



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

Mr. Bradley A. Roland, P.E.
Portland Public Services
55 Portland Street
Portland, ME. 04101

October 23, 2008

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit ME0101435
Maine Waste Discharge License (WDL) Application W008010-5T-D-R
Final Permit/License

Dear Mr. Roland:

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

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

If you have any questions regarding this matter, please feel free to call me at 287-7693.

Sincerely,

Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality

Enc.

cc: Stuart Rose, DEP/SMRO
John True, DEP/CMRO
Sandy Lao, USEPA
Joseph Gray, City Manager
Michael Bobinsky, Director of Public Services
Katherine Earley, Engineering Services Manager/City Engineer
David Margolis-Pineo, Deputy City Engineer

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

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BANGOR, MAINE 04401
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PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
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PRESQUE ISLE
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PRESQUE ISLE, MAINE 04769-2094
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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

CITY OF PORTLAND)	MAINE POLLUTANT DISCHARGE
PORTLAND, CUMBERLAND COUNTY, ME)	ELIMINATION SYSTEM PERMIT
COMBINED SEWER OVERFLOWS)	AND
ME0101435)	WASTE DISCHARGE LICENSE
W008010-5T-D-R)	RENEWAL
		APPROVAL

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, Section 1251, et Seq. and Maine Law, 38 M.R.S.A., Section 414-A, et Seq., and applicable regulations, the Department of Environmental Protection (Department hereinafter) has considered the application of the CITY OF PORTLAND, (City hereinafter) with its supportive data, agency review comments, and other related materials on file, and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The City has applied for renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0101435/Maine Waste Discharge License (WDL) #W008010-5T-C-R (permit hereinafter). The permit was issued by the Department on July 7, 2003 for a five-year term and approved the discharge of untreated sanitary waste waters from CSO Outfalls 006, 013, 014, 017, 018 and 019 to Back Cove, from CSO Outfalls 024 and 026 to Portland Harbor, from CSO Outfall 039 to Nasons Brook, and from CSO Outfalls 036, 042 and 043 to Capisic Brook for a total of twelve CSOs.

PERMIT SUMMARY

This permitting action carries forward the authorization to discharge untreated sanitary and storm related waste water during wet weather events from the twelve CSOs. Special Condition A(4) of this permit establishes a schedule by which the City must adhere to in an effort to mitigate or eliminate discharges from the CSOs during the term of this permit. Special Condition A also requires the City to submit an annual *CSO Activity and Volumes* report, conduct block testing or flow monitoring of all CSOs, submit an annual *CSO Progress Report*, and submit an annual report of work done on the Nine Minimum Controls.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated September 19, 2008, including the implementation of the treatment and control measures as specified in the CSO Master Plan (or elimination of the discharge entirely) and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification, which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, 38 MRSA Section 464(4)(F), will be met, in that:
 - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
 - (c) The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and
 - (e) Where a discharge will result in lowering the existing quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. Pursuant to Department Regulation Chapter 570, *Combined Sewer Overflow Abatement*, the discharge will be subject to the application of best practicable treatment.

ACTION

THEREFORE, the Department APPROVES the above noted application of the CITY OF PORTLAND, to discharge combined untreated sanitary waste water and storm water during wet weather events from CSOs 006, 013, 014, 017, 018 and 019 to Back Cove, Class SC, from CSOs 024 and 026 to Portland Harbor, Class SC, from CSO 039 to the Nasons Brook, Class C, and from CSOs 036, 042 and 043 to Capisic Brook, Class C in Portland, Maine, SUBJECT TO THE ATTACHED CONDITIONS, and applicable standards and regulations including:

1. "Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits," revised July 1, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This permit expires five (5) years from the date of signature below.

DONES AND DATED AT AUGUSTA, MAINE, THIS 24TH DAY OF OCTOBER, 2008.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

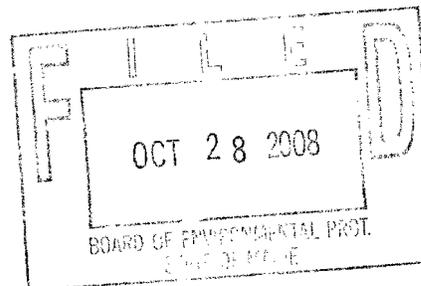
BY: _____

DAVID P. LITTELL, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: July 3, 2008

Date of application acceptance: July 10, 2008



Date filed with Board of Environmental Protection _____

This order prepared by Gregg Wood, Bureau of Land & Water Quality

SPECIAL CONDITIONS

A. CONDITIONS FOR COMBINED SEWER OVERFLOW (CSO)

Pursuant to Chapter 570 of Department Rules (*Combined Sewer Overflow Abatement*), the permittee is authorized to discharge from the following CSOs (storm water and sanitary waste water) subject to the conditions and requirements herein.

