



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM  
COMMISSIONER

October 2, 2024

Mr. David Hebert  
Superintendent  
53 Main Street  
East Millinocket, ME. 04430

*Sent via electronic mail  
Delivery confirmation requested*

**RE:** *Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0102881  
Maine Waste Discharge License (WDL) Application #W009139-6D-D-R  
Proposed Draft MEPDES Permit Renewal*

Dear Dave,

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 **November 1, 2024**. Failure to submit comments in a timely fashion will result in the proposed draft permit document being issued as drafted.

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

BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
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312 CANCO ROAD  
PORTLAND, MAINE 04103  
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PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769  
(207) 764-0477 FAX: (207) 760-3143

Town of East Millinocket  
October 2, 2024  
Page 2 of 2

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

Maine Department of Environmental Protection  
Bureau of Water Quality  
Division of Water Quality Management  
17 State House Station  
Augusta, ME 04333-0017  
[Benjamin.S.Pendleton@Maine.gov](mailto:Benjamin.S.Pendleton@Maine.gov)

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

Sincerely,

*Benjamin S Pendleton*

Benjamin Pendleton  
Division of Water Quality Management  
Bureau of Water Quality  
ph: 207-592-6871

Enc.

cc: Mike Loughlin, MEDEP  
Gary Brooks, MEDEP  
Wendy Garland, MEDEP  
Lori Mitchell, MEDEP  
Laura Crossley, MEDEP  
Emily Green, CLF  
Environmental Review, MEDMR  
Ellen Weitzler, USEPA  
Kathryn Rosenberg, USEPA  
Lynne Jennings, USEPA  
Michael Cobb, USEPA  
Richard Carvalho, USEPA  
Environmental Review, MEDIFW  
Dan Kusnierz, Penobscot Indian Nation



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

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF EAST MILLINOCKET	)	MAINE POLLUTANT DISCHARGE
PUBLICLY OWNED TREATMENT WORKS	)	ELIMINATION SYSTEM PERMIT
MILLINOCKET, PENOBSCOT COUNTY, ME	)	AND
ME0102881	)	WASTE DISCHARGE LICENSE
W009139-6D-D-R	)	<b>RENEWAL</b>
<b>APPROVAL</b>	)	

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

**APPLICATION SUMMARY**

On September 21, 2020, the Department accepted as complete for processing a timely and complete application from the Permittee for the renewal of Waste Discharge License (WDL) W00228-5N-J-T/Maine Pollutant Discharge Elimination System (MEPDES) permit ME0000175, which was issued on October 16, 2015, for a five-year term. The October 16, 2015, MEPDES permit authorized the discharge of up to a monthly average flow of 2.0 million gallons per day (MGD) of secondary treated sanitary wastewater to the West Branch of the Penobscot River, Class B, in Millinocket, Maine.

There were two subsequent minor revisions since the Department issued order ME0000175/W00228-5N-J-T on October 16, 2015. The first of which was a minor revision that separated the historic discharge monitoring data generated by the Town of East Millinocket as a municipal wastewater treatment facility from data generated by the former Katahdin Paper Company. This resulted in new a MEPDES ME0102881/WDL W009139-6D-B-M being issued in order to correct billing discrepancies.

The Department issued a second minor revision ME0102881/W009139-6D-C-M was issued on January 4, 2017 in response to the Town of East Millinocket completing screening level testing requirements on November 15, 2019. The Department conducted a statistical evaluation on the screening level test results and determined that there were no whole effluent toxicity (WET) test results or analytical chemistry test results that exceeded or had the reasonable potential to exceed ambient water quality thresholds or criteria. *Surface Water Toxics Control Program* 06-096, C.M.R. ch. 530 § 2(D)(3)(b) allows for Level III and Level IV discharges to be waived from conducting surveillance level testing provided the preceding 60 months of data does in indicate any reasonable potential for exceedance as calculated pursuant to 06-096, C.M.R. ch. 530. Therefore, the Town of East Millinocket was waived from conducting surveillance level testing.

## PERMIT SUMMARY

This permitting action is carrying forward all the terms and conditions of the previous permitting action and subsequent minor revisions except that this permitting action is:

1. Establishing a seasonal monitoring requirement for *Escherichia coli* (*E. coli*) bacteria from April 15th – October 31st starting from the authorization date on this permit. This permit is also revising the monthly average limitation from 126 col/100mL to 64 CFU or MPN per 100 mL in accordance with Standards for classification of fresh surface waters 38 M.R.S. § 465 (3)(B).
2. Reducing the monitoring frequency for Biochemical Oxygen Demand (BOD<sub>5</sub>) and Total Suspended Solids (TSS) from 3/Week to 2/Week in accordance with EPA and Department guidance.
3. Reducing the monitoring frequency for *E. coli* bacteria from 2/Week to 1/Week in accordance with EPA and Department guidance.
4. Establishing monitoring and reporting requirements for mercury in compliance with *Certain Discharges Prohibited* 38 M.R.S. § 420, *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. The permittee will be required to conduct testing 4/Year for one year starting January 2025, and one test per year starting January 2026. After one year the Department will conduct a statistical evaluation of the test results and calculate interim limitations for Mercury.
5. Amending Special Condition A, *Effluent Limitations and Monitoring Requirements*, Footnote 1 Sampling to include the use of sufficiently sensitive methods.
6. Eliminating the former Special Condition A, *Effluent Limitations and Monitoring Requirements*, Footnote 2 Flow measurement, as it is no longer applicable to how the facility measures flow.
7. Amending Special Condition A, *Effluent Limitations and Monitoring Requirements*, Footnote 3 Percent Removal, to move the reporting requirement for Biochemical Oxygen Demand and Total Suspended Solids percent removal to a 12-month rolling average.
8. Establishing Special Condition A, *Effluent Limitations and Monitoring Requirements*, Footnote 7 Whole Effluent Toxicity (WET) Testing.
9. Amending Special Condition A, *Effluent Limitations and Monitoring Requirements*, Footnotes 8, 9, 10 to the Department's most current requirements.
10. Updating Special Condition B, *Narrative Effluent Limitations*, to the Department's most current requirements.
11. Revising Special Condition I, *Disposal of Transported Wastes in Wastewater Treatment Facility*, to allow the acceptance of up to 10,000 gallons per day of transported wastes. 10,000 gallons per day is 0.5% of the treatment capacity of the facility.
12. Updating Special Condition K, *Monitoring and Reporting*, to the Department's most current requirements.

## CONCLUSIONS

Based on the findings summarized in the attached Fact Sheet dated October 2, 2024, and subject to the special and standard conditions that follow, 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 discharge 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**

Based on the findings and conclusions as stated above, the Department APPROVES the above noted application of the TOWN OF MILLINOCKET to discharge a monthly average flow of 2.0 MGD of secondary treated wastewater to the West Branch of the Penobscot River, Class B, in East Millinocket, Maine, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations:

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 expire 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 Matters*, 06-096 C.M.R. ch. 2 § 21(A) (effective September 15, 2024)].

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 of initial receipt of application: September 21, 2020

Date of application acceptance: October 1, 2020

Date filed with Board of Environmental Protection \_\_\_\_\_

## SPECIAL CONDITIONS

### A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge secondary treated wastewater to the West Branch of the Penobscot River. Such treated wastewater discharges must be limited and monitored by the permittee as specified below<sup>(1)</sup>.

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	<u>Monthly Average</u> as specified	<u>Weekly Average</u> as specified	<u>Daily Maximum</u> as specified	<u>Monthly Average</u> as specified	<u>Weekly Average</u> as specified	<u>Daily Maximum</u> as specified	<u>Measurement Frequency</u> as specified	<u>Sample Type</u> as specified
Flow [50050]	2.0 MGD [03]	---	Report MGD [03]	---	---	---	1/Day [01/01]	Measure [MS]
BOD <sub>5</sub> [00310]	500 lbs/day [26]	751 lbs/day [26]	834 lbs/day [26]	30 mg/L [19]	45 mg/L [19]	50 mg/L [19]	2/Week [03/07]	24-Hour Composite [24]
BOD <sub>5</sub> Percent Removal <sup>(2)</sup> [81010]	---	---	---	85% [23]	---	---	1/Month [01/30]	Calculate [CA]
TSS [00530]	500 lbs/day [26]	751 lbs./day [26]	834 lbs./day [26]	30 mg/L [19]	45 mg/L [19]	50 mg/L [19]	2/Week [03/07]	24-Hour Composite [24]
TSS Percent Removal <sup>(2)</sup> [81011]	---	---	---	85% [23]	---	---	1/Month [01/30]	Calculate [CA]
Settleable Solids [00545]	---	---	---	---	---	0.3 ml/L [25]	5/Week [05/7]	Grab [GR]
<i>E. coli</i> Bacteria <sup>(3)</sup> (April 15th – October 31st.) [31633]	---	---	---	64/100 mL <sup>(4)</sup> [13]	---	236/100 mL <sup>(4)</sup> [13]	2/Week [03/07]	Grab [GR]
Total Residual Chlorine <sup>(5)</sup> [50060]	---	---	---	---	---	1.0 mg/L [19]	1/Day [01/01]	Grab [GR]
Mercury(Total) <sup>(6)</sup> (Beginning January 2025 for 1 year)[71900]	---	---	---	Report ng/L [3M]	---	Report ng/L [3M]	4/Year [04/YR]	Grab [GR]
Mercury (Total) <sup>(6)</sup> Beginning January 2026 [71900]	---	---	---	Report ng/L [3M]	---	Report ng/L [3M]	1/Year [04/YR]	Grab [GR]
pH [00400]	---	---	---	---	---	6.0 – 9.0 SU [12]	1/Day [01/01]	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 7 – 10 of this permit for applicable footnotes.

