STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JANET T. MILLS
GOVERNOR

MELANIE LOYZIM
COMMISSIONER

August 20, 2024

Mr. David Cyr
Town of Frenchville
285 U.S. Route 1
Frenchville, ME 04745
townmanager@frenchville.org

Sent via electronic mail
Delivery confirmation requested

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit # ME0101982
Maine Waste Discharge License (WDL) Application # W007676-6B-H-R
Proposed Draft MEPDES Permit Renewal

Dear Mr. Cyr:

Attached is a proposed draft MEPDES permit and Maine WDL which the Department proposes to issue for your facility 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.

All comments on the proposed draft permit must be received in the Department of Environmental Protection office on or before the close of business September 19, 2024. Failure to submit comments in a timely fashion will result in the proposed draft permit document being issued as drafted.

Comments in writing should be submitted to my attention by email or 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
Asenath.Frizzell@Maine.gov

If you have any questions regarding the matter, please feel free to contact me.

Sincerely,

Asenath Frizzell
Division of Water Quality Management
Bureau of Water Quality
ph: (207)-215-6856

En.

cc: Sean Bernard, MEDEP
Wendy Garland, MEDEP
Laura Crossley, MEDEP
Lori Mitchell, MEDEP
Fred Corey, Aroostook Band of Micmac Indians
Sharri Venno, Houlton Band of Maliseet Indians
Sean Mahoney, CLF
Environmental Review, DMR
Ellen Weitzler, USEPA
Michael Cobb, USEPA
Richard Carvalho, USEPA
Environmental Review, IFW
Anna Harris, USFWS

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

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF FRENCHVILLE	)	MAINE POLLUTANT DISCHARGE
FRENCHVILLE, AROOSTOOK COUNTY, MAINE	)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS	)	AND
ME0101982	)	WASTE DISCHARGE LICENSE
W007676-6B-H-R **APPROVAL**	)	**RENEWAL**

In compliance with the applicable provisions of *Pollution Control*, 38 M.R.S. §§ 411 – 424, *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 TOWN OF FRENCHVILLE (Town, permittee), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

On June 24, 2022, the Department accepted as complete for processing an application from the Town of Frenchville for the renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit ME0101982/ Maine Waste Discharge License (WDL) W007676-6B-G-R, which was issued by the Department on January 11, 2016 for a five year term. The January 11, 2016 MEPDES permit authorized the monthly average discharge of 0.099 million gallons per day (MGD) of secondary treated municipal wastewater from a publicly owned treatment works (POTW) to the St. John River, Class B, in Frenchville, Maine.

As part of the June 24, 2022 application, the Town requested an increase in permitted flow from 0.099 MGD to 0.120 MGD. The stated design flow of the system in the application is 0.084 MGD, which is significantly below the requested increase. Therefore, the Department denies the request for an increase in permitted flow.

PERMIT SUMMARY

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

1. Establishing a seasonal monitoring requirement for *E. Coli* bacteria from April 15th – October 31st starting from the authorization date of this permit. This permit is also establishing a daily maximum limits of 236 CFU or MPN/100 mL, for *E. Coli* bacteria in accordance with *Standards for classification of fresh surface waters* §465 (3)(B);

2. Establishing a special condition for the completion of the aeration study to be completed and submitted to the Department by midnight on December 31st of the year 2024.

CONCLUSIONS

Based on the findings in the attached and incorporated Preliminary Fact Sheet dated July 17, 2024, 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 natural resource, that water quality will be maintained and protected;

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

   (d) Where the actual quality of any classified receiving waterbody 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 TOWN OF FRENCHVILLE to discharge a monthly average flow of 0.099 MGD of secondary treated municipal wastewater from a publicly owned treatment works to the St. John River, Class B, in Frenchville, Maine, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

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

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

3. This permit and the authorization to discharge become 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 authorization to discharge and the terms and conditions of this permit and all 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 *Rules Concerning the Processing of Applications and Other Administrative Matter*s, 06-096 C.M.R. Ch. 2(21)(A) (amended June 9, 2018)].

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS ___ DAY OF_____2024.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:_____
for MELANIE LOYZIM, Commissioner

Date filed with Board of Environmental Protection _____

Date of initial receipt of application June 2, 2022
Date of application acceptance June 24, 2022

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The Town is authorized to discharge **secondary treated municipal sanitary wastewater from Outfall #001A** to the St. John River, Class B, in Frenchville. Such discharges are limited and must be monitored by the Town 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]*	0.099 MGD *[03]*	---	Report MGD *[03]*	---	---	---	Continuous *[99/99]*	Recorder *[RC]*
Biochemical Oxygen Demand (BOD_5) *[00310]*	25 lbs./day *[26]*	37 lbs./day *[26]*	41 lbs./day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	1/Week *[01/07]*	Composite *[24]*
BOD_5 % Removal[(2)] *[81010]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
Total Suspended Solids (TSS) *[00530]*	25 lbs./day *[26]*	37 lbs./day *[26]*	41 lbs./day *[26]*	30 mg/L *[19]*	45 mg/L *[19]*	50 mg/L *[19]*	1/Week *[01/07]*	Composite *[24]*
TSS % Removal[(2)] *[81011]*	---	---	---	85% *[23]*	---	---	1/Month *[01/30]*	Calculate *[CA]*
E. coli Bacteria[(3,4)] *[31633]* April 15 – October 31	---	---	---	64 CFU or MPN/100 mL [(5)] *[13]*	---	236 CFU or MPN/100 mL *[13]*	1/Week *[01/07]*	Grab *[GR]*
Total Residual Chlorine[(4)] *[50060]*	---	---	---	---	---	1.0 mg/L *[19]*	5/Week *[01/07]*	Grab *[GR]*
pH (Std. Unit) *[00400]*	---	---	---	---	---	6.0 – 9.0 SU *[12]*	5/Week *[05/07]*	Grab *[GR]*
Mercury (Total)[(6)] *[71900]*	---	---	---	5.0 ng/L *[3M]*	---	7.4 ng/L *[3M]*	1/Year *[01/YR]*	Grab *[GR]*

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

FOOTNOTES: See Pages 5-6 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

FOOTNOTES

1. **Sampling** – Influent sampling must be conducted at the headworks building influent channel. Effluent sampling must be sampled at the end of the chlorine contact chamber but prior to the discharge pipe. Any change in sampling location must be approved by the Department in writing. The Town 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 publicly owned treatment works (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 Certification 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 Town monitors any pollutant more frequently than required by the permit using test procedures approved under 40 C.F.R. Part 136 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the discharge monitoring report (DMR).

   In accordance with 40 C.F.R. § 122.44(i)(1)(iv), the Town 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 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 minimum level of the analytical methods approved under 40 C.F.R. Part 136 or required under 40 C.F.R. chapter I, subchapter N or O for the measured pollutant or pollutant parameter. The term "minimum level" refers either to the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (MDL), whichever is higher. Minimum levels may be obtained in the following ways: they may be published in a method; they may be based on the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a laboratory, by a factor.

2. **Percent Removal** – The Town must maintain a minimum of 85 percent removal of both total suspended solids and biochemical oxygen demand for all flows receiving secondary treatment. Compliance with the limitation is based on a twelve-month rolling average. Calendar monthly average precent removal values must be calculated based on influent and effluent concentrations. The twelve-month rolling average calculation is based on the most recent twelve-month period.

3. **Bacteria Limits and Reporting –** *E. coli* bacteria limits and monitoring requirements are seasonal and apply between April 15th and October 31st of each year. In accordance with 38 M.R.S. § 414-A(5), the Department may, at any time and with notice to the Town, modify this permit to establish bacteria limitations on a year-round basis to protect the health, safety, and welfare of the public. The monthly average *E. coli* bacteria limitation is a geometric mean

limitation and sample results must be reported as such. Results must be expressed in MPN/100mL or CFU/100mL.

4. **TRC Monitoring** – Limitations and monitoring requirements are in effect any time elemental chlorine or chlorine based compounds are utilized to disinfect the discharge(s). The Town must utilize a USEPA-approved test method capable of bracketing the TRC limitations specified in this permitting action. Additionally, 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.