1. CSO Locations:

Regulator Location (RL)	RL #	Owner	Outfall #	Owner	CSO Outfall Location	Receiving Water & Class ()
Johansen Street #1 (Front@)	6A	City	006	City	Baxter Blvd. near Payson Park	Back Cove (SC)
Johansen Street #2 (@Front)	6B	City				
Belmont Street	13A	City	013	City	Baxter Blvd. near Belmont St.	Back Cove (SC)
Forest Ave. @ Ashmont St.	13B	City				
Ashmont St. @ Forest Ave.	13C	City				
Forest Ave. @ Coyles Gulley (GLB ¹)	14	City	014	City	Baxter Blvd. near Belmont St.	Back Cove (SC)
Forest Ave. @ Dartmouth St.	15A	City	015	PWD	Baxter Blvd. @ Dartmouth St.	Back Cove (SC)
Dartmouth Ave. @ Baxter Blvd.	15B	PWD				
Forest Ave. @ Bedford St.	16A	City	016	PWD	Baxter Blvd. @ near Preble St.	Back Cove (SC)
Bank St.	16B	PWD				
Preble St. @ Marginal way	17	City	017	City	Preble St.	Back Cove (SC)
Franklin Art. @ Marginal Way	18	City	018	City	I-295 exit near Franklin Arterial	Back Cove (SC)
Diamond @ MW (Fox @ Anderson) ²	19	City	019	City	I-295 exit near Diamond St.	Back Cove (SC)
Franklin Art. @ Fore St.	24A	City	024	City	Commercial St. at Franklin St.	Portland Harbor (SC)
Franklin Art. @ Middle St.	24B	City				
Maple St. @ Commercial St.	26	City	026	City	Commercial St. near Maple St.	Portland Harbor (SC)
Capisic Pond dam Overflow	36	City	036	City	Capisic Pond Dam	Capisic Brook (C)
Rowe St. (Hillcrest)	39	City	039	City	Rowe St.	Nasons Brook (C)
Warren Avenue 60"	42	City	042	City	Warren Ave. near Newcombe St.	Capisic Brook (C)
Warren Avenue 42"	43	City	043	City	Warren Ave. near Newcombe St.	Capisic Brook (C)

¹ Located in front of Great Lost Bear (GLB) restaurant (540 Forest Avenue)

² Diamond @Marginal Way (Fox @ Anderson)

City owned and maintained Regulators #15A and #16A discharge through Outfalls #015 (PWD #019) and #016 (PWD #021) respectively. Outfalls #015 (PWD #019) and #016 (PWD #021) are permitted by the Department to the Portland Water District. Regulators #15B and #16 B are owned and maintained by the Portland Water District.

SPECIAL CONDITIONS

A. CONDITIONS FOR COMBINED SEWER OVERFLOW (CSO) (cont'd)

2. Prohibited Discharges

- a) The discharge of dry weather flows is prohibited. All such discharges shall be reported to the Department in accordance with Standard Condition D (1) of this permit.
- b) No discharge shall occur as a result of mechanical failure, improper design or inadequate operation or maintenance.
- c) No discharges shall occur at flow rates below the maximum design capacity of the wastewater treatment facility, pumping stations or sewerage system.

3. Narrative Effluent Limitations

- a) The effluent shall not contain a visible oil sheen, settled substances, foam, or floating solids at any time that impair the characteristics and designated uses ascribed to the classification of the receiving waters.
- b) The effluent shall not contain materials in concentrations or combinations that are hazardous or toxic to aquatic life; or which would impair the usage designated by the classification of the receiving waters.
- c) The discharge shall not cause visible discoloration or turbidity in the receiving waters which would impair the usages designated by the classification of the receiving waters.