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd) – OUTFALL #001A**

2. **SCREENING LEVEL** - Beginning in calendar year 2024 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.

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type <sup>(3)</sup>
<b>Whole Effluent Toxicity (7)</b> <b><u>Acute – NOEL</u></b> <i>Ceriodaphnia dubia</i> (Water flea) [TDA3B] <i>Salvelinus fontinalis</i> (Brook trout) [TDA6F]  <b><u>Chronic – NOEL</u></b> <i>Ceriodaphnia dubia</i> (Water flea) [TBP3B] <i>Salvelinus fontinalis</i> (Brook trout) [TBQ6F]				Report % [23]	1/Year [01/YR]	Composite [24]
				Report % [23]	1/Year [01/YR]	Composite [24]
	---	---	---	Report % [23]	1/Year [01/YR]	Composite [24]
				Report % [23]	1/Year [01/YR]	Composite [24]
Analytical Chemistry (8,10) [51477]	---	---	---	Report ug/L [28]	1/Quarter [01/90]	Composite/Grab [24]
Priority Pollutant (9,10) [50008]	---	---	---	Report ug/L [28]	1/Year [01/YR]	Composite/Grab [24]

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 7 – 10 of this permit for applicable footnotes.



## SPECIAL CONDITIONS

### A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

#### Footnotes:

1. **Sampling** – The permittee must conduct all effluent 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 analyzed by laboratories operated by waste discharge facilities licensed 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 (last amended March 15, 2023). Laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of 10-144 C.M.R. ch. 263. If the permittee monitors any pollutant more frequently than required by the 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 permittee must monitor according to sufficiently sensitive test procedures (i.e., methods) approved under 40 C.F.R. Part 136 or required under 40 C.F.R. chapter I, subchapter N or O, for the analysis of pollutants or pollutant parameters (except WET). A method is “sufficiently sensitive” when: 1) The method minimum level (ML) is at or below the level of the effluent limitation established in the permit for the measured pollutant or pollutant parameter; or 2) The method has the lowest ML of the analytical methods approved under 40 C.F.R. Part 136 or required under 40 C.F.R. chapter I, subchapter N or O for the measured pollutant or pollutant parameter. The term “minimum level” refers either to the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (MDL), whichever is higher. Minimum levels may be obtained in the following ways: they may be published in a method; they may be based on the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a laboratory, by a factor.

2. **Percent removal** – The treatment facility must maintain a minimum of 85 percent removal of both BOD<sub>5</sub> and TSS for all flows receiving secondary treatment during all months that the facility discharges. Compliance with the limitation must be based on a twelve-month rolling average. Calendar monthly average percent removal values must be calculated based on influent and effluent concentrations. For the purposes of this permitting action, the twelve-month rolling average calculation is based on the most recent twelve-month period.
3. ***E. coli* bacteria** – Limits are seasonal and apply between April 15<sup>th</sup> and October 31<sup>st</sup> of each calendar year. The Department reserves the right to require disinfection on a year-round basis to protect the health and welfare of the public.

## SPECIAL CONDITIONS

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

#### Footnotes:

4. **Bacteria Reporting** – 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 CFU/100mL or MPN/100 mL.
5. **Total residual chlorine (TRC)** – Limitations and monitoring requirements are applicable whenever elemental chlorine or chlorine-based compounds are being used to disinfect the discharge. The permittee must utilize approved test methods that are capable of bracketing the limitations in this permit. For instances when a facility has not disinfected with chlorine-based compounds for an entire reporting period, the facility must report “N9” for this parameter on the monthly DMR.
6. **Mercury** – The permittee must conduct all mercury monitoring required by this permit required to establish interim limitations 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 [https://www.maine.gov/dep/water/wd/municipal\\_industrial/index.html](https://www.maine.gov/dep/water/wd/municipal_industrial/index.html) or (DEP website at [maine.gov/dep/index.html](https://www.maine.gov/dep/index.html), and search “wastewater reporting forms” and select “Whole Effluent Toxicity, Chemistry, and Mercury Reporting Forms” for a 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 1631E on file with the Department for this facility.
7. **Whole Effluent Toxicity (WET) Testing** – Definitive WET testing is a multi-concentration testing event (a minimum of five dilutions bracketing the critical acute and chronic thresholds of 0.2% and 0.1% respectively, which provides a point estimate of toxicity in terms of No Observed Effect Level, commonly referred to as NOEL or NOELC. A-NOEL is defined as the acute no observed effect level with survival as the end point. C-NOEL is defined as the chronic no observed effect level with survival, reproduction and growth as the end points. The critical acute and chronic thresholds were derived as the mathematical inverse of the applicable acute and chronic dilution factors of 655:1 and 720:1 respectively. See [https://www.maine.gov/dep/water/wd/municipal\\_industrial/index.html](https://www.maine.gov/dep/water/wd/municipal_industrial/index.html) for a copy of the Department’s WET reporting form.
  - a. **Screening level testing** – Beginning in calendar year 2024 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 permittee must conduct screening level WET testing at a minimum frequency of once per screening year (1/Year).  
Acute tests

## SPECIAL CONDITIONS

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

#### **Footnotes:**

must be conducted on the water flea (*Ceriodaphnia dubia*) and the brook trout (*Salvelinus fontinalis*).

- b. **Surveillance level testing** – Waived pursuant to Department rule, 06-096 ch. 530 § 2(D)(3).

WET test results must be submitted to the Department not later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, that the permittee may review the toxicity reports for up to 10 business days of their availability before submitting them. The permittee must evaluate test results being submitted and identify to the Department possible exceedances of the critical acute and chronic water quality thresholds of 0.2% and 0.1% respectively. See [https://www.maine.gov/dep/water/wd/municipal\\_industrial/index.html](https://www.maine.gov/dep/water/wd/municipal_industrial/index.html) for WET reporting forms.

Toxicity tests must be conducted by an experienced laboratory approved by the Department. The laboratory must follow procedures as described in the following USEPA methods manuals as modified by Department protocol for the brook trout.

- a. U.S. Environmental Protection Agency. 2002. *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms*, 5<sup>th</sup> ed. USEPA 821-R-02-012. U.S. Environmental Protection Agency, Office of Water, Washington, D.C., October 2002 (the acute method manual);
- b. U.S. Environmental Protection Agency. 2002. *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms*, 3<sup>rd</sup> ed. EPA 821-R-02-014. U.S. Environmental Protection Agency, Office of Water, Washington, D.C., October 2002 (the marine chronic method manual).

Results of WET tests must be reported on the “Whole Effluent Toxicity Report Marine Waters” form found at: [https://www.maine.gov/dep/water/wd/municipal\\_industrial/index.html](https://www.maine.gov/dep/water/wd/municipal_industrial/index.html) permit each time a WET test is performed. Each time a WET test is performed, the permittee must sample and analyze for the parameters in the WET Chemistry and the Analytical Chemistry sections of the Department form entitled, Maine Department of Environmental Protection, Chemical Specific Data Report Form found at: [https://www.maine.gov/dep/water/wd/municipal\\_industrial/index.html](https://www.maine.gov/dep/water/wd/municipal_industrial/index.html)

8. **Analytical chemistry** – Refers to those pollutants listed in their respective categories on the “WET and Chemical Specific Data Report Form” found at: [https://www.maine.gov/dep/water/wd/municipal\\_industrial/index.html](https://www.maine.gov/dep/water/wd/municipal_industrial/index.html)

- a. **Screening level testing** – Beginning in the calendar year 2024 and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced

## SPECIAL CONDITIONS

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

#### **Footnotes:**

by a permit renewal containing this requirement, the permittee must conduct analytical chemistry testing at a minimum frequency of once per calendar quarter (1/Quarter) for four consecutive calendar quarters.

b. **Surveillance Level Testing** – Waived pursuant to Department rule, 06-096 ch. 530 § 2(D)(3).

9. **Priority Pollutant Testing** – Refers to those pollutants listed under “Priority Pollutants” on the form found at: [https://www.maine.gov/dep/water/wd/municipal\\_industrial/index.html](https://www.maine.gov/dep/water/wd/municipal_industrial/index.html)

a. **Screening level testing** – Beginning in the calendar year 2024 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 permittee must conduct priority pollutant testing at a minimum frequency of once per screening year (1/Year).

b. **Surveillance level testing** – Pursuant to 06-096 C.M.R. § 530(2)(D)(1) priority pollutant surveillance testing is not required for Level III facilities.

