STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAWN R. GALLAGHER
COMMISSIONER

November 3, 2005

Mr. Richard Seibel
Public Works Director
Town of Camden
56 John Street
Camden, ME 04843

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0102725
Maine Waste Discharge License (WDL) Application #W-007822-5V-E-R
Final MEPDES permit and Maine WDL

Dear Mr. Seibel:

Enclosed, please find a copy of your **final** MEPDES permit and Maine WDL which was approved by the Department of Environmental Protection. Please read the permit/license and its attached conditions carefully. You must follow the conditions in the order to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State law and is subject to enforcement action.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled "*Appealing a Commissioner's Licensing Decision.*"

If you have any questions regarding the matter, please feel free to call me at 287-7659.
Sincerely,

Bill Hinkel
Division of Water Resource Regulation
Bureau of Land and Water Quality

Enclosure

cc: Denise Behr, DEP
Lori Mitchell, DEP
Roger Janson, USEPA
File 7822

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

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF CAMDEN	)	MAINE POLLUTANT DISCHARGE
WASTE SNOW DUMP	)	ELIMINATION SYSTEM PERMIT
CAMDEN, KNOX COUNTY	)	AND
#ME0102725	)	WASTE DISCHARGE LICENSE
#W007822-5V-E-R **APPROVAL**	)	**RENEWAL**

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, §1251, *et seq.*, and Maine law, 38 M.R.S.A., §414-A *et seq.*, and applicable regulations, the Department of Environmental Protection (Department) has considered the application of the TOWN OF CAMDEN (Town), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The Town has applied to the Department for renewal of Waste Discharge License (WDL) #W007822-5V-D-R, which was issued on October 3, 2000 and expired on October 3, 2005. The WDL approved the discharge of waste snow from the Town of Camden Public Landing and the Camden Yacht Club to Camden Harbor, Class SB, and from the Mechanic Street site to the Megunticook River, Class B, in Camden, Maine. It is noted that the Town has agreed to cease snow dump activities at, and thus does not seek authorization to discharge waste snow from, the Mechanic Street (Megunticook River) site.

On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency (USEPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine, excluding areas of special interest to Maine Indian Tribes. From that point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) permit program, and permit #ME0102717 will be utilized as the primary reference number.

PERMIT SUMMARY

This permitting action is establishing a new requirement to implement best management practices (BMPs) for the discharge of waste snow to Camden Harbor in Camden. The permittee is required to employ BMPs to minimize contamination of waste snow with street litter and sand or sand-salt mixtures. This permit does not authorize the discharge of waste snow that is contaminated with oil, petroleum products, chemicals, hazardous wastes or substances, or solid waste (other than incidental street litter). This permitting action is also replacing the permit compliance system (PCS) tracking number of MEU507822 with a new MEPDES permit number of ME0102725.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated November 2, 2005, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.

2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with State law.

3. The provisions of the State's antidegradation policy, 38 M.R.S.A. §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) 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 opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.

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

5. No practicable upland alternative location(s) exists for the disposal of waste snow collected from the urban compact area of the Town of Camden.

6. The discharge will not have a significant impact on navigation.

7. The Town shall restrict the use of sand or sand-salt mixtures in those areas treated for snow removal and from which the snow will be collected for disposal in Camden Harbor.

8. The Town shall employ best management practices to minimize contamination of waste snow by litter.

9. The Town shall not discharge waste snow that is contaminated with oil, chemicals, hazardous wastes or substances, or solid waste (other than incidental street litter) such that the discharge violates Conditions 1 through 3 of this section.

ACTION

THEREFORE, the Department APPROVES the above noted application of the TOWN OF CAMDEN to discharge an unspecified quantity of waste snow to Camden Harbor, Class SB, in Camden, 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. The expiration date of this permit is five (5) years from the date of signature below.

DONE AND DATED AT AUGUSTA, MAINE, THIS 28TH DAY OF OCTOBER, 2005.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____ FOR
DAWN R. GALLAGHER, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: September 26, 2005
Date of application acceptance: September 26, 2005

Date filed with Board of Environmental Protection: FILED NOV 2 2005 BOARD OF ENVIRONMENTAL PROT. STATE OF MAINE.