5. **Mercury** – The permittee must conduct all mercury monitoring required by this permit or required to determine compliance with interim limitations established pursuant to 06-096 C.M.R. ch. 519 in accordance with the U.S. Environmental Protection Agency's (USEPA) "clean sampling techniques" found in USEPA Method 1669, *Sampling Ambient Water For Trace Metals At EPA Water Quality Criteria Levels*. All mercury analysis must be conducted in accordance with USEPA Method 1631, *Determination of Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Fluorescence Spectrometry.* For the most up-to-date reporting form, go to http://www.maine.gov/dep/water/wd/municipal_industrial/index.html or DEP website at maine.gov/dep/index.html, and search "wastewater reporting forms" and select "Whole Effluent Toxicity, Chemistry, and Mercury Reporting Forms" for reporting form for mercury test results. Compliance with the monthly average limitation established in Special Condition A of this permit will be based on the cumulative arithmetic mean of all mercury tests results that were conducted utilizing sampling Method 1669 and analysis Method 1631 on file with the Department for this facility.

B. NARRATIVE EFFLUENT LIMITATIONS

1. The permittee must not discharge effluent that contains a visible oil sheen, foam or floating solids at any time which would impair the uses 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 uses designated by 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 lower the existing quality of any body of water if the existing quality is higher than the classification.

C. TREATMENT PLANT OPERATOR

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

D. 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.

    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.

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

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

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

E. AUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with: 1) the Town of Frenchville's General Application for Waste Discharge Permit, accepted for processing on June 24, 2022; 2) the terms and conditions of this permit; and 3) only from Outfall #001A. Discharges of wastewater from any other point source(s) 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.

F. COMPLIANCE SCHEDULE

The permittee must complete an aeration study on the lagoon system and submit a copy of the report to the Department by December 31, 2024. Any change to this schedule must be approved in writing by the Department.

G. 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).

G. WET WEATHER MANAGEMENT PLAN

The treatment facility staff must have a current written Wet Weather Flow 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 conform to Department guidelines for such plans and must include operating procedures for a range of intensities, address solids handling procedures (including septic waste and other high strength wastes if applicable) and provide written operating and maintenance procedures during the events.

The permittee must review their plan annually and record any necessary changes to keep the plan up to date. The Department may require review and update of the plan as it is determined to be necessary.

H. OPERATIONS AND MAINTENANCE (O&M) PLAN

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

By December 31 of each year, **or within 90 days of any process changes or minor equipment upgrades,** the permittee must evaluate and modify the O&M Plan including site plan(s) and schematic(s) for the wastewater treatment facility to ensure that it is up-to-date. The O&M Plan must be kept on-site at all times and made available to Department and USEPA personnel upon request.

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

I. 06-096 C.M.R. Ch. 530(2)(D)(4) 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 C** of the Fact Sheet for an acceptable certification form to satisfy this Special Condition.

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

b. Changes in the operation of the treatment works that may increase the toxicity of the discharge;

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 stormwater collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge; and

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

The Department may require that routine screening or surveillance level testing be re-instated if it determines that there have been changes in the character of the discharge or if annual certifications described above are not submitted.

J. MONITORING AND REPORTING

Electronic Reporting

Electronic Discharge Monitoring Reports (DMRs) submitted using the USEPA NetDMR system, must be:

1. Submitted by a facility authorized signatory; and
2. Submitted no later than **midnight on the 15th day of the month** following the completed reporting period.

Documentation submitted in support of the electronic DMR may be attached to the electronic DMR. Toxics reporting must be done using the DEP Toxsheet reporting form. An electronic copy of the Toxsheet reporting document must be submitted to your Department compliance inspector as an attachment to an email. Documentation submitted electronically to the Department in support of the electronic DMR must be submitted no later than midnight on the 15th day of the month following the completed reporting period.

K. REOPENING OF PERMIT FOR MODIFICATION

In accordance with 38 M.R.S. § 414-A(5) and upon evaluation of the tests results in the Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at any time and with notice to the permittee, modify this permit to: 1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded, (2) require additional monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
MAINE WASTE DISCHARGE LICENSE

FACT SHEET

DATE: **August 20, 2024**

PERMIT NUMBER: **ME0101982**

WASTE DISCHARGE LICENSE: **W007676-6B-H-R**

NAME AND ADDRESS OF APPLICANT:

TOWN OF FRENCHVILLE
285 U.S. ROUTE 1
FRENCHVILLE, MAINE 04745

COUNTY: **AROOSTOOK**

NAME AND ADDRESS WHERE DISCHARGE(S) OCCUR(S):

TOWN OF FRENCHVILLE
386 U.S. ROUTE 1
FRENCHVILLE, MAINE 04745

RECEIVING WATER CLASSIFICATION: **ST. JOHN RIVER/CLASS B**

COGNIZANT OFFICIAL CONTACT INFORMATION:

MR. DAVID CYR
207-543-7301
townmanager@frenchville.org

1. APPLICATION SUMMARY

a. Application: On June 24, 2022, the Department accepted as complete for processing an application from the Town of Frenchville for the renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit ME0101982/ Maine Waste Discharge License (WDL) W007676-6B-G-R, which was issued by the Department on January 11, 2016 for a five year term. The January 11, 2016 MEPDES permit authorized the monthly average discharge of 0.099 million gallons per day (MGD) of secondary treated municipal wastewater from a publicly owned treatment works (POTW) to the St. John River, Class B, in Frenchville, Maine.

The Town has asked for an increase in the permitted flow from 0.099 MGD to 0.120 MGD. In the application the Town stated that the design flow of the system is 0.084 MGD and with the design flow being significantly below that of the design flow of the system the decision has been made to deny the request for the increase in permitted flow.

b) Source Description: The Town's wastewater treatment facility treats domestic and commercial sanitary wastewater from Town of Frenchville and Town of St. Agatha. There are no significant industrial users or combined sewer overflow points associated with the collection system. The facility is not authorized to receive or treat septage. Septage generated within town limits is authorized under a different Department license.

In September 2013, the Town's wastewater treatment facility began receiving an additional 0.033 MGD of wastewater flows from residential and commercial entities from the neighboring town of St. Agatha after that town's wastewater treatment facilities were decommissioned. A site location map is included as **Attachment A** of this Fact Sheet.

c) Wastewater Treatment: Sanitary wastewater generated in the Towns of Frenchville and St. Agatha is conveyed through a gravity and pressure sewer collection system to the treatment plant influent pump station. The influent pump station lifts the wastewater into the primary lagoon which has a capacity of 846,000 gallons. Wastewater is then directed by gravity to an aerated secondary lagoon which has a capacity of 1,018,000 gallons. The final effluent is chlorinated and discharges through a single port, 6-inch diameter PVC pipe at a depth of five (5) feet below mean low water in the St. John River. A schematic diagram of the wastewater treatment system is included as **Attachment B** of this Fact Sheet.

2. PERMIT SUMMARY

a. Terms and Conditions:
This permitting action is carrying forward all the terms and conditions of the previous permitting action and it is:

1. Establishing a seasonal monitoring requirement for *E. Coli* bacteria from April 15th – October 31st starting from the authorization date on this permit. This permit is also establishing a daily maximum limits of 236 CFU or MPN/100 mL, for *E. Coli* bacteria in accordance with *Standards for classification of fresh surface waters* 38 M.R.S. §465 (3)(B);

2. Establishing a special condition for the completion of the Aeration study to be done and submitted to the Department by midnight on December 31, 2024.

b. History: This section provides a summary of significant licensing actions and milestones that have been completed for the Town's wastewater treatment facility:

April 12, 1991 – The U.S. Environmental Protection Agency (USEPA) issued National Pollutant Discharge Elimination System (NPDES) permit #ME0101982 with a term of 5 years.

January 2, 1997 – The Department issued a new WDL for the Town's wastewater treatment facility with a license number of W007676-59-A-N with a term of four years.

May 23, 2000 – Pursuant to 38 M.R.S. § 420 and *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 C.M.R. CH. 519, the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the Town thereby administratively modifying WDL permit W007676-59-A-N by establishing interim monthly average and daily maximum effluent concentration limits of 5.0 parts per trillion (ppt) and 7.4 ppt, respectively, and a minimum monitoring frequency requirement of 2 tests per year for mercury.

December 21, 2000 – The Department issued a renewal of the WDL W007676-59-A-N authorizing the continued discharge of treated wastewater from the Town of Frenchville's Wastewater Treatment Facility.