10. **Analytical Chemistry and Priority Pollutant** – Testing must be conducted on samples collected at the same time as those collected for whole effluent toxicity tests when applicable. Priority pollutant and analytical chemistry testing must be conducted using methods that permit detection of a pollutant at existing levels in the effluent or that achieve minimum reporting levels of detection as specified by the Department.

Test results must be submitted to the Department not later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, that the permittee may review the toxicity reports for up to 10 business days of their availability before submitting them. The permittee must evaluate test results being submitted and identify to the Department, possible exceedances of the acute, chronic or human health AWQC as established in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 C.M.R. ch. 584 (amended February 16, 2020). For the purposes of DMR reporting, enter a “1” for yes, testing done this monitoring period or “NODI 9” monitoring not required this period.

## SPECIAL CONDITIONS

### B. NARRATIVE EFFLUENT LIMITATIONS

1. The permittee must not discharge effluent that contains a visible oil sheen, foam or floating solids at any time which would impair the uses designated by 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 unsafe 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 the management responsibility over the treatment facility must hold a minimum of a **Grade III** certificate (or higher) or a Registered Maine Professional Engineer pursuant to *Sewage Treatment 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. 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).

## **SPECIAL CONDITIONS**

### **E. 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 (increase or decrease) in the volume or character of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants to the system at the time of permit issuance.
3. For the purposes of this section, notice regarding substantial change must include information on:
  - a. The quality and quantity of wastewater introduced to the wastewater collection and treatment system; and
  - b. Any anticipated impact caused by the change in the quantity or quality of the wastewater to be discharged from the treatment system.

### **F. AUTHORIZED DISCHARGES**

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on October 1, 2020; 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.

### **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 (include septic wastes and other high strength wastes if applicable) and provide written operating and maintenance procedures during the events. 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 for before, during and after the events.

## **SPECIAL CONDITIONS**

### **G. WET WEATHER MANAGEMENT PLAN (cont'd)**

**The permittee must review their plan at least 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 for the facility.** 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. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY**

Pursuant to this permit and *Standards for the Addition of Transported Wastes to Wastewater Treatment Facilities*, 06-096 C.M.R. ch. 555 (effective March 9, 2009), during the effective period of this permit, the permittee is authorized to **receive 10,000** gallons per day and **introduce** into the treatment process **a daily maximum of 10,000 gallons per day (gpd)** of transported wastes, subject to the following terms and conditions.

1. "Transported wastes" means any liquid non-hazardous waste delivered to a wastewater treatment facility by a truck or other similar conveyance that has different chemical constituents or a greater strength than the influent described on the facility's application for a waste discharge license. Such wastes may include, but are not limited to septage, industrial wastes or other wastes to which chemicals in quantities potentially harmful to the treatment facility or receiving water have been added.
2. Of the 10,000 gpd of transported wastes authorized by this permit, the permittee may introduce into the treatment process a daily maximum of 10,000 gpd of septage wastes.
3. The character and handling of all transported wastes received must be consistent with the information and management plans provided in application materials submitted to the Department.

## **SPECIAL CONDITIONS**

### **I. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY (cont'd)**

4. At no time must the addition of transported wastes cause or contribute to effluent quality violations. Transported wastes may not cause an upset of or pass through the treatment process or have any adverse impact on the sludge disposal practices of the wastewater treatment facility. Wastes that contain heavy metals, toxic chemicals, extreme pH, flammable or corrosive materials in concentrations harmful to the treatment operation must be refused. Odors and traffic from the handling of transported wastes may not result in adverse impacts to the surrounding community. If any adverse effects exist, the receipt or introduction of transported wastes into the treatment process or solids handling stream must be suspended until there is no further risk of adverse effects.
5. The permittee must maintain records for each load of transported wastes in a daily log which must include at a minimum the following.
  - (a) The date;
  - (b) The volume of transported wastes received;
  - (c) The source of the transported wastes;
  - (d) The person transporting the transported wastes;
  - (e) The results of inspections or testing conducted;
  - (f) The volumes of transported wastes added to each treatment stream; and
  - (g) The information in (a) through (d) for any transported wastes refused for acceptance.These records must be maintained at the treatment facility for a minimum of five years.
6. The addition of transported wastes into the treatment process or solids handling stream must not cause the treatment facilities design capacity to be exceeded. If, for any reason, the treatment process or solids handling facilities become overloaded, introduction of transported wastes into the treatment process or solids handling stream must be reduced or terminated in order to eliminate the overload condition.
7. Holding tank wastewater from domestic sources to which no chemicals in quantities potentially harmful to the treatment process have been added must not be recorded as transported wastes but should be reported in the treatment facility's influent flow.
8. During wet weather events, transported wastes may be added to the treatment process or solids handling facilities only in accordance with a current high flow management plan approved by the Department that provides for full treatment of transported wastes without adverse impacts.
9. In consultation with the Department, chemical analysis is required prior to receiving transported wastes from new sources that are not of the same nature as wastes previously received. The analysis must be specific to the type of source and designed to identify concentrations of pollutants that may pass through, upset or otherwise interfere with the facility's operation.
10. Access to transported waste receiving facilities may be permitted only during the times specified in the application materials and under the control and supervision of the person responsible for the wastewater treatment facility or his/her designated representative.



## **SPECIAL CONDITIONS**

### **I. DISPOSAL OF TRANSPORTED WASTES IN WASTEWATER TREATMENT FACILITY (cont'd)**

11. The authorization in the Special Condition is subject to annual review and, with notice to the permittee and other interested parties of record, may be suspended or reduced by the Department as necessary to ensure full compliance with 06-096 C.M.R. ch. 555 and the terms and conditions of this permit.

### **J. STATEMENT FOR REDUCED/WAIVED TOXICS TESTING**

**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 Fact Sheet **Attachment E** 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 (hailed) wastes accepted by the facility.

The Department may require that routine 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.

## **SPECIAL CONDITIONS**

### **K. MONITORING AND REPORTING**

#### Electronic Reporting

*NPDES Electronic Reporting*, 40 C.F.R. part 127, requires MEPDES permit holders to submit monitoring results obtained during the previous month on an electronic discharge monitoring report to the regulatory agency utilizing the USEPA electronic system.

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

1. Submitted by a facility authorized signatory; and
2. Submitted no later than **midnight on the 15<sup>th</sup> 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. In addition, a hardcopy form of this sheet must be signed and submitted to your compliance inspector, or a copy attached to your NetDMR submittal will suffice. Documentation submitted electronically to the Department in support of the electronic DMR must be submitted no later than midnight on the 15<sup>th</sup> day of the month following the completed reporting period.

### **L. REOPENING OF PERMIT FOR MODIFICATION**

In accordance with 38 M.R.S. § 414-A(5) and upon evaluation of the tests results or monitoring requirements specified in Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at 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.

### **M. SEVERABILITY**

In the event that any provision(s), 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: **October 2, 2024**

PERMIT NUMBER: **ME0102881**

WASTE DISCHARGE LICENSE: **W009139-6D-D-R**

NAME AND ADDRESS OF APPLICANT: **TOWN OF EAST MILLINOCKET  
53 MAIN STREET  
EAST MILLINOCKET ME 04430**

COUNTY: **PENOBSCOT COUNTY**

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

**1 CLARIFIER RD  
EAST MILLINOCKET, ME 04430**

RECEIVING WATER, CLASSIFICATION: **WEST BRANCH PENOBSCOT RIVER, CLASS B**

COGNIZANT OFFICIAL CONTACT INFORMATION:

**David Hebert  
Superintendent of Water and Wastewater  
207-447-1451  
[emwastewater@gmail.com](mailto:emwastewater@gmail.com)**

## 1. APPLICATION SUMMARY

- a. Application: On September 21, 2020, the Department accepted as complete for processing a timely and complete application from the Permittee for the renewal of Waste Discharge License (WDL) W00228-5N-J-T/Maine Pollutant Discharge Elimination System (MEPDES) permit ME0000175, which was issued on October 16, 2015, for a five-year term. The October 16, 2015, MEPDES permit authorized the discharge of up to a monthly average flow of 2.0 million gallons per day (MGD) of secondary treated sanitary wastewater to the West Branch of the Penobscot River, Class B, in Millinocket, Maine.

There were two subsequent minor revisions since the Department issued order ME0000175/W00228-5N-J-T on October 16, 2015. The first of which was a minor revision that separated the historic discharge monitoring data generated by the Town of East Millinocket as a municipal wastewater treatment facility from data generated by the former Katahdin Paper Company. This resulted in new a MEPDES ME0102881/WDL W009139-6D-B-M being issued in order to correct billing discrepancies.