This Order prepared by William F. Hinkel, BUREAU OF LAND & WATER QUALITY
#ME0102725 / #W007822-5V-E-R November 2, 2005

SPECIAL CONDITIONS

A. NOTIFICATION REQUIREMENT

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

1. Any introduction of pollutants into the waste snow;

2. Any substantial change in the volume or character of pollutants being introduced into the waste snow or snow dump area. For the purposes of this section, notice regarding substantial change shall include information on:

   (a) the quality and quantity of waste snow introduced to the snow dump; and

   (b) any anticipated impact caused by the change in the quantity or quality of the waste snow to be discharged from the snow dump area.

B. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from the Town of Camden Public Landing and the Camden Yacht Club. Discharges of wastewater from any other point source are not authorized under this permit.

C. CONDITIONS FOR THE DISCHARGE OF WASTE SNOW

1. The discharge shall not cause a visible oil sheen, foam, or floating solids, other than ice or snow, at any time, or which would impair the usage designated by the classification of the receiving waters.

2. The effluent shall not contain materials in concentrations or combinations, which are hazardous or toxic to aquatic life, or which would impair the usages designated by the classification of the receiving waters.

3. The discharge shall not impart color, taste, turbidity, toxicity, radioactivity or other properties, which cause those wasters to be unsuitable for the designated uses and characteristics ascribed to their class.

4. Notwithstanding specific conditions of this permit, the effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

5. The discharge of snow shall not cause impoundment of the receiving waters or alter its flow and snow shall not be allowed to accumulate on the inter-tidal areas or wetland.

6. The discharge of snow shall only occur at a site approved by the Department.

C. CONDITIONS FOR THE DISCHARGE OF WASTE SNOW (cont'd)

7. Only snow which is removed from areas where the use of sand or sand/salt mixtures is restricted may be discharged. All waste snow collected for disposal via discharge must be removed from the collection area within 72 hours following the end of a snow event.

8. Snow, which is contaminated with oil, chemicals, hazardous wastes or substances, or solid waste (other than incidental street litter) shall not be discharged.

9. The permittee shall conduct weekly litter removal of the areas from which waste snow will be discharged.

D. REOPENING OF PERMIT FOR MODIFICATIONS

Upon evaluation of the tests results or monitoring requirements specified in Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at anytime and with notice to the permittee, modify this permit to: (1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded; (2) require additional effluent or ambient water quality monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

E. 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 respects 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: **NOVEMBER 2, 2005**

MEPDES PERMIT: **#ME0102725**
WASTE DISCHARGE LICENSE: **#W007822-5V-E-R**

NAME AND ADDRESS OF APPLICANT:

TOWN OF CAMDEN
P.O. BOX 1207
29 ELM STREET
CAMDEN, ME 04843

COUNTY: **KNOX**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

TOWN OF CAMDEN PUBLIC LANDING, BAYVIEW STREET
CAMDEN YACHT CLUB, BAYVIEW STREET

RECEIVING WATER/CLASSIFICATION: **CAMDEN HARBOR/CLASS SB**
(LANDING AND YACHT CLUB DUMPS)

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **MR. RICHARD D. SEIBEL**
PUBLIC WORKS DIRECTOR
TOWNOF CAMDEN
(207) 236-7954

1. APPLICATION SUMMARY

Application: The Town of Camden (Town) has applied to the Department of Environmental Protection (Department) for renewal of Waste Discharge License (WDL) #W007822-5V-D-R, which was issued on October 3, 2000 and expired on October 3, 2005. The WDL approved the discharge of waste snow from the Town of Camden Public Landing and the Camden Yacht Club to Camden Harbor, Class SB, and from the Mechanic Street site to the Megunticook River, Class B, in Camden, Maine. It is noted that the Town has agreed to cease snow dump activities at, and thus does not seek authorization to discharge waste snow from the Mechanic Street (Megunticook River) site.