January 12, 2001 – The State of Maine received authorization from the USEPA to administer the NPDES permit program in Maine. From this date forward the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) permit program and ME0101982 remains the primary reference number for the Frenchville facility.

June 17, 2005 – The Department issued WDL/MEPDES Permit W007676- 5L-C-R / ME0101982 for a five-year term.

August 5, 2010 – The Department issued WDL/MEPDES Permit W007676- 6B-D-R / ME0101982 for a five-year term.

February 6, 2012 – The Department issued a modification of WDL/MEPDES Permit W007676-6B-D-R / ME0101982 for a reduction of mercury testing frequency from 2/Year to 1/Year based on *Certain deposits and discharges prohibited,* 38 M.R.S. § 420(1)(B)(F).

October 4, 2013 – The Department issued a modification of WDL/MEPDES Permit W007676- 6B-D-R / ME0101982 to increase the permitted flow from 0.06 MGD to 0.084 MGD.

July 26, 2015 – The Town submitted a timely and complete General Application to the Department for renewal of the August 5, 2010 permit (including subsequent minor permit revisions and permit modifications). The application was accepted for processing on July 27, 2015, and was assigned WDL W007676-6B-G-R / ME0101982.

January 12,2016 – The Department issued WDL/MEPDES Permit W007676-6B-G-R / ME0101982 for a five-year term. This permit also increased the permitted flow from 0.084 MGD to 0.099 MGD.

June 2, 2022 – The Town submitted a complete General Application to the Department for renewal of the January 11, 2016 permit. The application was accepted for processing on June 24, 2022 and was assigned WDL W 007676-6B-H-R / ME0101982. The Department denied a request made for an increase in permitted flow rate from 0.099 MGD to 0.120 MGD.

3. CONDITIONS OF PERMIT

Conditions of licenses, 38 M.R.S. § 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require 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 06-096 C.M.R. ch. 530, require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 C.M.R. ch. 584 (last amended February 16, 2020), and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

4. RECEIVING WATER QUALITY STANDARDS

Classification of major river basins, 38 M.R.S. § 467(15)(A)(3) classifies the St. John River at the point of discharge as a Class B water. *Standards for classification of fresh surface waters,* 38 M.R.S. § 465(3) establishes classification standards for Class B waters as:

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

B. Class B waters must be of sufficient quality to support all aquatic species indigenous to those waters without detrimental changes in the resident biological community. The dissolved oxygen content of Class B waters may not be less than 7 parts per million or 75% of saturation, whichever is higher, except that for the period from October 1st to May 14th, in order to ensure spawning and egg incubation of indigenous fish species, the 7-day mean dissolved oxygen concentration may not be less than 9.5 parts per million and the one-day minimum dissolved oxygen concentration may not be less than 8.0 parts per million in identified fish spawning areas. Between April 15th and October 31st, the number of Escherichia coli bacteria in these waters may not exceed a geometric mean of 64 CFU or MPN per 100 milliliters over a 90-day interval or 236 CFU or MPN per 100 milliliters in more than 10% of the samples in any 90-day interval.

C. Discharges to Class B waters may not cause adverse impact to aquatic life in that the receiving waters must be of sufficient quality to support all aquatic species indigenous to the receiving water without detrimental changes in the resident biological community.

(1-A) For the purpose of allowing the discharge of aquatic pesticides or chemicals approved by the department and conducted by the department, the Department of Inland Fisheries and Wildlife or an agent of either agency to restore resident biological communities affected by an invasive species, the department may find that the discharged effluent will not cause adverse

impact to aquatic life as long as the materials and methods used do not cause a significant loss of any nontarget species and allow restoration of nontarget species. The department may find that an unavoidable, temporary loss of nontarget species does not constitute a significant loss of nontarget species.

(2) 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 aquatic 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 subparagraph, 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 Limits (TBELs) that are necessary to achieve Water Quality Standards (WQS) 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, 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 Limits (WQBELs) for that pollutant. *See* 40 C.F.R. § 122.44(d)(1)(i).

6. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2018/2020/2022 Integrated Water Quality Monitoring and Assessment Report, prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the St. John River, Main Stem, from the international bridge in Fort Kent to the confluence of the Fish River (Assessment Unit ID as ME0101000112_115R) as "*Category 2: Rivers and Streams Attaining Some Designated Uses - Insufficient Information for Other Uses*."

The Report lists all of Maine's fresh waters as, "Category 4-A: Waters Impaired by Atmospheric Deposition of Mercury." Impairment in this context refers to a statewide fish consumption advisory due to elevated levels of mercury in some fish tissues. The Report states, "All freshwaters are listed in Category 4-A (TMDL Completed) due to USEPA approval of a Regional Mercury TMDL.

Maine has a fish consumption advisory for fish taken from all freshwaters due to mercury. Many waters, and many fish from any given water, do not exceed the action level for mercury. However,

because it is impossible for someone consuming a fish to know whether the mercury level exceeds the action level, the Maine Department of Health and Human Services decided to establish a statewide advisory for all freshwater fish that recommends limits on consumption. Maine has already instituted statewide programs for removal and reduction of mercury sources." Pursuant to 38 M.R.S. § 420(1-B)(B), "a facility is not in violation of the ambient criteria for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413 subsection 11." The Department has established interim monthly average and daily maximum mercury concentration limits and reporting requirements for this facility pursuant to 06-096 C.M.R. Ch. 519.

The Department has no information at this time that the discharge from the Town of Frenchville, as permitted, will cause or contribute to the failure of the receiving water to meet the designated uses of its ascribed classification.

7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

a. Flow: The previous permitting action established, and this permitting action is carrying forward, a monthly average discharge flow limit of 0.099 MGD based on the dry weather capacity for the treatment facility, and a daily maximum discharge flow reporting requirement.

The Department reviewed Discharge Monitoring Reports (DMRs) that were submitted for the period March 2022 – March 2024. The review of the data is using fewer then the recommended 2 years due to uncertainty with the data report before March of 2022. A review of data indicates the following:

Flow (DMR=23)

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	0.099	0.04 – 0.1	0.052
Daily Maximum	Report	0.05 – 0.17	0.087

b. Dilution Factors: The Department established applicable dilution factors for the discharge in accordance with freshwater protocols established in *Surface Water Toxics Control Program*, 06-096 C.M.R. Ch. 530 (last amended March 21, 2012). This permitting action is calculating dilution factors associated with the discharge flow limit of 0.099 MGD as follows.

Mod. Acute: ¼ 1Q10 = 170 cfs $\Rightarrow \frac{(170 \text{ cfs})(0.6464) + 0.099 \text{ MGD}}{0.099 \text{ MGD}} = 1{,}111{:}1$

Acute: 1Q10 = 683 cfs $\Rightarrow \frac{(683 \text{ cfs})(0.6464) + 0.099 \text{ MGD}}{0.099 \text{ MGD}} = 4{,}461{:}1$

Chronic: 7Q10 = 696 cfs $\Rightarrow \frac{(696 \text{ cfs})(0.6464) + 0.099 \text{ MGD}}{0.099 \text{ MGD}} = 4{,}545{:}1$

Harmonic Mean = 3,579 cfs[(1)] $\Rightarrow \frac{(3579 \text{ cfs})(0.6464) + 0.099 \text{ MGD}}{0.099 \text{ MGD}} = 23{,}370{:}1$

Footnote:

[(1)]06-096 C.M.R. Ch. 530(4)(B)(1) states that: *"*Analyses *using numerical acute criteria for aquatic life must be based on 1/4 of the 1Q10 stream design flow to prevent substantial acute toxicity within any mixing zone and to ensure a zone of passage of at least 3/4 of the cross-sectional area of any stream as required by Chapter 581. Where it can be demonstrated that a discharge achieves rapid and complete mixing with the receiving water by way of an efficient diffuser or other effective method, analyses may use a greater proportion of the stream design flow, up to and including all of it, as long as the required zone of passage is maintained. Flows that allow bioaccumulation of compounds to levels that are toxic, carcinogenic, mutagenic or teratogenic are not to be used in setting effluent limits."* Therefore, the default stream flow of 1Q10 is applicable in acute statistical evaluations due to having demonstrated rapid and complete mixing. This allows for the use of full acute 1Q10 instead of the modified acute of ¼ of 1Q10.

c. Biochemical Oxygen Demand (BOD_5) and Total Suspended Solids (TSS): The previous permitting action established, and this permitting action is carrying forward, monthly average and weekly average technology-based effluent limits of 30 mg/L and 45 mg/L, respectively, for BOD_5 and TSS pursuant to the secondary treatment regulation at 40 C.F.R. 133.102 and 06-096 C.M.R. Ch. 525(3)(III). The previous permit and this permitting action is also carrying forward the daily maximum technology-based effluent limit of 50 mg/L for both BOD_5 and TSS based on the Department's best professional judgment of best practicable treatment for secondary treated wastewater.
The previous permitting action established technology-based mass limits for BOD_5 and TSS based on a monthly average discharge flow limit of 0.099 MGD.