The Department issued a second minor revision ME0102881/W009139-6D-C-M was issued on January 4, 2017 in response to the Town of East Millinocket completing screening level testing requirements on November 15, 2019. The Department conducted a statistical evaluation on the screening level test results and determined that there were no whole effluent toxicity (WET) test results or analytical chemistry test results that exceeded or had the reasonable potential to exceed ambient water quality thresholds or criteria. *Surface Water Toxics Control Program* 06-096, C.M.R. ch. 530 § 2(D)(3)(b) allows for Level III and Level IV discharges to be waived from conducting surveillance level testing provided the preceding 60 months of data does in indicate any reasonable potential for exceedance as calculated pursuant to 06-096, C.M.R. ch. 530. Therefore, the Town of East Millinocket was waived from conducting surveillance level testing.

- b. Source Description: The wastewater treatment facility receives sanitary wastewater from residential and commercial users within the boundaries of the Town of East Millinocket. In addition to sanitary wastewater generated by residential and commercial entities in town, the Permittee also receives landfill leachate from the nearby Dolby landfill along with inputs of stormwater runoff from building and impervious surfaces. The District owns and maintains approximately 24 miles of collection system which is 100% separated. All former combined sewer overflows (CSOs) were eliminated in 2007.

The wastewater treatment facility is currently authorized to accept transported wastes from local septage haulers. It is noted the facility can currently accept and introduce into its process a maximum of 10,000 gpd of septage per day. A map with the location of the facility is included as **Attachment A** of this Fact Sheet.

- c. Wastewater Treatment: Before entering the headworks building, upgraded in 2019, sanitary wastewater from the Town of East Millinocket and landfill leachate from the Dolby landfill combine into a single influent channel. The influent enters the headworks building and passes through a mechanical screen. Screenings pass through a screenings wash-press and are then deposited in a dumpster for disposal. Influent can be rerouted to a secondary channel with a manual bar rack if necessary. Influent sampling takes place after screening, and before moving into the grit removal system.

## 1. APPLICATION SUMMARY (cont'd)

Influent then moves into a vortex grit removal system. A grit pump moves the grit to a classifier where it is separated for disposal. The influent water then leaves the headworks building and enters valve pit number one before being diverted into the first of three aerated lagoons. Biological treatment starts in lagoon number one before passing through a flow control structure and into aerated lagoon number two. The second lagoon structure is partitioned into two sections and are designated lagoon number two and three. Aeration takes place in both lagoons with a quiescent zone at the end of lagoon three where remaining solids are able to settle.

Treated effluent exits lagoon three through the outlet structure and proceeds to the chlorine contact tank where it is seasonally disinfected using sodium hypochlorite before being discharged into the West Branch of the Penobscot River. Effluent sampling takes place at the end of the chlorine contact tank.

In 2019 upgrades were performed to the Permittee's Wastewater Treatment Facility. These upgrades included retrofits to the headworks with new screening and grit removal chambers. Modifications were also made to secondary treatment and the lagoons were outfitted with new blowers. A Schematic of the treatment works 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 subsequent minor revisions except that it:
  1. Establishing a seasonal monitoring requirement for *Escherichia coli* (*E. coli*) bacteria from April 15th – October 31st starting from the authorization date on this permit. This permit is also revising the monthly average limitation from 126 col/100mL to 64 CFU or MPN per 100 mL in accordance with Standards for classification of fresh surface waters 38 M.R.S. § 465 (3)(B).
  2. Reducing the monitoring frequency for Biochemical Oxygen Demand (BOD<sub>5</sub>) and Total Suspended Solids (TSS) from 3/Week to 2/Week in accordance with EPA and Department guidance.
  3. Reducing the monitoring frequency for *E. coli* bacteria from 2/Week to 1/Week in accordance with EPA and Department guidance.
  4. Establishing monitoring and reporting requirements for mercury in compliance with Certain Discharges Prohibited 38 M.R.S. § 420, 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. The permittee will be required to conduct testing 4/Year for one year starting January 2025, and one test per year starting January 2026. After one year the Department will conduct a statistical evaluation of the test results and calculate interim limitations for Mercury.
  5. Amending Special Condition A, *Effluent Limitations and Monitoring Requirements*, Footnote 1 Sampling to include the use of sufficiently sensitive methods.
  6. Eliminating the former Special Condition A, *Effluent Limitations and Monitoring Requirements*, Footnote 2 Flow measurement, as it is no longer applicable to how the facility measures flow.

## 2. PERMIT SUMMARY (cont'd)

7. Amending Special Condition A, *Effluent Limitations and Monitoring Requirements*, Footnote 3 Percent Removal, to move the reporting requirement for Biochemical Oxygen Demand and Total Suspended Solids percent removal to a 12-month rolling average.
8. Establishing Special Condition A, *Effluent Limitations and Monitoring Requirements*, Footnote 7 Whole Effluent Toxicity (WET) Testing.
9. Amending Special Condition A, *Effluent Limitations and Monitoring Requirements*, Footnotes 8, 9, 10 to the Department's most current requirements.
10. Updating Special Condition B, *Narrative Effluent Limitations*, to the Department's most current requirements.
11. Revising Special Condition I, *Disposal of Transported Wastes in Wastewater Treatment Facility*, to allow the acceptance of up to 10,000 gallons per day of transported wastes. 10,000 gallons per day is 0.5% of the treatment capacity of the facility.
12. Updating Special Condition K, *Monitoring and Reporting*, to the Department's most current requirements.

- b. History: This section provides a summary of significant licensing/permitting actions and milestones that have been completed for the permittee.

*January 12, 2001* – The State of Maine received authorization from the EPA to administer the NPDES permitting program in Maine. The program has since been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) program.

*September 21, 2011* – The Department transferred Katahdin Paper Company LLC to co-permittees GNP Parent LLC and GNP East Inc.

*March 2, 2015* – The Department issued a modification to GNP Parent, LLC and Chapter 7 Trustee of the Bankruptcy Estate of GNP East, INC. and GNP Maine Holdings, LLC d/b/a Great Northern Paper Company.

*March 2, 2015* – The Department issued MEPDES ME0000175/WDL W002228-5N-J-T for a five-year term.

*June 18, 2015* – The Town of East Millinocket has been duly qualified by the Maine Secretary of State to be in good standing and authorized to conduct business under the laws of the State of Maine as of the date of this transfer.

*July 17, 2015* – The Permittee submitted an application to the Department for the transfer and renewal of Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0000175/ Maine Waste Discharge License (WDL) #W002228-5N-B-R (permit hereinafter) issued in the name of Katahdin Paper Company LLC on May 26, 2011, for a five-year term. Katahdin's East Millinocket mill (no longer operational), commonly referred to as the East Operation, had the capacity to produce up to 950 air dried tons per day (ADTPD) of lightweight paper and newsprint. Production for the period 2004 –

## 2. PERMIT SUMMARY (cont'd)

2006 ranged from 635 ADTPD to 750 ADTPD. The wastewater treatment facility for the East Millinocket mill also treated sanitary wastewaters generated and collected by the Town of East Millinocket and treated up to 2,000,000 gallons per day of landfill leachate from a State owned and operated landfill referred to as the Dolby landfill.

*August 24, 2015* – The Permittee amended the application submitted to the Department on July 17, 2015, by submitting the forms entitled, *Publicly Owned Treatment Works* and *Outfall Information*. The application was amended again on September 8, 2015, with the submission of the forms entitled, *Application For Addition of Transported Wastes In Waste Water Treatment Facilities*.

*January 20, 2016* – Department Order MEPDES ME0000175/WDL W002228-5N-J-T authorized the discharge of up to 2.0 million gallons per day of secondary treated wastewater from a publicly owned treatment works (POTW) facility owned and operated by the Town of East Millinocket. The October 16, 2015 permit was transferred to the Town of East Millinocket from Katahdin Paper Company LLC, the former owner of the pulp and papermaking operation giving the permanent closure of the mill operations.

To separate the historic discharge monitoring data generated by the Town East Millinocket as a municipal wastewater treatment facility from data generated by the former Katahdin Paper Company LLC as an operational pulp and papermaking operation, the Department has determined this minor revision is necessary to assign new MEPDES/WDL numbers. As a result, discharge monitoring data will be tracked separately in the national Integrated Compliance Information System (ICIS).

*January 4, 2017* – On January 3, 2017, the Department conducted a statistical evaluation on the screening level test results submitted and has determined there are no whole effluent toxicity (WET) test results or any analytical chemistry test results that exceed or have a reasonable potential to exceed ambient water quality thresholds or criteria. 06-096 C.M.R. Chapter 530, §2(D)(3)(b) states “Dischargers in Levels III and IV may be waived from conducting surveillance level testing for individual WET species or chemicals provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedance as calculated pursuant to section 3(E).” Therefore, the Town of East Millinocket, a Level III discharger, is waived from conducting surveillance level testing.

*September 21, 2020* – The Town of East Millinocket submitted a timely application for the renewal of MEPDES ME0102881/ WDL W009139-6D-B-M.