2. PERMIT SUMMARY

a. Regulatory: On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency (USEPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine, excluding areas of special interest to Maine Indian Tribes. On October 30, 2003, after consultation with the U.S. Department of Justice, the USEPA extended Maine's NPDES program delegation to all but tribally owned lands. In those areas, the Department maintains the authority to issue WDLs pursuant to Maine law. The extent of Maine's delegated authority is under appeal at the time of this permitting action. From that point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) program and permit #ME0102725 will be utilized as the primary reference number for the Town's MEPDES permit.

b. Terms and Conditions: This permitting action is establishing a requirement to implement best management practices (BMP) for the discharge of waste snow to Camden Harbor in Camden. The permittee is required to employ BMPs to minimize contamination of waste snow with street litter and is not authorized to discharge snow that is contaminated with oil, petroleum products, chemicals, hazardous wastes or substances, or solid waste (other than incidental street litter).

c. Facility History: This section provides a summary of significant licensing/permitting actions that have been completed for the Town.

October 3, 2000 – The Department issued WDL #W007822-5V-D-R to the Town for the discharge of waste snow from the Town Public Landing, the Camden Yacht Club, and from a paved area adjacent to Mechanic Street. The 10/3/00 WDL is scheduled to expire on October 3, 2005. The 10/3/00 WDL superseded WDL Amendment #W007822-58-C-A issued on April 5, 1996, which first authorized the discharge of waste snow from the Camden Yacht Club, as well as WDL #W007822-58-B-N issued on January 27, 1995. It is noted that the Town withdrew their initial application (#W007822-58-A-N) for a waste discharge license on June 6, 1994 in anticipation that the Department would develop and regulate snow dumps through a permit-by-rule process. To date, the Department has not developed a permit-by-rule program for waste snow dumps.

January 12, 2001 – The Department received authorization from the USEPA to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine, excluding areas of special interest to Maine Indian Tribes.

September 26, 2005 – The Town submitted a General Application to the Department for the renewal of WDL #W007822-5V-D-R. The application was accepted for processing on September 26, 2005, and was assigned WDL #W007822-5V-E-R. As part of their application, the Town included a letter from the Camden Harbor Master, dated July 21, 2005, stating that the existing snow dumping activities are not anticipated to cause any adverse impacts to navigation.

2. PERMIT SUMMARY (cont'd)

d. Source Description: The Town collects snow from a portion of the downtown area for disposal via overboard discharge. The Town maintains disposal sites at the Town's Public Landing located on Bayview Street and from Town-owned land currently occupied by the Camden Yacht Club located on Bayview Street. The Town has agreed to cease snow dump activities at the Mechanic Street (Megunticook River) site to eliminate this point source discharge, which is consistent with the intent of the Clean Water Act. Waste snow that had been dumped into the Megunticook River will be transported (pushed) to and disposed of at the Town Landing site. The Town reported that the total combined surface area of all streets and roads to be cleared of snow during winter months is approximately 6.1 acres and the total area of parking areas and other paved or impervious areas is 3.5 acres. The Town currently does not authorize private contractors to utilize the snow dump sites.

The Town utilizes liquid road salt (approximately 300 tons of sodium chloride per year) to treat roads before, during and following snow storms and restricts the use of sand (approximately 20 cubic yard per year) to hills and a limited number of stop sign intersections. Sidewalks are treated with magnesium chloride flakes (approximately 250 50-pound bags per year). The Town stated that the use of sand has decreased in recent years and is not a significant material used for winter road and sidewalk treatments. The Town does not dispose of waste snow from industrial sites or commercial parking areas. Best management practices (BMPs) currently employed by the Town include, but are not limited to, daily operation of a street sweeper during the summer and fall months (typically through November), maintenance of trash receptacles in the downtown area that are emptied at least three times per week, restriction of sand use to critical areas, such as hills and a couple of stop sign intersections in the downtown area, and disposal of waste snow immediately following snow removal activities. In addition, the Town stated that the Camden Harbor Master periodically inspects the areas around the snow dump sites to remove incidental street litter that may enter the harbor as a result of snow dumping activities.