4. CSO Master Plan (see Sections 2 & 3 of Chapter 570 Department Rules)

The permittee shall implement CSO control projects in accordance with an approved CSO Master Plan and abatement schedule. The CSO Master Plan *entitled Combined Sewer Overflow Abatement Study Master Plan-City of Portland, Maine*, dated December 1993 (revised in January 1997) and the abatement project schedule was approved on June 25, 1997. The abatement schedule was modified in the document entitled *City of Portland Tier II Combined Sewer Overflow Abatement 8-Year Implementation Plan*, dated February 5, 2003 and subsequently modified in a letter entitled *City of Portland – Request to Modify the CSO Master Plan Schedule*, dated April 8, 2008 and was approved on April 15, 2008. The permittee shall:

By September 30, 2009, (PCS Code 04599), the permittee shall complete the CSO abatement portion of the projects referred to as Tier II – 2008 Construction Projects. See *Attachment A* of entitled, *City of Portland Combined Sewer Overflow Abatement Program Tier II, Updated January 29, 2008*.

SPECIAL CONDITIONS

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A. CONDITIONS FOR COMBINED SEWER OVERFLOW (CSO) (cont'd)

By June 30, 2010, (PCS Code 04599), the permittee shall complete the CSO abatement portion of projects referred to as Tier II – 2009 Construction Projects.

By June 30, 2011, (PCS Code 04599), the permittee shall complete the CSO abatement portion of projects referred to as Tier II – 2010 Construction Projects.

By June 30, 2011, (PCS Code 06699), the permittee shall submit a draft Tier III CSO Master Plan analyzing the effectiveness of the abatement projects to date and a proposing a list of Tier III abatement projects, along with an implementation schedule, to the Department for review and approval.

By June 30, 2012, (PCS Code 04599), the permittee shall complete the CSO abatement portion of projects referred to as Tier II – 2011 Construction Projects.

By June 30, 2013, (PCS Code 04599), the permittee shall complete the CSO abatement portion of projects referred to as Tier II – 2012 Construction Projects.

By December, 2013, (PCS Code 04599), the permittee shall complete the CSO abatement portion of projects referred to as Tier II – 2013 Construction Projects.

To modify the dates and or projects specified above (but not dates in the Master Plan), the permittee must file an application with the Department to formally modify this permit. The work items identified in the Master Plan abatement schedule may be amended from time to time based upon approval by the Department. The permittee must notify the Department in writing prior to any proposed changes to the implementation schedule.

5. **Nine Minimum Controls (NMC) (see Section 5 Chapter 570 of Department Rules)**

The permittee shall implement and follow the Nine Minimum Control documentation as approved by EPA on May 29, 1997. Work performed on the Nine Minimum Controls during the year shall be included in the annual CSO Progress Report (see below).

SPECIAL CONDITIONS

A. CONDITIONS FOR COMBINED SEWER OVERFLOW (CSO) (cont'd)

6. CSO Compliance Monitoring Program (see Section 6 Chapter 570 of Department Rules)
The permittee shall conduct block testing or flow monitoring according to an approved *Compliance Monitoring Program* on all CSO points, as part of the CSO Master Plan. Annual flow volumes for all CSO locations shall be determined by actual flow monitoring, or by estimation using a model such as EPA's Storm Water Management Model (SWMM).

Results shall be submitted annually as part of the annual *CSO Progress Report* (see below), and shall include annual precipitation, CSO volumes (actual or estimated) and any required block test data. Any abnormalities during CSO monitoring shall also be reported. The results shall be reported on the Department form "*CSO Activity and Volumes*" (Attachment A of this permit) or similar format and submitted electronically to the Department's CSO Coordinator at the address in Section A(7) below.

CSO control projects that have been completed shall be monitored for volume and frequency of overflow to determine the effectiveness of the project toward CSO abatement. This requirement shall not apply to those areas where complete separation has been completed and CSO outfalls have been eliminated.

7. Annual CSO Progress Reports (see Section 7 of Chapter 570 of Department Rules)

By March 1 of each year, (PCS Code 11099) the permittee shall submit a *CSO Progress Report* covering the previous calendar year (January 1 to December 31). The CSO Progress Report shall include, but is not necessarily limited to, the following topics as further described in Chapter 570; CSO abatement projects, schedule comparison, progress on inflow sources, costs, flow monitoring results, CSO activity and volumes, nine minimum controls update, sewer extensions, and new commercial or industrial flows.