Monthly Average Mass Limit: (30 mg/L)(8.34 lbs./gallon)(0.099 MGD) = 25 lbs./day

Weekly Average Mass Limit: (45 mg/L)(8.34 lbs./gallon)(0.099 MGD) = 37 lbs./day

Daily Maximum Mass Limit: (50 mg/L)(8.34 lbs./gallon)(0.099 MGD) = 41 lbs./day

This permitting action is carrying forward a requirement for a minimum of 85% removal of BOD_5 & TSS pursuant to 06-096 C.M.R. Ch. 525(3)(III)(a&b)(3). The Town has not demonstrated that it qualifies for special considerations pursuant to 06-096 C.M.R. Ch. 525(3)(IV) to maintain a waiver from the 85% removal requirement when influent concentration is less than 200 mg/L, which was established in a previous permit.

The Department reviewed 19 DMRs that were submitted for the period March 2022 – March 2024, for BOD. A review of data indicates the following:

BOD_5 Mass (DMRs=19)

Value	Limit (lbs./day)	Range (lbs./day)	Mean (lbs./day)
Monthly Average	25	3 – 27	14
Weekly Average	37	4 - 41	21
Daily Maximum	41	4 – 41	21

BOD_5 Concentration (DMRs=19)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	30	8 – 62	34
Weekly Average	45	12 – 68	46
Daily Maximum	50	12 – 68	46

The Department reviewed 19 DMRs that were submitted for the period March 31, 2022 – September 30, 2023, for TSS. A review of data indicates the following:

TSS Mass (DMR=19)

Value	Limit (lbs./day)	Range (lbs./day)	Mean (lbs./day)
Monthly Average	25	6 - 31	14
Weekly Average	37	6 – 52	21
Daily Maximum	41	6 – 52	21

TSS Concentration (DMR=19)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	30	16 – 134	35
Weekly Average	45	17 – 157	47
Daily Maximum	50	17- 157	47

Minimum monitoring frequency requirements in MEPDES permits are prescribed by 06-096 C.M.R. Ch. 523(5)(i). The USEPA has published guidance entitled, *Interim Guidance for Performance Based Reductions of NPDES Permit Monitoring Frequencies* (USEPA Guidance April 1996). In addition, the Department has supplemented the EPA guidance with its own guidance entitled, *Performance Based Reduction of Monitoring Frequencies - Modification of EPA Guidance Released April 1996* (Maine DEP May 22, 2014).

Although EPA's 1996 Guidance recommends evaluation of the most current two-years of effluent data for a parameter, the Department is considering 17 months of data (March 2022 – September, 2023) due to the data having uncertainty around what was reported. The previous permitting action established a minimum monitoring frequency requirement of 1/week.

d. <u>*Escherichia coli*</u> Bacteria: Previous permitting action established seasonal monthly average and daily maximum concentration limits for *E. coli* bacteria of 64 colony forming units (CFU) or most probable number (MPN)/100 mL (geometric mean) and 427 CFU or MPN/100 mL (instantaneous level), respectively, based on the State of Maine Water Classification Program criteria for Class B waters found at 38 M.R.S. §465(3)(B) at the time of permitting.

During calendar year 2018, Maine's Legislature approved a new daily maximum water quality standards of 236 CFU or MPN/100 mL for water bodies designated as Class B and Class C. Therefore, this permit is reducing the daily maximum limitation to 236 CFU or MPN/100 mL.

Current EPA guidance recommends that Maine extend the monitoring season within which bacteria criteria apply to reflect a longer time-period for potential human recreational contact than the current period. Pursuant to 38 M.R.S. § 465(3)(B) (amended February 16, 2018), this permitting action is expanding the *E. coli* bacteria monitoring season from May 15 – September

30 to April 15 – October 31. The Department reserves the right to impose year-round bacteria limits, if necessary, to protect the health, safety and welfare of the public.

A reviewed of the DMR data for the period March 31, 2022 – September 30, 2023 indicates the Town has reported values as follows:

***E. coli* Bacteria (DMRs = 10)**

Value	**Limit** (CFU or MPN/100 mL)	**Range** (CFU or MPN/100 mL)	**Mean** (CFU or MPN/100 mL)
Monthly Average	64	0.0 - 599	92
Daily Maximum	427	0.0 – 2520	316

e. Total Residual Chlorine (TRC): The previous permitting action established a technology-based daily maximum concentration limit of 1.0 mg/L for TRC. Limitations on TRC are specified to ensure that ambient water quality standards are maintained and that best practicable treatment (BPT) technology is being applied to the discharge. Department permitting actions impose the more stringent of either a water quality-based or technology-based effluent limit, based on best practicable treatment. With acute and chronic dilution factors associated with the discharge water quality-based concentration thresholds the discharge may be calculated as follows:

			Calculated	
Acute (A) Criterion	Chronic (C) Criterion	Modified A & C Dilution Factors	Acute Threshold	Chronic Threshold
0.019 mg/L	0.011 mg/L	4461:1(A) 4,545:1 (C)	84 mg/L	50 mg/L

The Department has established a daily maximum best practicable treatment limitation of 1.0 mg/L for facilities that disinfect their effluent with elemental chlorine or chlorine-based compounds. The daily maximum technology-based standard of 1.0 mg/L is more stringent than the acute water quality-based threshold calculated above, and is therefore being carried forward in this permitting action. Although bacteria limitations are seasonal and apply between April 15th and October 31st of each year, TRC monitoring must be conducted during any periods that chlorine-based compounds are in use at the facility.

The Department reviewed DMRs that were submitted for the period March 31, 2022 through September 30, 2023.

Total Residual Chlorine (DMRs=29)

Value	**Limit (mg/L)**	**Range (mg/L)**	**Mean (mg/L)**
Daily Maximum	1.0	0.51 – 1.10	0.740

The Department is carrying forward the minimum monitoring frequency for TRC of 5/Week.

f. pH: The previous permitting action established, and this permitting action is carrying forward, a technology-based pH limit of 6.0 – 9.0 standard units (SU), which is based on 06-096 C.M.R. Ch. 525(3)(III) and a minimum monitoring frequency requirement of 5/week.

The Department reviewed 19 DMRs that were submitted for the period (March 31, 2022 – September 31, 2023). A review of data indicates the following:

pH (DMRs=19)

Value	Limit (SU)	Range (SU)	Maximum (SU)
Range	6.0 – 9.0	6.70-8.50	8.50

g. Mercury: Pursuant to *Certain deposits and discharges prohibited*, Maine law, 38 M.R.S. § 420 and *Waste Discharge Licenses*, 38 M.R.S. § 413 and *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 C.M.R. Ch. 519 (last amended October 6, 2001), the Department issued interim average and daily maximum effluent concentration limits of 5.0 parts per trillion (ppt) and 7.4 ppt, respectively, and a minimum monitoring frequency requirement of one (1) test per year for mercury. 38 M.R.S. § 420(1-B)(B)(1) provides that a facility is not in violation of the AWQC for mercury if the facility is in compliance with an interim discharge limit established by the Department.