## 3. CONDITIONS OF PERMIT

*Conditions of licenses*, 38 M.R.S. § 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require the application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, *Certain deposits and discharges prohibited*, 38 M.R.S. § 420 and Department rule *Surface Water Toxics Control Program*, 06-096 C.M.R. ch. 530 (effective March 21, 2012), require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 C.M.R. ch. 584 (amended February 16, 2020), and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

#### 4. RECEIVING WATER QUALITY STANDARDS

*Classification of major river basins*, 38 M.R.S. § 467(7)(C)(1)(g) classifies the West Branch of the Penobscot River at and below the point of discharge as Class B. *Standards for classification of fresh surface waters*, 38 M.R.S. § 465(3) describes the standards for Class B waters as follows:

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

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

## 6. RECEIVING WATER QUALITY CONDITIONS

*The State of Maine Department of Environmental Protection 2018/2020/2022 Integrated Water Quality Monitoring and Assessment Report*, prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the West Branch of the Penobscot River, including Dolby Pond (Assessment Unit ME0102000109\_205R01) as “Category 4-B: Rivers and Streams Impaired by Pollutants – Pollution Control Requirements Reasonably Expected to Result in Attainment, and “Category 4-A: Waters Impaired by Atmospheric Deposition of Mercury.”

*Category 4-B:* This segment is listed for two separate causes, nutrient/eutrophication biological indicators and dissolved oxygen. Data from 2021 indicates that the segment is currently in attainment of both criteria.

*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 US EPA approval of a Regional Mercury TMDL in December 2007. Maine has a fish consumption advisory for fish taken from all freshwaters due to mercury. Many waters, and many fish from any given water, do not exceed the action level for mercury. However, because it is impossible for someone consuming a fish to know whether the mercury level exceeds the action level, the Maine Department of Health and Human Services decided to establish a statewide advisory recommending limits on consumption for all freshwater fish. Maine has instituted statewide programs for removal and reduction of mercury sources.” 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 no information that the discharge from the permittee, as conditioned, causes or contributes to non-attainment of applicable Class B water quality standards.

## 7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- a. Flow: The monthly average flow limitation of 2.0 MGD and the daily maximum reporting requirement in the previous permitting action are being carried forward in this permitting action. The monthly average limitation is representative of the monthly average design flow for the wastewater treatment facility.

The Department reviewed Discharge Monitoring Reports (DMRs) data that was submitted for the period of April 2019 – April 2024. A review of the data indicates that following:

### Flow (DMRs=58)

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	2.0	0.01 – 2.27	0.550
Daily Maximum	Report	0.06 – 5.10	1.208

During the monitoring and reporting period of April 2019 – April 2024 there was one (1) excursion from the monthly average flow limit of 2.0 MGD.

- b. Dilution Factors – The Department establishes applicable dilution factors for the discharge in accordance with freshwater protocols established in *Surface Water Toxics Control Program* 06-096 C.M.R. Ch. 530. With a permitted flow limit of 2.0 MGD, the dilution factors are as follows:

Conversion factor: 1 cfs = 0.6464 MGD

Permitted Flow = 2.0 MGD

$$\text{Acute: } 1\text{Q}10 = 2,020 \text{ cfs}^{(1)(2)} \Rightarrow \frac{(2,020 \text{ cfs})(0.6464) + 2.0 \text{ MGD}}{2.0 \text{ MGD}} = 655:1$$

$$\text{Chronic: } 7\text{Q}10 = 2,226 \text{ cfs}^{(3)} \Rightarrow \frac{(2,226 \text{ cfs})(0.6464) + 2.0 \text{ MGD}}{2.0 \text{ MGD}} = 720:1$$

$$\text{Harmonic Mean} = 2,403 \text{ cfs}^{(4)} \Rightarrow \frac{(4,403 \text{ cfs})(0.6464) + 2.0 \text{ MGD}}{2.0 \text{ MGD}} = 775:1$$

### Notes:

(1) 06-096 C.M.R. ch. 530 § 4(B)(1) states that analyses using numeric acute criteria for aquatic life must be based on ¼ of the 1Q10 stream design flow to prevent substantial acute toxicity within any mixing zone. The regulation goes on to say that where it can be demonstrated that a discharge achieves rapid and complete mixing with the receiving water by way of an efficient diffuser or other effective method, analyses may use a greater proportion of the stream design, up to including all of it. The permittee's outfall has a diffuser structure with eight diffuser ports and the Department has made the determination that the discharge will receive rapid and complete mixing with the receiving water. Therefore, the Department is utilizing the full 1Q10 stream flow in acute evaluations.

## 7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

(2) Based on two Department CWA Section 401 Water Quality Certifications. One, #L-17166-33-A-N, for the Penobscot Mills Hydro development Project as part of the Federal Energy Regulation Commission (FERC) relicensing program. The certification contains a condition that states “...except as temporarily modified by operating emergencies beyond the applicant's control, as described in the condition, the Millinocket, Dolby and East Millinocket dams shall be operated as run of-river facilities while providing an instantaneous minimum flow of 2,000 cfs (1,293 MGD) to the West Branch of the Penobscot River at Millinocket.” The second, #L-17166-32-A-N, for the Penobscot Mills Millinocket Lake Storage Dam contains a condition that states “...except as temporarily modified by operating emergencies beyond the applicant's control, (as defined in the certification) a minimum flow of 60 cfs shall be maintained from Millinocket Lake Storage Dam to Millinocket Stream from May 1 – October 15 annually and a minimum flow of 20 cfs shall be maintained during the remainder of the year.” Therefore, the collective minimum low flow of the West Branch of the Penobscot River at the point of discharge is 2,020 cfs.

(3) Calculated by the Department in March of 2003 as part of the Penobscot River Modeling Report prepared by the Department.

(4) The harmonic mean flow of the West Branch of the Penobscot River is based on a January 9, 1991 statistical evaluation developed by Walter M. Grayman, a consulting engineer for the US EPA 1990 Risk Assessment for Dioxin.

- c. Biochemical Oxygen Demand (BOD<sub>5</sub>) and Total Suspended Solids (TSS): The previous permitting action established, and this permitting action is carrying forward, monthly average and weekly average technology-based concentration limits of 30 mg/L and 45 mg/L, respectively, for BOD<sub>5</sub> and TSS based on the secondary treatment requirements specified in *Effluent Guidelines and Standards*, 06-096 C.M.R. ch. 525(3)(III) (effective January 12, 2001), and a daily maximum concentration limit of 50 mg/L, which is based on BPJ of BPT for secondary treated municipal wastewater. This permitting action is establishing a minimum monitoring frequency requirement of twice per week for BOD<sub>5</sub> and TSS based on Department guidance.

As for mass limitations, the previous permitting action established monthly average, weekly average and daily maximum limitations based on a monthly average limit of 2.0 MGD that are being carried forward in this permitting action. The limitations were calculated as follows:

Monthly average:  $(2.0 \text{ MGD})(8.34 \text{ lbs/gal})(30 \text{ mg/L}) = 500 \text{ lbs/day}$   
Weekly average:  $(2.0 \text{ MGD})(8.34 \text{ lbs/gal})(45 \text{ mg/L}) = 751 \text{ lbs/day}$   
Daily maximum:  $(2.0 \text{ MGD})(8.34 \text{ lbs/gal})(50 \text{ mg/L}) = 834 \text{ lbs/day}$

The Department reviewed DMR data that was submitted for the period of April 2019 – April 2024. A review of the data indicates that following:

**7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)****BOD<sub>5</sub> Mass (DMRs=58)**

Value	Limit (lbs./day)	Range (lbs./day)	Mean (lbs./day)
Monthly Average	500	6 – 108.0	46.6
Weekly Average	751	6 – 224.0	72.5
Daily Maximum	843	9.30 – 370.0	98.3

**BOD<sub>5</sub> Concentration (DMRs=58)**

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	30	4.3 – 21.0	11.5
Weekly Average	45	5.8 – 35.0	14.7
Daily Maximum	50	5.7 – 43.0	18.0

**TSS Mass (DMRs=58)**

Value	Limit (lbs./day)	Range (lbs./day)	Mean (lbs./day)
Monthly Average	500	5.60 – 112.0	35.35
Weekly Average	751	6.60 – 224.0	56.61
Daily Maximum	843	8.50 – 250.0	83.30

**TSS Concentration (DMRs=58)**

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	30	2.0 – 21	8.84
Weekly Average	45	2.5 – 29	3.50
Daily Maximum	50	3.5 – 37	15.51

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 USEPA guidance with its own guidance entitled, *Performance Based Reduction of Monitoring Frequencies - Modification of EPA Guidance Released April 1996* (Maine DEP May 22, 2014). Both documents are being utilized to evaluate the compliance history for each parameter regulated by the previous permit to determine if a reduction in the monitoring frequencies is justified.

