level IV testing

Type	WET	Priority pollutant	Analytical chemistry
Screening	1 per year*	1 per year*	4 per year*
Surveillance	1 per year*	None required*	1 per year*

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

Chapter 530(2)(D)(1) states:

> *These routine testing requirements for Level IV are waived, except that the Department shall require an individual discharger to conduct testing under the following conditions.*
>
> *(a) The discharger's permit application or information available to the Department indicate that toxic compounds may be present in toxic amounts; or*
>
> *(b) Previous testing conducted by the discharger or similar dischargers indicates that toxic compounds may be present in toxic amounts.*

The previous permit waived all WET, analytical chemistry and priority pollutant testing pursuant to 06-096 C.M.R. Ch. 530, *Surface Water Toxics Control Program*. Based on the information available to date, the Department has made a best professional judgment determination to continue to waive all surveillance and screening level testing for the permittee. Special Condition I, *Statement For Reduced/Waived Toxics Testing*, of this permit requires the permittee to submit an annual certification indicating the discharge from the facility has not changed substantially since the previous permitting action. 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 WET, priority pollutant and/or analytical testing requirements cited above.

j. Total Nitrogen

The USEPA requested the Department evaluate the reasonable potential for the discharge of total nitrogen (TN) to cause or contribute to non-attainment of applicable water quality standards in marine waters. To date, the permittee has not conducted total nitrogen testing on its discharge.

Currently, there is a lack of ambient TN data for the Western Passage of Passamaquoddy Bay in the vicinity of the discharge. Any ambient calculation of total nitrogen condition would make assumptions as to render the summary statistic of uncertain accuracy. By the next permit renewal, it is anticipated that proxy ambient data from the outer Cobscook Bay and/or lower St. Croix River estuary will be available for a calculation of the anticipated ambient Total Nitrogen condition off Pleasant Point in the absence of a discharge.

In addition, the facility's small discharge limit (0.150 MGD) and high chronic dilution factor (1,000:1) make it unlikely to be causing or contributing to a TN exceedance in the Western Passage, which has an exceptionally high tide range and current speeds. The extensive dilution that occurs in Passamaquoddy Bay given the large tide range in addition to the small discharge volume suggests that any effects of the effluent on the ambient environment would be negligible and possibly even difficult to measure. For this reason, no nitrogen monitoring requirements or limits are being established in this permit.

8. 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.

9. ANTI-DEGRADATION

As permitted, the Department has determined the existing water uses will be maintained and protected and the discharge will not cause or contribute to the failure of the waterbody to meet standards for Class SB. In addition, the Department has made the determination that water quality standards established in State law are protective of all cold-water fish populations and that effluent monitoring of the discharge and ambient water quality monitoring of the receiving waters required by this permit serves as an interim Habitat Conservation Plan.

10. PUBLIC COMMENTS

Public notice of this application was made in the *Calais Advertiser* newspaper on or about May 4, 2017. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses,* 06-096 C.M.R. Ch. 522 (effective January 12, 2001).

11. DEPARTMENT CONTACTS

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

Bekah Farmer
Division of Water Quality Management
Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone (207) 458-8706
E-mail: Bekah.Farmer@maine.gov