A review of the Department's data base for the period March 2022 – September 2023; the interim limits for mercury results have been reported as follows:

Mercury (DMRs=1)

Value	Limit (ng/L)	Range (ng/L)	Mean (ng/L)
Average	5.0	7.96	7.96
Daily Maximum	7.4		

Pursuant to 38 M.R.S. § 420(1-B)(F), the Department issued a minor revision on February 6, 2012 , revising the minimum monitoring frequency requirement from twice per year to once per year given the Town has maintained at least 5 years of mercury testing data. Pursuant to 38 M.R.S. § 420(1-B)(F), this permitting action is carrying forward the 1/Year monitoring frequency established in the February 6, 2012 permit modification.

h. Total Phosphorus: The previous permit established that no effluent limitations or monitoring are required for total phosphorus. This permit is carrying forward those findings. The Frenchville POTW's effluent and ambient monitoring done in August and September 2014 measured a mean effluent concentration of 2.2 mg/L and an upstream background concentration in the St. John River of 0.0085 mg/L. Using these values, the department completed a following reasonable potential analysis in 2014:

$$Cr = \frac{QeCe + QsCs}{Qr}$$

Qe = effluent flow i.e. facility design flow = 0.099 MGD
Ce = effluent pollutant concentration = 2.2 mg/L
Qs = 7Q10 flow of receiving water = 450 MGD
Cs = upstream concentration = 0.0085 mg/L
Qr = receiving water flow (Qs + Qe) = (450 MGD + 0.099 MGD)=450.1 MGD
Cr = receiving water concentration

$$Cr = \frac{(0.099 \text{ MGD} \times 2.2 \text{ mg/L}) + (450 \text{ MGD} \times 0.0085 \text{ mg/L})}{450.1 \text{ MGD}} = 0.009 \text{ mg/L}$$

Cr = 0.009 mg/L < 0.100 mg/L ⇒ No Reasonable Potential
Cr = 0.009 mg/L < 0.030 mg/L ⇒ No Reasonable Potential

The Town of Frenchville's discharge does not have a reasonable potential to exceed the EPA's Gold Book ambient water quality goal of 0.100mg/L (100 ug/L) for total phosphorus or the Department's 06-096 CMR 583 draft goal of 0.30 mg/L (30 ug/L) for class B waters. Also, the discharge will not result in a measurable increase in ambient total phosphorus concentration of the St. John River.

i. Whole Effluent Toxicity (WET), Priority Pollutant, and Analytical Chemistry Testing:
The previous permitting action did not contain any WET or chemical specific testing requirements as the Frenchville facility was waived from testing pursuant to 06-096 C.M.R. Ch. 530. 38 M.R.S. § 414-A and § 420, prohibit the discharge of substances in amounts that would cause surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the USEPA. 06-096 C.M.R. Ch. 530 sets forth effluent monitoring requirements to establish safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected and narrative and numeric

quality criteria are met. 06-096 C.M.R. Ch. 584 sets 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 required to assess the levels of individual toxic pollutants in the discharge, comparing each pollutant to acute, chronic, and human health AWQC as established in Chapter 584.

06-096 C.M.R. Ch. 530(2)(B) categorizes dischargers subject to the toxics rule into one of four levels the categories are as follows:

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

06-096 C.M.R. Ch. 530 (1)(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 Town's facility falls into the Level IV frequency category as the facility has a chronic dilution factor of 4,545:1 and a flow of 0.099 MGD. 06-096 C.M.R. Ch. 530(1)(D)(1) specifies that routine screening and surveillance level testing requirements are as follows:

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

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

Surveillance level testing – Beginning upon permit issuance and lasting through 24 months prior to permit expiration(Years 1, 2 & 3 of the term of the permit) and commencing again 12 months prior to permit expiration (Year 5 of the term of the permit), the Town shall conduct surveillance level testing as follows:

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

The routine testing requirements for Level IV are waived pursuant to Chapter 530, 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 Department has no information on file that warrants establishing WET, priority pollutant or analytical chemistry testing.

In accordance with Department rule Chapter 530(2)(D)(4) and Special Condition H of this permit, *06-096 C.M.R. Ch. 530(2)(D)(4) Statement For Reduced/Waived Toxics Testing*
the Town must annually submit a written statement to the Department evaluating its current status for each of the conditions listed. See **Attachment C** of the fact sheet for an acceptable certification form to satisfy this Special Condition.

Therefore, this permitting action is carrying forward the toxics testing waiver pursuant to 06-096 C.M.R. Ch. 530 and Department best professional judgment.

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 B classification.

11. PUBLIC COMMENTS

Public notice of this application was made in the *St. John Valley Times* newspaper on or about May 4, 2022. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits must have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses,* 06-096 C.M.R. Ch. 522 (effective January 12, 2001).

12. DEPARTMENT CONTACTS

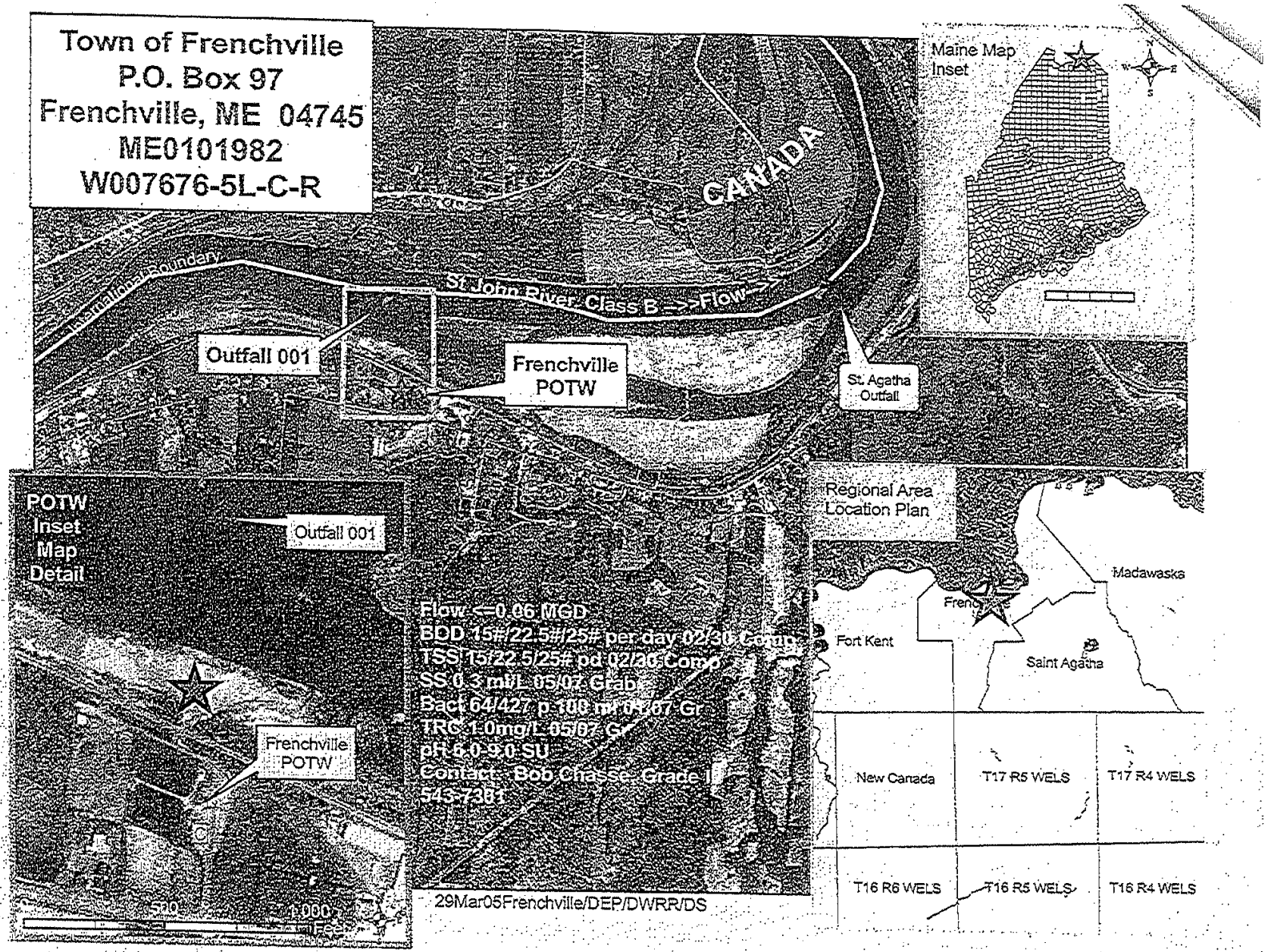
Additional information concerning this permitting action may be obtained from, and written comments sent to:

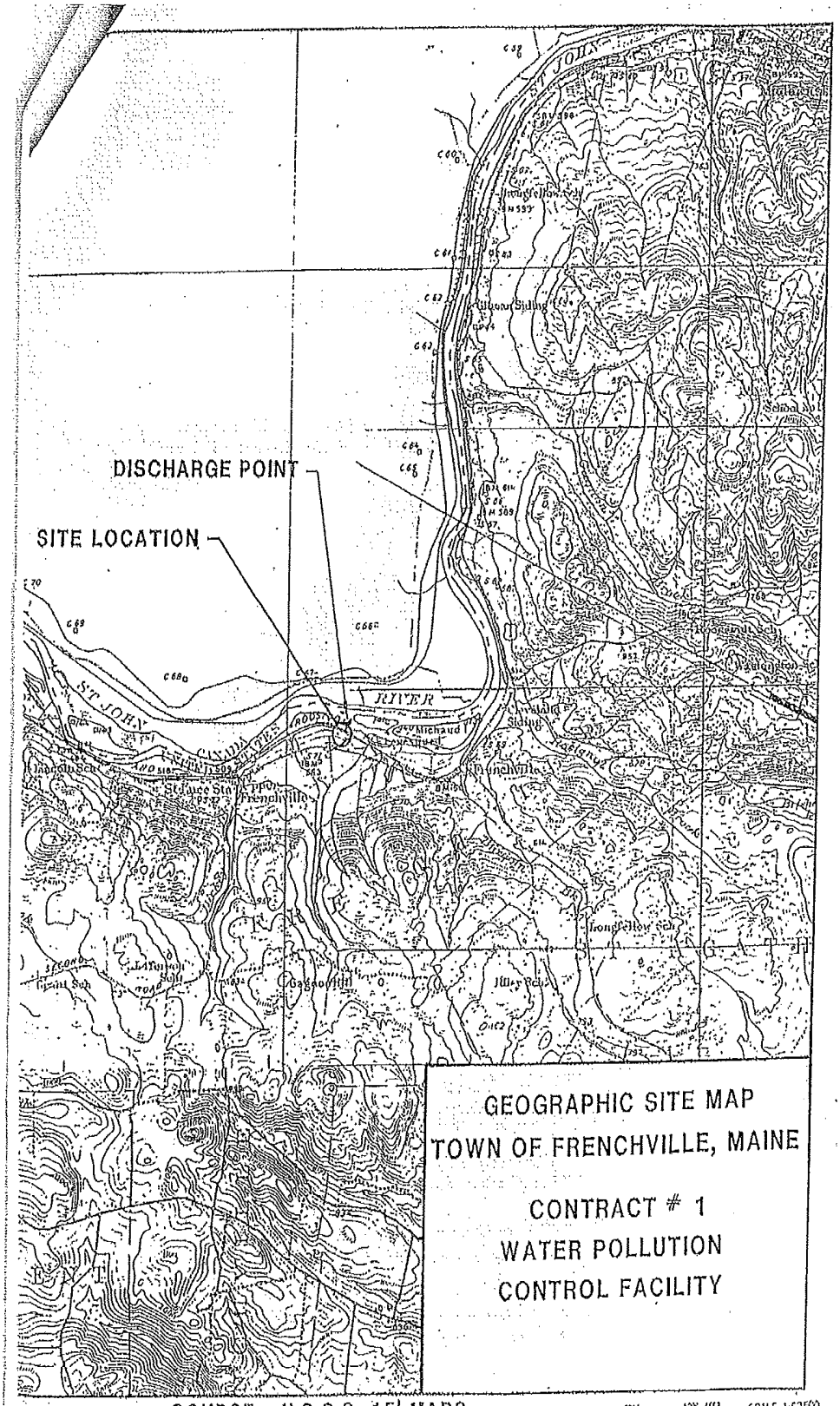
Asenath Frizzell
Division of Water Quality Management
Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 215-6856
e-mail: Asenath.Frizzell@maine.gov

13. RESPONSE TO COMMENTS

During the period of Date to be added, through the effective date of this final agency action, the Department solicited comments on the draft MEPDES permit. The Department did not receive any substantive comment on the draft permit. It is noted that minor typographical and grammatical errors identified in comments were not summarized in this section, but were corrected, where necessary, in the final permit.