Although USEPA's 1996 Guidance recommends evaluation of the most current two years of effluent data for a parameter, the Department is considering 60 months of data (April 1, 2019 – April 30, 2024). A review of the mass monitoring data for BOD<sub>5</sub> & TSS indicates the ratios (expressed in percent) of the long-term effluent average to the monthly average limits can be calculated as 9% for BOD<sub>5</sub> and 7% for TSS. According to Table I of the USEPA Guidance the monitoring requirement can be reduced to 1/Week for BOD<sub>5</sub> and TSS. However, Department guidance only allows monitoring frequencies to be reduced by no more than 50% of the initial testing frequency. This permitting action is reducing the monitoring frequency for BOD<sub>5</sub> and TSS from 3/Week to 2/Week.

- d. **Percent Removal BOD & TSS:** The previous permitting action also established a requirement of 85% removal with a 1/month monitoring and reporting requirement for BOD<sub>5</sub> and TSS pursuant to 06-096 C.M.R. ch. 525 (3)(III)(a&b)(3). This permitting action is establishing a provision that percent removal for BOD<sub>5</sub> and TSS will be evaluated for compliance using a 12-month rolling average. The

## 7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

facility takes in landfill leachate directly from the State owned Doby Landfill, which causes influent to be extremely diluted at times and has historically caused the permittee to have excursions of the current limit.

The Department reviewed DMR data that was submitted for the period of April 2019 – April 2024. A review of the data indicates that following:

### Percent Removal BOD (DMRs=58)

Value	Percent Removal	Range	Mean
Monthly Average	85%	71 – 97%	88%

During the monitoring period of April 2019 – April 2024 there were seven (12) excursions from the monthly average percent removal of a minimum of 85% for BOD.

### Percent Removal TSS (DMRs=58)

Value	Percent Removal	Range	Mean
Monthly Average	85%	81 – 98%	92%

During the monitoring period of April 2019 – April 2024 there were three (3) excursions from the monthly average percent removal of a minimum of 85% for TSS.

- e. Settleable Solids – The previous permitting action established, and this permitting action is carrying forward, a technology based daily maximum settleable solids concentration limit of 0.3 ml/L which is considered by the Department to be representative of BPT.

The Department reviewed DMR data that was submitted for the period of April 2019 – April 2024. A review of the data indicates that following:

### Settleable Solids (DMRs=58)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	0.3	< 0.1 – 0.1	< 0.1

- f. E.coli bacteria: The previous permitting action established a seasonal (May 15 – September 30) *E. coli* monthly average (geometric mean) limit of 126 colonies/100 mL and a daily maximum (instantaneous) limit of 236 colonies/100 mL with a monitoring frequency of three times per week (3/Week).

This permitting action is established a seasonal monthly average (geometric mean) *E. coli* concentration limit of 64 CFU or MPN/100 mL and a daily maximum (instantaneous) *E. coli* concentration limit of 236 CFU or MPN/100 mL which are based on the State of Maine Water Classification Program criteria for Class B waters found in *Standards for classification of fresh surface waters*, 38 M.R.S. § 465(3).

The Department reviewed DMR data that was submitted for the period of April 2019 – April 2024. A review of the data indicates that following:

**7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)*****E. coli* Bacteria (DMRs=24)**

<b>Value</b>	<b>Limit (col/100 ml)</b>	<b>Range (col/100 ml)</b>	<b>Mean (col/100 ml)</b>
Monthly Average	126	2.0 – 86	24.2
Daily Maximum	236	12.0 – 214	91.8

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 USEPA guidance with its own guidance entitled, *Performance Based Reduction of Monitoring Frequencies - Modification of EPA Guidance Released April 1996* (Maine DEP May 22, 2014). Both documents are being utilized to evaluate the compliance history for each parameter regulated by the previous permit to determine if a reduction in the monitoring frequencies is justified.

Although USEPA's 1996 Guidance recommends evaluation of the most current two years of effluent data for a parameter, the Department is considering 60 months of data (April 1, 2019 – April 30, 2024). A review of the monthly average concentration data for *E. coli* indicates the ratios (expressed in percent) of the long-term effluent average to the monthly average limit can be calculated as 37.5%. According to Table I of the USEPA Guidance the monitoring requirement can be reduced to 2/Month. However, Department policy only allows monitoring frequencies to be reduced by no more than 50% of the initial testing frequency. This permitting action is reducing the monitoring frequency for *E. coli* from 2/Week to 1/Week.

- g. **Total Residual Chlorine (TRC):** The previous permitting action established a technology-based daily maximum concentration limit of 1.0 mg/L for TRC for facilities that disinfect their effluent with elemental chlorine or chlorine-based compounds unless the calculated acute water quality-based threshold is lower than 1.0 mg/L. For facilities that need to de-chlorinate the discharge to meet water quality-based thresholds. The Department has established daily maximum and monthly average BPT limits of 0.3 mg/L and 0.1 mg/L respectively. With acute and chronic dilution factors associated with the discharge water quality-based concentration thresholds the discharge may be calculated as follows:

<b>Acute Criterion</b>	<b>Chronic Criterion</b>	<b>Acute/Chronic Dilution Factors</b>	<b>Calculated Acute Threshold</b>	<b>Calculated Chronic Threshold</b>
0.019 mg/L	0.011 mg/L	655:1 Acute 720:1 Chronic	12.4 mg/L	7.9 mg/L

Because the Department's daily maximum technology-based limit (1.0 mg/L) is more stringent than the calculated acute and chronic water quality-based thresholds calculated above, the BPT limit of 1.0 mg/L is being carried forward in this permit.

The Department reviewed DMR data that was submitted for the period of April 2019 – April 2024. A review of the data indicates that following:

## 7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

### TRC (DMRs=24)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	1.0	0.12 – 0.96	0.57

- h. Total Phosphorus – In the October 16, 2015, permit the Department determined that the permittee's discharge did not have a reasonable potential to exceed the proposed water quality criteria for phosphorus of 0.030 mg/L. No monitoring requirements or end of pipe limitations were established in the 2015 permit. Bio monitoring in the segment of the West Branch of the Penobscot River indicates attainment of the dissolved oxygen standard and shows no signs of nutrient enrichment or eutrophication. The permittee has not had any significant changes to their waste stream or wastewater treatment process, since the 2015 permit was issued. This permit will not be establishing end of pipe limitations or monitoring requirements for total phosphorus.

The Department reserves the right to reopen this permit for modification if there are changes in the operation of the facility or that would lead to a greater potential that the Permittee would have a reasonable potential to exceed the AWQC for phosphorus.

- i. Mercury: Pursuant to 38 M.R.S. § 420, 38 M.R.S. § 413 and 06-096 C.M.R. Ch. 519, this permit is establishing a minimum monitoring frequency requirement of 4 tests per year for mercury for one year starting January 2025 and one test per year starting January 2026. After one year the Department will perform a statistical evaluation of the results of the testing and determine an interim limit 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.
- j. 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)(c) and a minimum monitoring frequency requirement of 1/Day.

The Department reviewed DMR data that was submitted for the period of April 2019 – April 2024. A review of the data indicates that following:

### pH (DMRs=58)

Value	Limit (SU)	Minimum (SU)	Maximum (SU)
Range	6.0-9.0	6.98	9.61

During the monitoring period of April 2019 – April 2024 there were three (3) excursions from the established range of 6.0-9.0 SU.

- k. Whole Effluent Toxicity (WET) and Chemical-Specific Testing: 38 M.R.S. § 414-A and 38 M.R.S. § 420 prohibit the discharge of effluents containing substances in amounts that would cause the surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the USEPA. 06-096 C.M.R. ch. 530 sets forth effluent monitoring requirements and procedures to establish safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected and narrative and numeric water quality criteria are met. 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.

## 7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

WET, priority pollutant and analytical chemistry testing, as required by 06-096 C.M.R. ch. 530, is included in this permit in order to characterize the effluent. 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 the water flea (*Ceriodaphnia dubia*) and the Brook Trout (*Salvelinus fontinalis*). Chemical-specific monitoring is required to assess the levels of individual toxic pollutants in the discharge, comparing each pollutant to acute, chronic, and human health water quality criteria. Priority pollutant testing refers to the analysis for levels of priority pollutants listed under "Priority Pollutants" on the form found at [https://www.maine.gov/dep/water/wd/municipal\\_industrial/index.html](https://www.maine.gov/dep/water/wd/municipal_industrial/index.html). Analytical chemistry refers to those pollutants listed under "Analytical Chemistry" on the form found at See [https://www.maine.gov/dep/water/wd/municipal\\_industrial/index.html](https://www.maine.gov/dep/water/wd/municipal_industrial/index.html).

06-096 C.M.R. ch. 530(2)(A) specifies the dischargers subject to the rule as:  
*All licensed dischargers of industrial process wastewater or domestic wastes discharging to surface waters of the State must meet the testing requirements of this section. Dischargers of other types of wastewater are subject to this subsection when and if the Department determines that toxicity of effluents may have reasonable potential to cause or contribute to exceedances of narrative or numerical water quality criteria.*

The Town of East Millinocket discharges domestic (sanitary) wastewater to surface waters and is therefore subject to the testing requirements of the toxics rule.