The CSO Progress Report shall be completed on a standard form entitled "*Annual CSO Progress Report*", furnished by the Department, and submitted in electronic form to the following address:

CSO Coordinator
Department of Environmental Protection
Bureau of Land and Water Quality
Division of Water Quality Management
17 State House Station
Augusta, Maine 04333
e-mail: CSOCoordinator@maine.gov

SPECIAL CONDITIONS

A. CONDITIONS FOR COMBINED SEWER OVERFLOW (CSO) (cont'd)

8. Additions of New Wastewater (see Section 8 Chapter 570 of Department Rules)
Chapter 570 Section 8 lists requirements relating to any proposed addition of wastewater to the combined sewer system. Documentation of the new wastewater additions to the system and associated mitigating measures shall be included in the annual *CSO Progress Report* (see above). Reports must contain the volumes and characteristics of the wastewater added or authorized for addition and descriptions of the sewer system improvements and estimated effectiveness.
9. Signs

If not already installed, the permittee shall install and maintain an identification sign at each CSO location as notification to the public that intermittent discharges of untreated sanitary waste water occur. The sign must be located at or near the outfall and be easily readable by the public. The sign shall be a minimum of 12" x 18" in size with white lettering against a green background and shall contain the following information:

CITY OF PORTLAND
WET WEATHER
SEWAGE DISCHARGE
LICENSE # AND NAME

Any existing signs not meeting the physical description and wording above shall be replaced, at the discretion of the Departments facility compliance inspector, with signs as described above.

10. Definitions

For the purposes of this permit, the following terms are defined as follows:

- a. Combined Sewer Overflow - a discharge of excess waste water from a municipal or quasi-municipal sewerage system that conveys both sanitary wastes and storm water in a single pipe system and that is in direct response to a storm event or snowmelt.
- b. Dry Weather Flows - flow in a sewerage system that occurs as a result of non-storm events or are caused solely by ground water infiltration.
- c. Wet Weather Flows - flow in a sewerage system that occurs as a direct result of a storm event, or snowmelt in combination with dry weather flows.

SPECIAL CONDITIONS

B. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge untreated sanitary wastewater and stormwater during wet weather events only in accordance with the terms and conditions of this permit and only from Outfalls 006, 013, 014, 017, 018, 019, 024, 026, 036, 039, 042, and 043. Discharges of waste water from any other point sources are not authorized under this permit, but shall be reported in accordance with Standard Condition B(5)(Bypass) of this permit.

C. REOPENER CLAUSE

Upon evaluation of the data and information required by the Special Conditions of this permitting action, new site specific information, or any other pertinent information obtained during the term of this permit, the Department may, at anytime and with notice to the permittee, modify this permit to require additional monitoring, inspections and/or reporting based on the new information.

D. SEVERABILITY

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

**ATTACHMENT A
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
CSO ACTIVITY AND VOLUMES**

MUNICIPALITY OR DISTRICT				MEPDES / NPDES PERMIT NO.							
REPORTING YEAR				SIGNED BY:							
YEARLY TOTAL PRECIPITATION				INCHES							
CSO EVENT NO.	START DATE OF STORM	PRECIP. DATA		FLOW DATA (GALLONS PER DAY) OR BLOCK ACTIVITY("1")							
		TOTAL INCHES	MAX. HR. INCHES	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	LOCATION: NUMBER:	EVENT OVERFLOW GALLONS	EVENT DURATION HRS
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
13											
14											
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16											
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19											
20											
21											
22											
23											
24											
25											
TOTALS											

Note 1: Flow data should be listed as gallons per day. Storms lasting more than one day should show total flow for each day.

Note 2: Block activity should be shown as a "1" if the block floated away.

**MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
MAINE WASTE DISCHARGE LICENSE**

FACT SHEET

Date: September 19, 2008

PERMIT NUMBER: **ME0101435**
LICENSE NUMBER: **W008010-5T-D-R**

NAME AND ADDRESS OF APPLICANT:

**CITY OF PORTLAND
55 Portland Street
Portland, Maine 04101**

COUNTY: **Cumberland County**

NAME AND LOCATION WHERE DISCHARGE OCCURS:

For the name and location of CSOs, see page 7 of this Fact Sheet

RECEIVING WATER/CLASSIFICATION: **Back Cove, Class SC
Portland Harbor, Class SC
Capisic Brook, Class C
Nasons Brook, Class C**

COGNIZANT OFFICAL AND TELEPHONE NUMBER: **Mr. Bradley A. Roland, P.E.
(207) 874-8846
brad@portlandmaine.gov**

1. APPLICATION SUMMARY

- a. Application: The City has applied for renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0101435/Maine Waste Discharge License (WDL) #W008010-5T-C-R (permit hereinafter). The permit was issued by the Department on July 7, 2003 for a five-year term and approved the discharge of untreated sanitary waste waters from CSO Outfalls 006, 013, 014, 017, 018 and 019 to Back Cove, from CSO Outfalls 024 and 026 to Portland Harbor, from CSO Outfall 039 to Nasons Brook, and from CSO Outfalls 036, 042 and 043 to Capisic Brook for a total of twelve CSOs.