The Town indicated that a portion of Camden Harbor is dredged once every three years, on average, to remove sediments entering the marine waters from Megunticook River. The areas surrounding the Town Landing and Yacht Club dump sites are dredged at the same time as the Harbor dredging activities, but only if necessary to maintain passage for navigation. The applicant provided a statement from the Town of Camden Harbor Master, dated July 21, 2005, stating that the Town's snow dumping activities are not anticipated to cause any adverse impacts to navigation.

The permittee has evaluated the suitability of other town-owned land for an upland snow dump and has determined them to be unsuitable or not practicable within the Public Works Department budget.

A map showing the Town's snow dump areas and receiving water is included as Fact Sheet Attachment A.

2. PERMIT SUMMARY (cont'd)

e. Wastewater Treatment: The Town Public Works Department clears snow from downtown area streets, sidewalks and parking areas during and immediately following all winter storm events that have accumulating snowfall. The Town utilizes trackless snowblower(s) and bucket loaders fitted with plows to clear streets, sidewalks, and parking areas. The snow is pushed down slope to either the Town Landing or Yacht Club disposal sites. Waste snow that had previously been pushed to the Mechanic Street disposal site will now be pushed to the Town Landing site in order to eliminate the Megunticook River disposal site.

Based on information obtained through the Camden Harbor Master, Camden Harbor is influenced by an approximately 11-foot vertical tide. The tidal action ensures there is no significant accumulation of sediments in the receiving waters resulting from the snow dump activities. In addition, the Town restricts the use of sand in the collection area, which minimizes the solids content in waste snow discharged.

3. CONDITIONS OF PERMIT

Maine law, 38 M.R.S.A. Section 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, 38 M.R.S.A., Section 420 and Department rule 06-096 CMR Chapter 530, *Surface Water Toxics Control Program,* require the regulation of toxic substances not to exceed levels set forth in Department rule 06-096 CMR Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants*, and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

4. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A. §469 states, *"all estuarine and marine waters lying within the boundaries of the State and which are not otherwise classified are Class SB waters."* Camden Harbor at the point of discharge, thus, is classified as a Class SB water. Maine law, 38 M.R.S.A. §465-B(2) describes the standards for Class SB waters.

5. RECEIVING WATER QUALITY CONDITIONS

The *State of Maine 2004 Integrated Water Quality Monitoring and Assessment Report,* prepared pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the marine and estuarine waters from Rockport Harbor to Ducktrap Harbor, which includes Camden Harbor, as (Waterbody ID #722-21) as, *"Category 5-B-1: Estuarine and Marine Waters Impaired Only by Bacteria (TMDL Required)."* Impairment in this context refers to the designated uses of recreation in and on the water and the harvesting of shellfish. The Department has no information at this time that the snow dumping activities performed by the Town cause or contribute to the non-attainment of the standards for Class SB waters.

5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

Currently, the Maine Department of Marine Resources shellfish harvesting area #C31-A is closed to the harvesting of shellfish based on ambient water quality data, which indicate the harvesting area does not meet the standards in the National Shellfish Sanitation Program. The shellfish closure area is identified on the map included as Fact Sheet Attachment A. The Department does not have any information or reason to conclude that the discharge of waste snow from the Town's snow dump causes or contributes to the non-attainment of the standards for Class SB waters.

6. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

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 Camden Harbor to meet standards for Class SB classification.

7. PUBLIC COMMENTS

Public notice of this application was made in the *Camden Herald* newspaper on or about September 23, 2005. 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.