06-096 C.M.R. ch. 530 § 2(B) categorizes discharges subject to the toxics rule into one of four levels (Level I through IV). The four categories for dischargers are as follows:

Level I	Chronic dilution factor of <20:1
Level II	Chronic dilution factor of $\geq 20:1$ but <100:1.
Level III	Chronic dilution factor $\geq 100:1$ but <500:1 or >500:1 and $Q \geq 1.0$ MGD
Level IV	Chronic dilution factor >500:1 and $Q \leq 1.0$ MGD

Based on the Chapter 530 criteria, the permittee's facility falls into the Level III frequency category as the facility has a chronic dilution factor of >20:1 but <100:1. 06-096 530(2)(D)(1) specifies that routine screening and surveillance level testing requirements are as follows:

### Screening level testing

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

### Surveillance level testing

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



## 7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

This permit provides for reconsideration of effluent limits and monitoring schedules after evaluation of toxicity testing results. The monitoring schedule includes consideration of results currently on file, the nature of the wastewater, existing treatment, and receiving water characteristics.

l. Whole Effluent Toxicity (WET) Evaluation: 06-096 C.M.R. ch. 530 § 3(E) states:

*For effluent monitoring data and the variability of the pollutant in the effluent, the Department must apply the statistical approach in Section 3.3.2 and Table 3-2 of USEPA's "Technical Support Document for Water Quality-Based Toxics Control" (USEPA Publication 505/2-90-001, March, 1991, EPA, Office of Water, Washington, D.C.) to data to determine whether water-quality based effluent limits must be included in a waste discharge license. Where it is determined through this approach that a discharge contains pollutants or WET at levels that have a reasonable potential to cause or contribute to an exceedance of water quality criteria, appropriate water quality-based limits must be established in any licensing action.*

On November 17, 2023, the Department conducted a statistical evaluation on the most recent 60 months of WET test results on file with the Department for the District in accordance with the statistical approach outlined above. The November 17, 2023, statistical evaluation indicates that none of the tests exceeded or had a reasonable potential to exceed the critical acute and chronic thresholds of 0.2% and 0.1% for the water flea (*Ceriodaphnia dubia*) or the brook trout (*Salvelinus fontinalis*). See **Attachment C** of the Fact Sheet for a summary of the WET test results.

Based on the provisions of 06-096 C.M.R. ch. 530 and Department best professional judgment, this permitting action is carrying forward the reduced surveillance level WET testing requirements for this facility. Special Condition J. 06-096 C.M.R. ch. 530 § 2(D)(4) Statement for Reduced/Waived Toxics Testing of this Permit explains the statement required by the discharger to reduce WET testing.

m. Analytical Chemistry & Priority Pollutant Testing Evaluation:

On November 2, 2023, the Department conducted a statistical evaluation, Report 1363, of the most recent 60 months of chemical-specific test results on file with the Department. The evaluation indicates the discharge did not exceed or have the reasonable potential to exceed any of the acute or chronic ambient water quality criteria. Therefore, no further limits for analytical chemistry and priority pollutants will be established by this permitting action. All reports produced during the analysis are kept on file with the Department.

The January 3, 2017 Minor Revision established, and this permitting action is carrying forward screening level analytical chemistry testing at a frequency of once per calendar quarter (1/Quarter) and screening level testing for priority pollutants of once per screening year (1/Year) is also being carried forward. This permitting action maintains the previously established reduced surveillance level analytical chemistry testing and priority pollutants. See Fact Sheet **Attachment D** for a summary of chemical testing results.

n. Transported Wastes – The permittee requested the Department approve authorization to accept and treat up to 10,000 gpd of transported wastes. *Standards For The Addition of Transported Wastes to*

## **7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)**

*Wastewater Treatment Facilities*, 06-096 C.M.R. Ch. 555 (effective March 9, 2009), limits the quantity of transported wastes received at a facility to 1% of the design capacity of the treatment facility if the facility utilizes a side stream or storage method of introduction into the influent flow, or 0.5% of the design capacity of the facility if the facility does not utilize the side stream or storage method of introduction into the influent flow. A facility may receive more than 1% of the design capacity on a case-by-case basis. The permittee does not utilize a side stream storage method as transported wastes are introduced into the headworks of the facility. With a design capacity of 2.0 MGD, 10,000 gpd represents 0.5% of said capacity. The Department has reviewed and approved the permittee's most current Septage Management Plan and determined that under normal operating conditions, the addition of 10,000 gpd via metered conditions of transported wastes into the facility will not cause or contribute to upset conditions of the treatment process.

## **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, effluent limitations, standards, or conditions must be at least as stringent as the final effluent limitations, standards, or conditions in the previous permit, except for provisions specified in the regulation. 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 the previous permit.

## **9. ANTI-DEGRADATION**

The Department has made a best professional judgment determination based on information gathered to date, that as permitted, the discharge will not cause or contribute the failure of the West Branch of the Penobscot River to meet the standards for Class B classification and the designated uses of the river will continue to be maintained and protected.

## **10. PUBLIC COMMENTS**

Public notice of this application was made in *The Eastern Gazette* newspaper on or about November 6, 2019. 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).

## **11. DEPARTMENT CONTACTS**

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

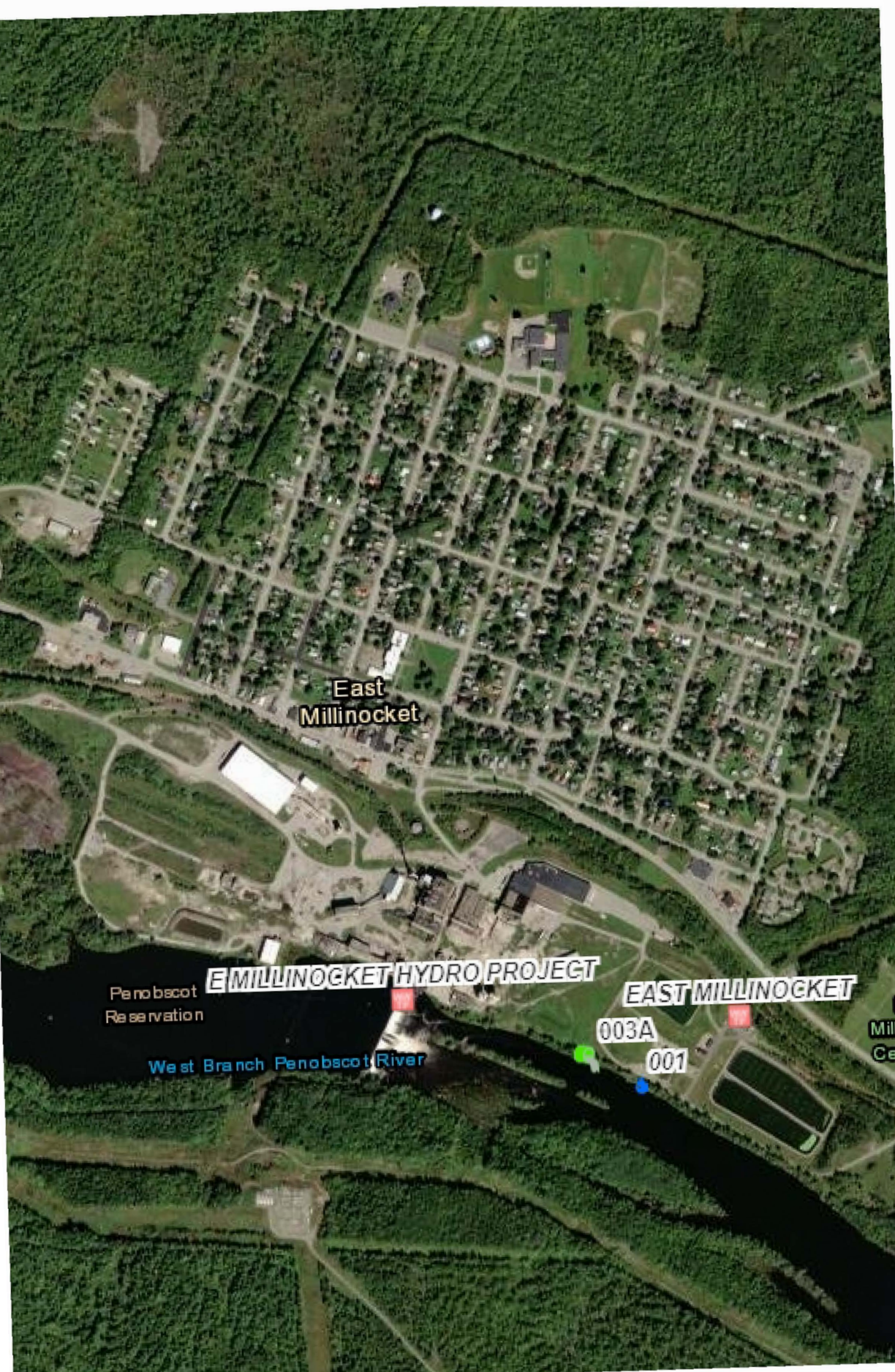
Benjamin Pendleton  
Bureau of Water Quality  
Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333-0017 Telephone: (207) 592 -6871  
e-mail: [Benjamin.S.Pendleton@maine.gov](mailto:Benjamin.S.Pendleton@maine.gov)