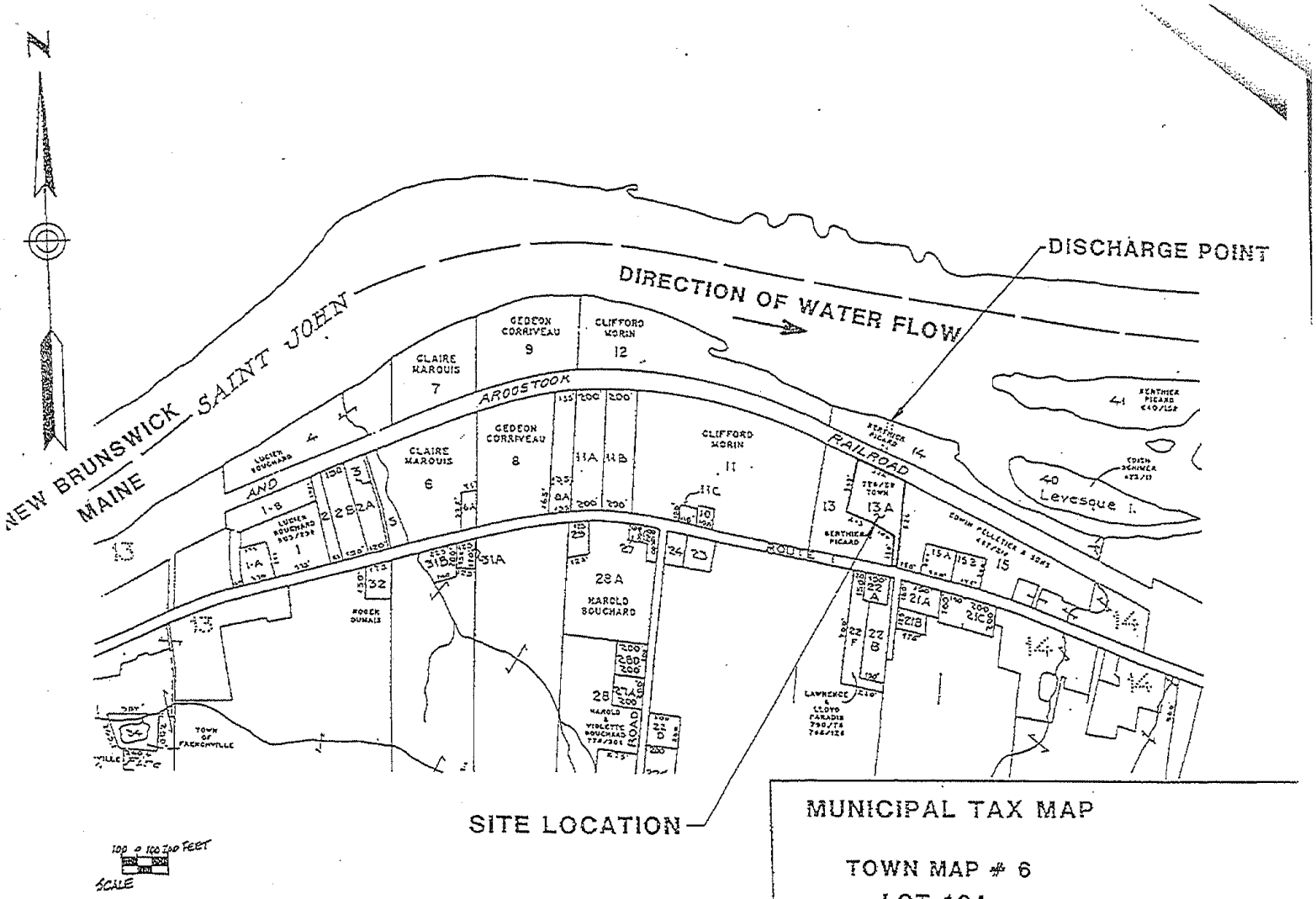
ATTACHMENT A





GEOGRAPHIC SITE MAP
TOWN OF FRENCHVILLE, MAINE

CONTRACT # 1
WATER POLLUTION
CONTROL FACILITY

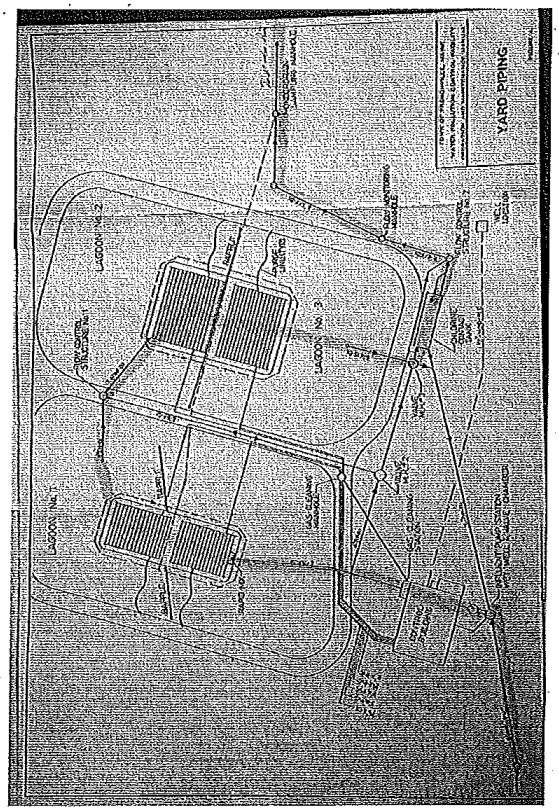


MUNICIPAL TAX MAP

TOWN MAP # 6

LOT 13A

ATTACHMENT B



ATTACHMENT C

Maine Department of Environmental Protection

Effluent Mercury Test Report

Name of Facility: _____ Federal Permit # ME _____

Purpose of this test:
- ☐ Initial limit determination
- ☐ Compliance monitoring for: year _____ calendar quarter _____
- ☐ Supplemental or extra test

SAMPLE COLLECTION INFORMATION

Sampling Date: ___ ___ ___ (mm dd yy) Sampling time: _____ AM/PM

Sampling Location:

Weather Conditions: _____

Please describe any unusual conditions with the influent or at the facility during or preceding the time of sample collection:

Optional test - not required but recommended where possible to allow for the most meaningful evaluation of mercury results:

Suspended Solids _____ mg/L Sample type: _____ Grab (recommended) or _____ Composite

ANALYTICAL RESULT FOR EFFLUENT MERCURY

Name of Laboratory: _____

Date of analysis: _____ **Result:** _____ **ng/L (PPT)**

Please Enter Effluent Limits for your facility

Effluent Limits: **Average =** _____ ng/L **Maximum =** _____ ng/L

Please attach any remarks or comments from the laboratory that may have a bearing on the results or their interpretation. If duplicate samples were taken at the same time please report the average.

CERTIFICATION

I certifiy that to the best of my knowledge the foregoing information is correct and representative of conditions at the time of sample collection. The sample for mercury was collected and analyzed using EPA Methods 1669 (clean sampling) and 1631 (trace level analysis) in accordance with instructions from the DEP.

By: _____ Date: _____

Title: _____

PLEASE MAIL THIS FORM TO YOUR ASSIGNED INSPECTOR

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

CONTENTS

SECTION	TOPIC	PAGE
A	GENERAL PROVISIONS	
1	General compliance	2
2	Other materials	2
3	Duty to Comply	2
4	Duty to provide information	2
5	Permit actions	2
6	Reopener clause	2
7	Oil and hazardous substances	2
8	Property rights	3
9	Confidentiality	3
10	Duty to reapply	3
11	Other laws	3
12	Inspection and entry	3
B	OPERATION AND MAINTENANCE OF FACILITIES	
1	General facility requirements	3
2	Proper operation and maintenance	4
3	Need to halt reduce not a defense	4
4	Duty to mitigate	4
5	Bypasses	4
6	Upsets	5
C	MONITORING AND RECORDS	
1	General requirements	6
2	Representative sampling	6
3	Monitoring and records	6
D	REPORTING REQUIREMENTS	
1	Reporting requirements	7
2	Signatory requirement	8
3	Availability of reports	8
4	Existing manufacturing, commercial, mining, and silvicultural dischargers	8
5	Publicly owned treatment works	9
E	OTHER PROVISIONS	
1	Emergency action - power failure	9
2	Spill prevention	10
3	Removed substances	10
4	Connection to municipal sewer	10
F	DEFINTIONS	10

A. GENERAL PROVISIONS

1. **General compliance**. All discharges shall be consistent with the terms and conditions of this permit; any changes in production capacity or process modifications which result in changes in the quantity or the characteristics of the discharge must be authorized by an additional license or by modifications of this permit; it shall be a violation of the terms and conditions of this permit to discharge any pollutant not identified and authorized herein or to discharge in excess of the rates or quantities authorized herein or to violate any other conditions of this permit.

2. Other materials. Other materials ordinarily produced or used in the operation of this facility, which have been specifically identified in the application, may be discharged at the maximum frequency and maximum level identified in the application, provided:

(a) They are not

(i) Designated as toxic or hazardous under the provisions of Sections 307 and 311, respectively, of the Federal Water Pollution Control Act; Title 38, Section 420, Maine Revised Statutes; or other applicable State Law; or
(ii) Known to be hazardous or toxic by the licensee.

(b) The discharge of such materials will not violate applicable water quality standards.

3. Duty to comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of State law and the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

(a) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act, and 38 MRSA, §420 or Chapter 530.5 for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
(b) Any person who violates any provision of the laws administered by the Department, including without limitation, a violation of the terms of any order, rule license, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

4. Duty to provide information. The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

5. Permit actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

6. Reopener clause. The Department reserves the right to make appropriate revisions to this permit in order to establish any appropriate effluent limitations, schedule of compliance or other provisions which may be authorized under 38 MRSA, §414-A(5).

7. Oil and hazardous substances. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject under section 311 of the Federal Clean Water Act; section 106 of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; or 38 MRSA §§ 1301, et. seq.

8. Property rights. This permit does not convey any property rights of any sort, or any exclusive privilege.

9. Confidentiality of records. 38 MRSA §414(6) reads as follows. "Any records, reports or information obtained under this subchapter is available to the public, except that upon a showing satisfactory to the department by any person that any records, reports or information, or particular part or any record, report or information, other than the names and addresses of applicants, license applications, licenses, and effluent data, to which the department has access under this subchapter would, if made public, divulge methods or processes that are entitled to protection as trade secrets, these records, reports or information must be confidential and not available for public inspection or examination. Any records, reports or information may be disclosed to employees or authorized representatives of the State or the United States concerned with carrying out this subchapter or any applicable federal law, and to any party to a hearing held under this section on terms the commissioner may prescribe in order to protect these confidential records, reports and information, as long as this disclosure is material and relevant to any issue under consideration by the department."

10. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

11. Other laws. The issuance of this permit does not authorize any injury to persons or property or invasion of other property rights, nor does it relieve the permittee if its obligation to comply with other applicable Federal, State or local laws and regulations.

12. Inspection and entry. The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the EPA Administrator), upon presentation of credentials and other documents as may be required by law, to:

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
(d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

B. OPERATION AND MAINTENACE OF FACILITIES

1. General facility requirements.

(a) The permittee shall collect all waste flows designated by the Department as requiring treatment and discharge them into an approved waste treatment facility in such a manner as to

maximize removal of pollutants unless authorization to the contrary is obtained from the Department.

(b) The permittee shall at all times maintain in good working order and operate at maximum efficiency all waste water collection, treatment and/or control facilities.

(c) All necessary waste treatment facilities will be installed and operational prior to the discharge of any wastewaters.

(d) Final plans and specifications must be submitted to the Department for review prior to the construction or modification of any treatment facilities.

(e) The permittee shall install flow measuring facilities of a design approved by the Department.

(f) The permittee must provide an outfall of a design approved by the Department which is placed in the receiving waters in such a manner that the maximum mixing and dispersion of the wastewaters will be achieved as rapidly as possible.

2. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

3. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

4. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. Bypasses.

(a) Definitions.

(i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

(ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c) and (d) of this section.

(c) Notice.

(i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph D(1)(f), below. (24-hour notice).

(d) Prohibition of bypass.

(i) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
(C) The permittee submitted notices as required under paragraph (c) of this section.

(ii) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph (d)(i) of this section.