8. DEPARTMENT CONTACTS

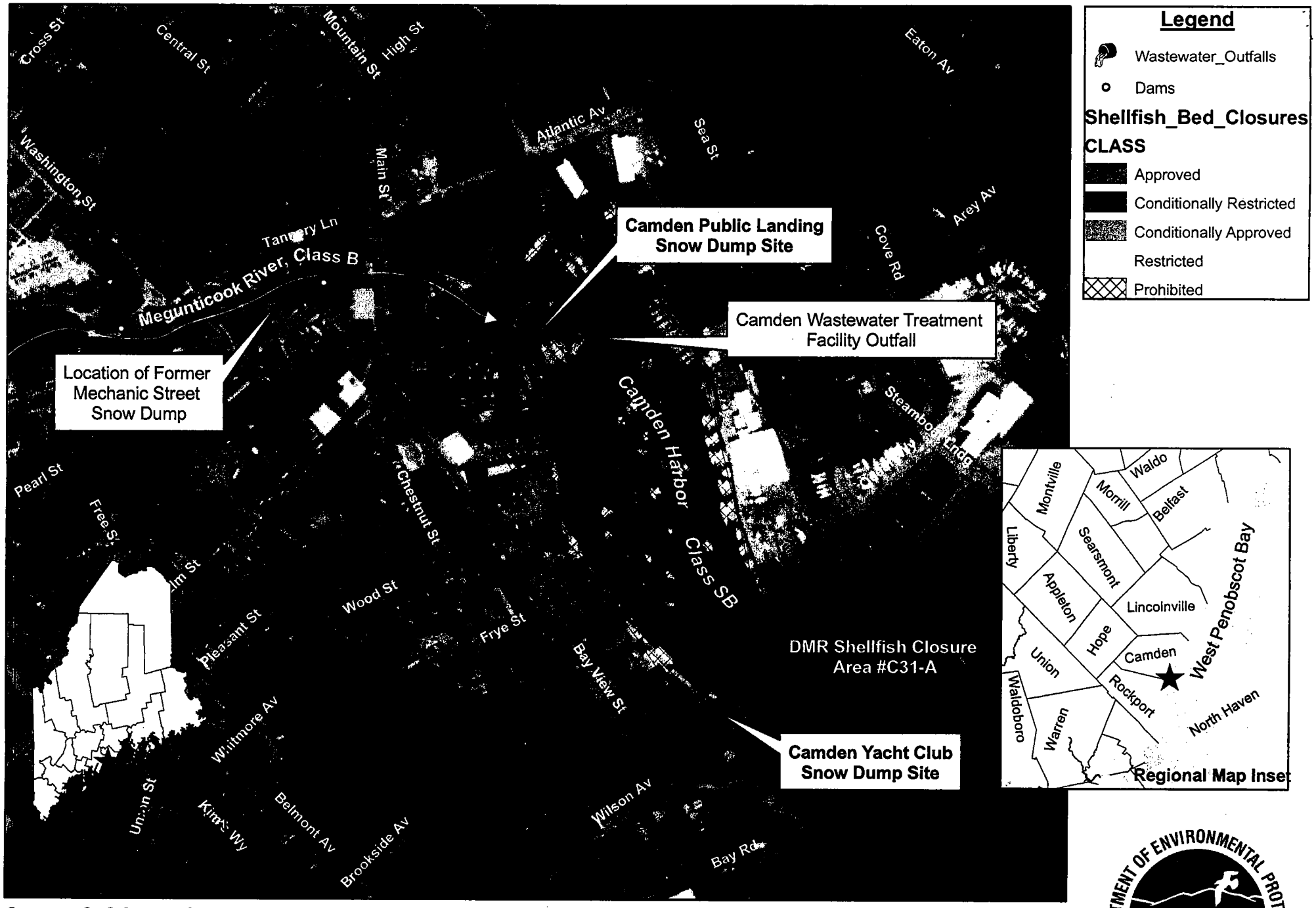
Additional information concerning this permitting action may be obtained from, and written comments sent to:

William F. Hinkel
Division of Water Resource Regulation
Bureau of Land & Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 287-7659

9. RESPONSE TO COMMENTS

During the period of September 27, 2005 through October 27, 2005, the Department solicited comments on the proposed draft Maine Pollutant Discharge Elimination System Permit to be issued to the Town for the proposed discharge of waste snow. The Department received no significant comments on the proposed draft permit; therefore, a response to comments was not prepared.

ATTACHMENT A



Camden, Maine

Map created by Bill Hinkel
Division of Water Resource Regulation
Maine Department of Environmental Protection
July 21, 2005

DEPARTMENT OF ENVIRONMENTAL PROTECTION · STATE OF MAINE