1. APPLICATION SUMMARY (cont'd)

- b. Source Description: – During wet weather events caused by precipitation, snow melt, inflow and infiltration (I & I) into the collection system from roof drains, cellar drains, combined storm sewers, and/or leaking collection systems, the flow in the sewer system may be greater than what the treatment plant can handle and therefore water may back up in the sewer lines causing the activation of CSOs. Also the wet weather flows may exceed the capacity of certain sewer lines and therefore cause CSO activation. The City has a total of 34 CSOs, 22 of which are owned and maintained by the Portland Water District (District). CSOs not covered in this permitting action are addressed in other Department permitting actions.

In December 1993, CH2M-Hill of Boston, Massachusetts, submitted a *Combined Sewer Overflow Abatement Study Master Plan (CSO Master Plan)* to the Department on behalf of the City. The Study contained a 15-year implementation schedule for the abatement of CSO activity associated with 39 CSO's discharging to 6 receiving waters. The *CSO Master Plan* sought to eliminate 33 out of 39 CSO's, reduce the annual CSO volume from 720 million gallons (MG) to 87 MG based on the 1966 precipitation record and eliminate the discharge of CSO's to sensitive receiving waters which include Capisic Brook, the Presumpscot River Estuary and the Fore River. In January 1997, DeLuca-Hoffman Associates, Inc. of South Portland, Maine submitted a *Five Year CSO Abatement Plan and Schedule* to the Department on behalf of the City. The *Five Year CSO Abatement Plan and Schedule* identified 43 projects (12 flood control projects and 31 CSO abatement projects) and provided a detailed plan of project scheduling and cost budgeting for the 5-year period of 1997-2001. The flood control projects are classified as prerequisite work to CSO abatement projects and typically take the form of culvert enlargements, channel improvements and stormwater management facilities. These flood control projects do not generally reduce CSO activity, however the CSO abatement projects can not be performed until the flood control projects are implemented.

At the adoption of the *CSO Master Plan* in 1993, the City had 42 CSO outfalls of which 39 were classified as active. The City now has 34 CSO's, 22 of which are owned and maintained by the Portland Water District and the other 12 are owned and maintained by the City of Portland.

Through the year ending 2001, the City of Portland has implemented 28 of 43 total projects contained in the *CSO Abatement 5-Year Implementation Schedule (1997-2001)*. Of the 28 projects, 9 were flood control projects and the remaining 19 projects were CSO abatement projects. The completion of these 19 CSO abatement projects has resulted in the deactivation of 3 CSO discharge points with a corresponding volume reduction of 18.20% from the 1993 annual overflow volume and 2.98% from the 1997 annual overflow volume.

On February 10, 2003, the Department approved the *City of Portland Tier II Combined Sewer Overflow Abatement 8-Year Implementation Plan*, dated February 5, 2003. This plan focused on the abatement of CSO #7 overflows. The service area of CSO #7 contains 1,051 acres having a corresponding annual overflow volume of approximately 100 MG based on the 1966 annual precipitation record.

1. APPLICATION SUMMARY (cont'd)

The following tables "A1 and A2" on pages 5 and 6 lists all the CSO regulator locations and CSO Outfalls in Portland, Maine. Table "B" on page 7 lists the CSO regulator locations and CSO Outfalls owned and maintained by the City of Portland. (The Portland Water District owns and maintains the CSOs that are not owned and maintained by the City.)

Attachment "A" of this Fact Sheet is a map prepared by the City showing the locations of the CSOs.

2. PERMIT SUMMARY

- a. Permit Summary: This permitting action authorizes the City of Portland (City) to discharge untreated sanitary and storm related wastewater during wet weather events via CSO Outfalls 006, 013, 014, 017, 018 and 019 to Back Cove, CSO Outfalls 024 and 026 to Portland Harbor; CSO Outfalls 036 and 039 to the Fore River, and CSO Outfalls 042 and 043 to Capisic Brook for a total of twelve CSOs.