6. Upsets.

(a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
(b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
(c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and that the permittee can identify the cause(s) of the upset;
(ii) The permitted facility was at the time being properly operated; and
(iii) The permittee submitted notice of the upset as required in paragraph D(1)(f) , below. (24 hour notice).
(iv) The permittee complied with any remedial measures required under paragraph B(4).

(d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

C. MONITORING AND RECORDS

1. General Requirements. This permit shall be subject to such monitoring requirements as may be reasonably required by the Department including the installation, use and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). The permittee shall provide the Department with periodic reports on the proper Department reporting form of monitoring results obtained pursuant to the monitoring requirements contained herein.

2. Representative sampling. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. If effluent limitations are based wholly or partially on quantities of a product processed, the permittee shall ensure samples are representative of times when production is taking place. Where discharge monitoring is required when production is less than 50%, the resulting data shall be reported as a daily measurement but not included in computation of averages, unless specifically authorized by the Department.

3. Monitoring and records.

(a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(b) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.

(c) Records of monitoring information shall include:

(i) The date, exact place, and time of sampling or measurements;
(ii) The individual(s) who performed the sampling or measurements;
(iii) The date(s) analyses were performed;
(iv) The individual(s) who performed the analyses;
(v) The analytical techniques or methods used; and
(vi) The results of such analyses.

(d) Monitoring results must be conducted according to test procedures approved under 40 CFR part 136, unless other test procedures have been specified in the permit.

(e) State law provides that any person who tampers with or renders inaccurate any monitoring devices or method required by any provision of law, or any order, rule license, permit approval or decision is subject to the penalties set forth in 38 MRSA, §349.

D. REPORTING REQUIREMENTS

1. Reporting requirements.

(a) Planned changes. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

(i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
(ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Section D(4).
(iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;

(b) Anticipated noncompliance. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
(c) Transfers. This permit is not transferable to any person except upon application to and approval of the Department pursuant to 38 MRSA, § 344 and Chapters 2 and 522.
(d) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Department for reporting results of monitoring of sludge use or disposal practices.
(ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Department.
(iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.

(e) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(f) Twenty-four hour reporting.

(i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance

has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(ii) The following shall be included as information which must be reported within 24 hours under this paragraph.

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit.
(B) Any upset which exceeds any effluent limitation in the permit.
(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.

(iii) The Department may waive the written report on a case-by-case basis for reports under paragraph (f)(ii) of this section if the oral report has been received within 24 hours.

(g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (d), (e), and (f) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (f) of this section.

(h) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

2. Signatory requirement. All applications, reports, or information submitted to the Department shall be signed and certified as required by Chapter 521, Section 5 of the Department's rules. State law provides that any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained by any order, rule, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

3. Availability of reports. Except for data determined to be confidential under A(9), above, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. As required by State law, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal sanctions as provided by law.

4. Existing manufacturing, commercial, mining, and silvicultural dischargers. In addition to the reporting requirements under this Section, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Department as soon as they know or have reason to believe:

(a) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(i) One hundred micrograms per liter (100 ug/l);
(ii) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
(iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
(iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

(b) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following ``notification levels":

(i) Five hundred micrograms per liter (500 ug/l);
(ii) One milligram per liter (1 mg/l) for antimony;
(iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
(iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

5. Publicly owned treatment works.

(a) All POTWs must provide adequate notice to the Department of the following:

(i) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA or Chapter 528 if it were directly discharging those pollutants.
(ii) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
(iii) For purposes of this paragraph, adequate notice shall include information on (A) the quality and quantity of effluent introduced into the POTW, and (B) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

(b) When the effluent discharged by a POTW for a period of three consecutive months exceeds 80 percent of the permitted flow, the permittee shall submit to the Department a projection of loadings up to the time when the design capacity of the treatment facility will be reached, and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans.

E. OTHER REQUIREMENTS

1. Emergency action - power failure. Within thirty days after the effective date of this permit, the permittee shall notify the Department of facilities and plans to be used in the event the primary source of power to its wastewater pumping and treatment facilities fails as follows.

(a) For municipal sources. During power failure, all wastewaters which are normally treated shall receive a minimum of primary treatment and disinfection. Unless otherwise approved, alternate power supplies shall be provided for pumping stations and treatment facilities. Alternate power supplies shall be on-site generating units or an outside power source which is separate and independent from sources used for normal operation of the wastewater facilities.

(b) For industrial and commercial sources. The permittee shall either maintain an alternative power source sufficient to operate the wastewater pumping and treatment facilities or halt, reduce or otherwise control production and or all discharges upon reduction or loss of power to the wastewater pumping or treatment facilities.

2. Spill prevention. (applicable only to industrial sources) Within six months of the effective date of this permit, the permittee shall submit to the Department for review and approval, with or without conditions, a spill prevention plan. The plan shall delineate methods and measures to be taken to prevent and or contain any spills of pulp, chemicals, oils or other contaminates and shall specify means of disposal and or treatment to be used.

3. **Removed substances.** Solids, sludges trash rack cleanings, filter backwash, or other pollutants removed from or resulting from the treatment or control of waste waters shall be disposed of in a manner approved by the Department.

4. **Connection to municipal sewer.** (applicable only to industrial and commercial sources) All wastewaters designated by the Department as treatable in a municipal treatment system will be cosigned to that system when it is available. This permit will expire 90 days after the municipal treatment facility becomes available, unless this time is extended by the Department in writing.

F. DEFINITIONS. For the purposes of this permit, the following definitions shall apply. Other definitions applicable to this permit may be found in Chapters 520 through 529 of the Department's rules

Average means the arithmetic mean of values taken at the frequency required for each parameter over the specified period. For bacteria, the average shall be the geometric mean.

Average monthly discharge limitation means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. Except, however, bacteriological tests may be calculated as a geometric mean.

Average weekly discharge limitation means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Best management practices ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Composite sample means a sample consisting of a minimum of eight grab samples collected at equal intervals during a 24 hour period (or a lesser period as specified in the section on monitoring and reporting) and combined proportional to the flow over that same time period.

Continuous discharge means a discharge which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes, or other similar activities.

Daily discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.

Discharge Monitoring Report ("DMR") means the EPA uniform national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees. DMRs must be used by approved States as well as by EPA. EPA will supply DMRs to any approved State upon request. The EPA national forms may be modified to substitute the State Agency name, address, logo, and other similar information, as appropriate, in place of EPA's.

Flow weighted composite sample means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

Grab sample means an individual sample collected in a period of less than 15 minutes.

Interference means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
(2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Maximum daily discharge limitation means the highest allowable daily discharge.

New source means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(a) After promulgation of standards of performance under section 306 of CWA which are applicable to such source, or
(b) After proposal of standards of performance in accordance with section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.

Pass through means a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Permit means an authorization, license, or equivalent control document issued by EPA or an approved State to implement the requirements of 40 CFR parts 122, 123 and 124. Permit includes an NPDES general permit (Chapter 529). Permit does not include any permit which has not yet been the subject of final agency action, such as a draft permit or a proposed permit.

Person means an individual, firm, corporation, municipality, quasi-municipal corporation, state agency, federal agency or other legal entity.

Point source means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.

Pollutant means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or byproducts, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

Process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Publicly owned treatment works ("POTW") means any facility for the treatment of pollutants owned by the State or any political subdivision thereof, any municipality, district, quasi-municipal corporation or other public entity.

Septage means, for the purposes of this permit, any waste, refuse, effluent sludge or other material removed from a septic tank, cesspool, vault privy or similar source which concentrates wastes or to which chemicals have been added. Septage does not include wastes from a holding tank.

Time weighted composite means a composite sample consisting of a mixture of equal volume aliquots collected over a constant time interval.

Toxic pollutant includes any pollutant listed as toxic under section 307(a)(1) or, in the case of sludge use or disposal practices, any pollutant identified in regulations implementing section 405(d) of the CWA. Toxic pollutant also includes those substances or combination of substances, including disease causing agents, which after discharge or upon exposure, ingestion, inhalation or assimilation into any organism, including humans either directly through the environment or indirectly through ingestion through food chains, will, on the basis of information available to the board either alone or in combination with other substances already in the receiving waters or the discharge, cause death, disease, abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in such organism or their offspring.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Whole effluent toxicity means the aggregate toxic effect of an effluent measured directly by a toxicity test.