## **12. RESPONSE TO COMMENTS**

*This space left blank until end of 30-day comment period.*

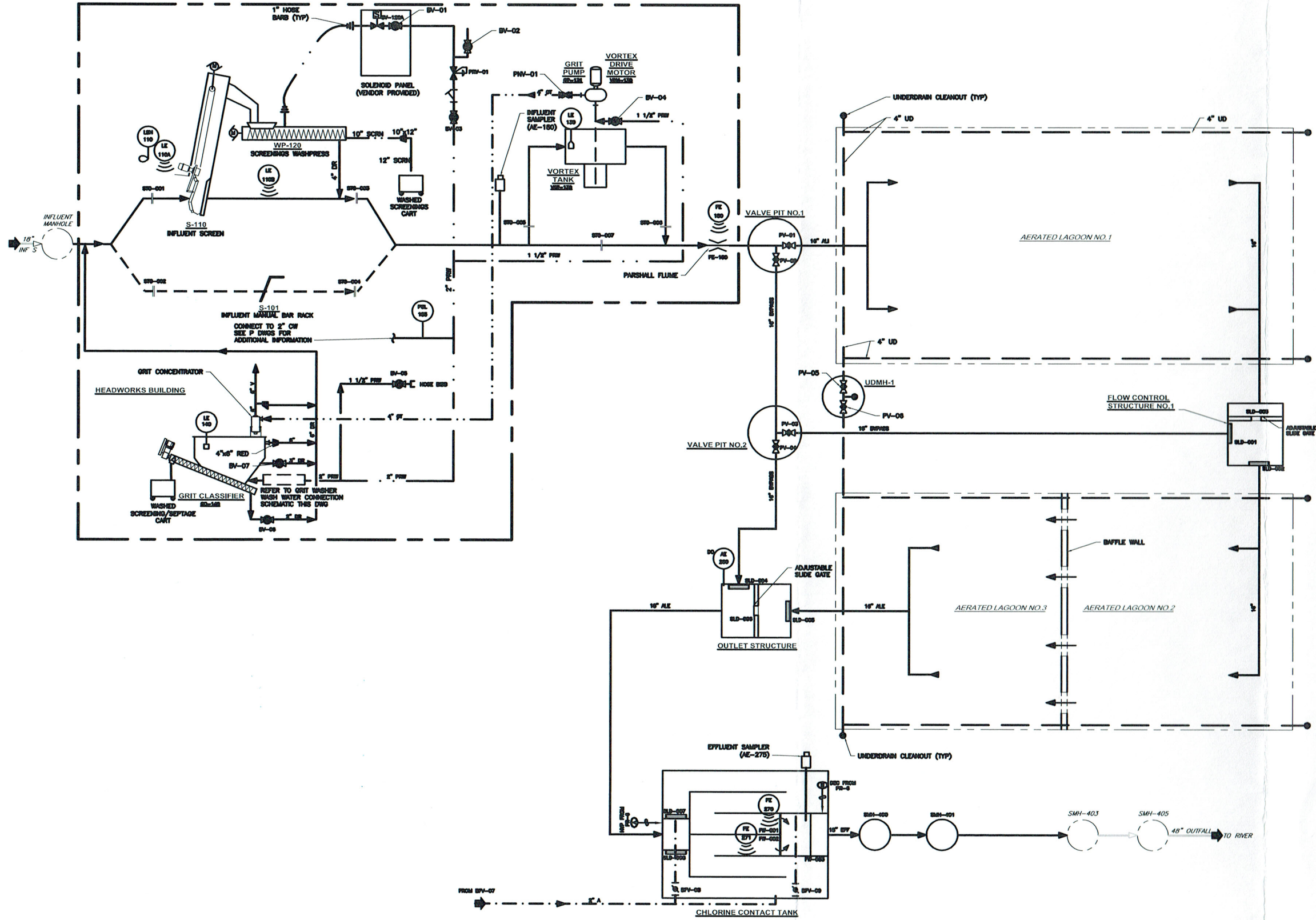
## **FACT SHEET ATTACHMENT A**





## **FACT SHEET ATTACHMENT B**





EAST MILLINOCKET, MAINE SECONDARY WASTEWATER TREATMENT FACILITY UPGRADE		NO.		REVISIONS		DRAWN BY		APP'D	
		1				---			
		2							
		3							
PROJ NO: 13075F		DATE:							
WRIGHT-PIERCE Engineering a Better Environment		REFERENCE: DWG PR-5							
								FIGURE: 1	

## **FACT SHEET ATTACHMENT C**



8/5/2024

WET TEST REPORT

Data for tests conducted for the period

17/NOV/2018 - 17/NOV/2023



EAST MILLINOCKET WWTP

NPDES= ME0102881

Effluent Limit: Acute (%) = 2.527

Chronic (%) = 2.293

Species	Test	Percent	Sample date	Critical %	Exception	RP
TROUT	A_NOEL	100	05/07/2019	2.527		
TROUT	C_NOEL	100	05/07/2019	2.293		
WATER FLEA	A_NOEL	100	05/07/2019	2.527		
WATER FLEA	C_NOEL	100	05/07/2019	2.293		

## **FACT SHEET ATTACHMENT D**

## CHEMICAL TEST REPORT

Data entered into Toxscan for the period

17/NOV/2018 - 17/NOV/2023

Facility Name: **EAST MILLINOCKET WWTP**Permit Number: **ME0102881****ALKALINITY**

Test Date	Result (ug/l)	Lsthan	Status
05/07/2019	230000.000	N	

**ALUMINUM**

Test Date	Result (ug/l)	Lsthan	Status
12/13/2018	40.300	N	
03/05/2019	26.200	N	
07/09/2019	36.900	N	

**AMMONIA**

Test Date	Result (ug/l)	Lsthan	Status
12/13/2018	7500.000	N	
03/05/2019	15000.000	N	
05/07/2019	3800.000	N	
07/09/2019	10000.000	N	

**ARSENIC**

Test Date	Result (ug/l)	Lsthan	Status
12/13/2018	2.700	N	
03/05/2019	3.700	N	
05/07/2019	3.800	N	
07/09/2019	6.900	N	

**COPPER**

Test Date	Result (ug/l)	Lsthan	Status
12/13/2018	11.400	N	
03/05/2019	9.100	N	
05/07/2019	3.370	N	
07/09/2019	5.240	N	

**CYANIDE TOTAL**

Test Date	Result (ug/l)	Lsthan	Status
03/05/2019	5.000	N	

**LEAD**

Test Date	Result (ug/l)	Lsthan	Status
12/13/2018	0.362	N	
03/05/2019	0.215	N	
07/09/2019	0.298	N	

**NICKEL**

Test Date	Result (ug/l)	Lsthan	Status
12/13/2018	3.550	N	
03/05/2019	3.820	N	
05/07/2019	2.960	N	
07/09/2019	2.970	N	

**PH**

Test Date	Result (ug/l)	Lsthan	Status
05/07/2019	7.450	N	

**SOLIDS**

Test Date	Result (ug/l)	Lsthan	Status
05/07/2019	386000.000	N	

**SPECIFIC CONDUCTANCE (UMHOS)**

Test Date	Result (ug/l)	Lsthan	Status
05/07/2019	679.000	N	

**TOTAL CALCIUM**

Test Date	Result (ug/l)	Lsthan	Status
05/07/2019	58100.000	N	

**TOTAL HARDNESS**

Test Date	Result (ug/l)	Lsthan	Status
05/07/2019	210000.000	N	

**TOTAL MAGNESIUM**

Test Date	Result (ug/l)	Lsthan	Status
05/07/2019	15800.000	N	

**TOTAL ORGANIC CARBON**

Test Date	Result (ug/l)	Lsthan	Status
05/07/2019	9500.000	N	

**TOTAL SUSPENDED SOLIDS**

Test Date	Result (ug/l)	Lsthan	Status
05/07/2019	11000.000	N	

**ZINC**

Test Date	Result (ug/l)	Lsthan	Status
12/13/2018	14.000	N	
03/05/2019	13.200	N	
05/07/2019	6.700	N	
07/09/2019	9.900	N	

## **FACT SHEET ATTACHMENT E**

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?	<input type="checkbox"/>	<input type="checkbox"/>
2	Changes in the condition or operations of the facility that may increase the toxicity of the discharge?	<input type="checkbox"/>	<input type="checkbox"/>
3	Changes in storm water collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge?	<input type="checkbox"/>	<input type="checkbox"/>
4	Increases in the type or volume of hauled wastes accepted by the facility?	<input type="checkbox"/>	<input type="checkbox"/>

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	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter
WET Testing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Priority Pollutant Testing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Analytical Chemistry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other toxic parameters <sup>1</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*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.*

<sup>1</sup> This only applies to parameters where testing is required at a rate less frequently than quarterly.