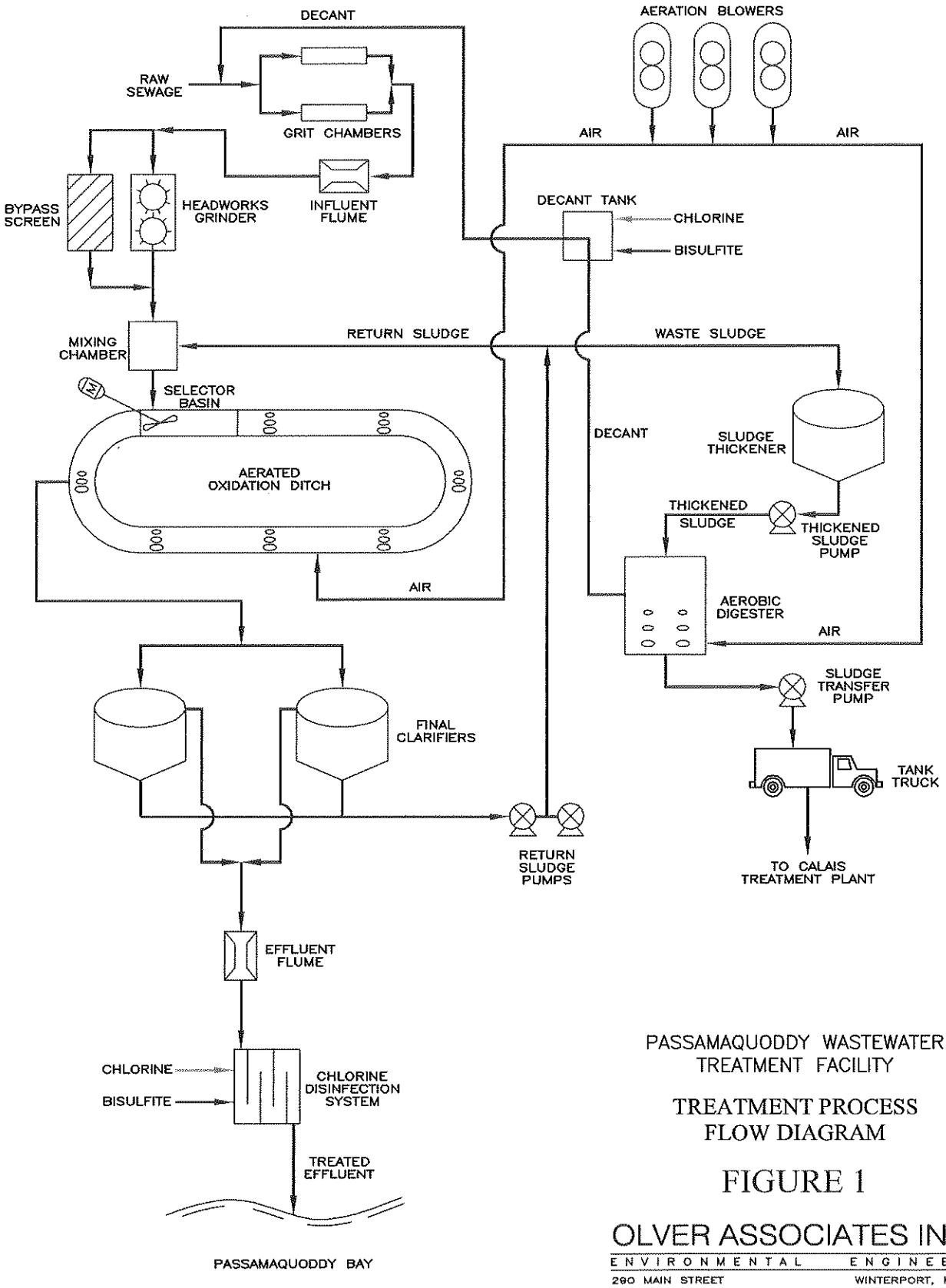
12. RESPONSE TO COMMENTS

Reserved for future public comment.

ATTACHMENT A


Perry, Maine
Passamaquoddy Wastewater Facility
Google Earth
Image © 2026 Airbus

ATTACHMENT B



PASSAMAQUODDY WASTEWATER TREATMENT FACILITY

TREATMENT PROCESS FLOW DIAGRAM

FIGURE 1

OLVER ASSOCIATES INC.
ENVIRONMENTAL ENGINEERS
290 MAIN STREET WINTERPORT, MAINE

ATTACHMENT C

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JANET T. MILLS
GOVERNOR

GERALD D. REID
COMMISSIONER

May 7, 2019

RE: Maine Pollutant Discharge Elimination System/Waste Discharge License (MEPDES/WDL) Permit Limits for Marine Dischargers - Fecal coliform & Enterococcus bacteria

To all MEPDES/WDL marine discharges,

On January 30, 2018, the Department of Environmental Protection (Department) issued a letter to the Maine Rural Water Association (MRWA) and the Maine Water Environment Association (MeWEA) informing the associations of updates to then proposed revisions to Maine water quality standards. The letter (attached) provided information on potential changes to bacteria standards for fresh waters and marine waters as well as how the Department would implement those changes in future MEPDES/WDL permit renewals. Changes to the water quality standards were formally promulgated into State law (38 M.R.S. §465 and §465-B) in the fall of 2018. This letter provides more information on how and why the Department is incorporating bacteria limits into MEPDES/WDL for dischargers to marine waters. This letter also provides information related to changes for the establishment of bacteria limits based on recent comments from the Environmental Protection Agency (EPA) that are unrelated to the statutory changes noted above.

Summary of Changes:
Future MEPDES/WDL will now contain limits for both fecal coliform (as is current practice) to protect the designated use of "propagation and harvesting of shellfish", and newly established limits for enterococcus bacteria, based on current Maine criteria, to protect the designated use of "recreation in and on the water". The seasonality of these limits may be different than previous permits as noted below.

Background Information on Bacteria:
Specific types of non-pathogenic bacteria, such as enterococcus bacteria and fecal coliform, are indicator organisms, or surrogates, for waterborne pathogens (bacteria, viruses, etc.) which enter surface waters from a variety of sources, including human sewage and the feces of warm-blooded wildlife. These pathogens can pose a risk to human health due to gastrointestinal illness through different exposure routes, including contact with and ingestion of waters and consumption of shellfish. These indicator bacteria also highlight the efficacy of disinfection of wastewater.

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

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

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

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

website: www.maine.gov/dep

Recent EPA Decisions:

Enterococcus bacteria

The EPA is reissuing NPDES permits for eight-primary treatment [301(h)] wastewater treatment plants in Maine.[1] These permits will include seasonal monthly average (geometric mean) and daily maximum limitations and monitoring requirements for enterococcus bacteria based on current Maine criteria. Within these permits, the EPA takes the position that for discharges to Class SB and SC waters, in addition to fecal coliform limits to protect the designated use of "propagation and harvesting of shellfish", it is appropriate to require end-of-pipe limits for enterococcus bacteria, based on current Maine criteria, to protect the designated use of "recreation in and on the water".

The EPA is establishing permit limits as follows:

Class SB: (38 M.R.S. §465-B, sub-§2(B))		
enterococcus bacteria		
Monthly Average	**Daily Maximum**	**Season**
8 CFU/100 ml	54 CFU/100 ml	April 15th – October 31st

Class SC: (38 M.R.S. §465-B, sub-§3(B))		
enterococcus bacteria		
Monthly Average	**Daily Maximum**	**Season**
14 CFU/100 ml	94 CFU/100 ml	April 15th – October 31st

The EPA is establishing a deadline of April 15, 2020, for compliance with the enterococcus limitations and monitoring requirements in the eight NPDES permits for the 301(h) facilities.

The effective date of the enterococcus bacteria limits has been delayed to April 15, 2020 due to the limited number of laboratories capable of evaluating enterococcus bacteria in Maine. The Department has submitted a bill (currently pending) to the state legislature to include enterococcus bacteria to the list of exceptions in Maine law at 22 M.R.S. §567, sub (1). This change will allow laboratories operated by wastewater discharge facilities licensed pursuant to *Waste Discharge Licenses*, 38 M.R.S. §413, to test for enterococcus bacteria. If passed, the law will become effective 90 days after the close of the legislative session (approximately late September/early October 2019.)

EPA has informed the Department that we must also include the above enterococcus bacteria limits in MEPDES/WDL to Class SB and SC waters upon renewal. The Department intends to do so.

[1] Although Maine is authorized to implement Clean Water Act requirements, EPA retains permitting authority for these 301h waiver facilities.

Fecal coliform bacteria

Also included in the pending renewal NPDES permits for the eight-primary treatment [301(h)] wastewater treatment plants, the EPA takes the position that for discharges to Class SB and SC waters, it is appropriate to require year-round disinfection for the protection of the designated use of "propagation and harvesting of shellfish". The EPA is establishing permit limits in accordance with the most current National Shellfish Sanitation Program guidelines (2017) as follows:

Class SB & SC		
fecal coliform bacteria		
Monthly Average	**Daily Maximum**	**Season**
14 CFU/100 ml	31 CFU/100 ml	Year round

These limits differ slightly from the limits currently used in MEPDES/WDL of 15 CFU/100 mL as a monthly average (geometric mean) and 50 CFU/100 ml as a daily maximum. EPA has informed the Department that we must also include the above limits in MEPDES/WDL to Class SB and SC waters upon renewal. The Department intends to do so consistent with Maine law.[2]

It is noted that shellfish areas around regulated outfalls are closed by the Maine Department of Marine Resources as a precaution regardless of the bacteria levels in the discharge. These closures are based on the requirements of the National Shellfish Sanitation Program (NSSP). The EPA takes the position that states have a responsibility to set fecal coliform bacteria limits in the permits to protect the designated use of "propagation and harvesting of shellfish" regardless of the closure status and that establishment of year-round fecal coliform limits to protect the designated use is appropriate. EPA has informed the Department that we must also include the above limits year-round in MEPDES/WDL to Class SB and SC waters upon renewal. The Department intends to do so.

Compliance schedules to meet new bacteria and/or extended season bacteria limits:

The Department is aware these new requirements may not be able to be implemented by permittee's immediately due to the need for new analytical equipment and/or complications with dechlorination associated with cold weather operations.

If a permittee believes that a compliance schedule is necessary to make modifications to the facility, the Department will work with each permittee independently to determine an appropriate schedule that is as short as possible, based on consideration of the

[2] 38 M.R.S. §465-B, sub-§2(B) & 38 M.R.S. §465-B, sub-§3(B) both state in part, "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 NSSP, United States Food and Drug Administration."

technological, economic and environmental impact of the steps necessary to come into compliance with the requirements.[3]

Closing Summary:
Upon renewal of MEPDES/WDL for SB and SC waters:

- Numerical limits for both enterococcus and fecal coliform bacteria will be established as noted above.
- Enterococcus limits will be in effect from April 15 to October 30 unless otherwise specified.
- Fecal coliform limits will be in effect year-round.
- Compliance schedules may be granted as noted above.

If you have questions regarding these matters feel free to contact permit writers Gregg Wood at 287-7693, gregg.wood@maine.gov, or Cindy Dionne at 287-7823, cindy.l.dionne@maine.gov.

As always, thank you for your good work to protect and improve the waters of the great State of Maine.

Sincerely,

BRIAN KAVANAH
Director, Bureau of Water Quality

Cc: Sterling Pierce, Pam Parker, John True, Don Witherill, Susanne Meidel – DEP
Kohl Kanwit – DMR
Stacy Thompson – MeWEA
Kirsten Hebert - MRWA

[3] 38 M.R.S. §414(2) *Schedules of Compliance*, and Department Regulation, Ch. 523, Sec. 7.