This permitting action carries forward the following requirements: 1) continue to implement CSO control projects as described in the *City of Portland Combined Sewer Overflow Abatement Five Year Implementation Schedule 1997 through 2001* and the *City of Portland Tier II Combined Sewer Overflow Abatement 8-Year Implementation Plan*, dated February 5, 2003 which was approved by the Department on February 10, 2003 and any amended schedules approved by the Department, 2) Submit an annual *CSO Activity and Volumes* report, 3) conduct block testing or flow monitoring of all CSOs, 4) Submit an annual *CSO Progress Report*, and 5) submit an annual report of work done on the *Nine Minimum Controls*.

- b. History: The most recent permitting/licensing actions include the following:

January 1991 – The City and the Portland Water District (District) entered into an Administrative Consent Agreement and Enforcement order with the Maine Board of Environmental Protection because of the CSO discharges and the fact that the City did not have a current WDL for its CSOs. The Consent Agreement set forth deadlines for the development and implementation of a long term program for the evaluation and abatement of both the City and District CSO discharges. The City was also required to submit a WDL application to the Department.

February 1991 – The City submitted an application for a WDL for its CSO discharges.

December 1993 – The City and the District submitted a *CSO Abatement Master Plan* prepared by CH2M-Hill. Approval for this plan was withheld pending more detailed project descriptions as well as design and construction schedules for the first two or three years of implementation.

January 1997 – A *Five Year CSO Abatement Plan and Schedule* for the years 1997 through 2001, prepared by Deluca-Hoffman associates, Inc., was submitted to the Department. This plan together with the original 1993 CSO Master Plan was approved by both the EPA and the Department on June 25, 1997.

2. PERMIT SUMMARY

July 3, 1997 – The District, on behalf of the City, submitted the *Portland 1997 CSO Monitoring Plan* which was approved by the Department.

October 7, 1997 – The Department issued Waste Discharge License #W008010-58-A-R authorizing the discharge of combined storm water and untreated sanitary waste water from 13 CSOs.

September 29, 1997 – The Department issued Order #W008010-68-B-N/#ME0101435 certifying that the discharge proposed in a pending National Pollutant Discharge Elimination System (NPDES) permit was in compliance with applicable sections of the Federal Water Pollution Control Act.

September 30, 1997 – The U.S. Environmental Protection Agency (EPA) issued the NPDES permit #ME0101435 which expired on March 31, 2002.

January 12, 2001 – The Department received authorization from the EPA to administer the NPDES program in Maine. From that point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) program.

February 10, 2003 – The Department approved the *City of Portland Tier II Combined Sewer Overflow Abatement 8-Year Implementation Plan*, dated February 5, 2003.

July 7, 2003 – The Department issued combination MEPDES permit ME0101435/Maine Waste Discharge License (WDL) #W008010-5T-C-R for a five-year term.

July 3, 2008 – The City submitted a complete application to the Department to renew the MEPDES permit/WDL for the discharge from 12 CSOs.

- c. Summary of CSO Activity: For a summary of the volumes of untreated waste water/storm water discharged from each of the 12 CSO outfalls for calendar years 2000-2007 (inclusive), see Attachment “B” of this Fact Sheet

The annual *CSO Volumes and Activity Reports* containing information on each CSO outfall events are on file at the Department.

Table "A1" City of Portland and Portland Water District CSOs

Regulator location (RL)	RL #	Owner	Outfall #	PWD Outfall # ()	Owner	Receiving Water	Year Closed
Veranda St.	1A	PWD	001	(027)	PWD	Casco Bay	2001
Olympia St.	1B	PWD					
Arcadia St.	2	PWD	002	(022)	PWD	Presumpscot Est.	
Herwick St.	3	PWD	003	(023)	PWD	Casco bay	2001
Tukey's Bridge Syphon	4	PWD	004	(026)	PWD	Casco bay	
Randal St.	5	PWD	005	(010)	PWD	Back cove	
Johanson St. #1 (Front @)	6A	City	006	---	City	Back Cove	
Johanson St. #2 (@Front)	6B	City					
Ocean Ave.	7	PWD	007	(011)	PWD	Back Cove	
Clifton St.	8	PWD	008	(020)	PWD	Back Cove	
George St.	9	PWD	009	(012)	PWD	Back Cove	
Austin St.	10A	PWD	010	(014)	PWD	Back Cove	
Mackworth St.	10B	PWD					
Parsons St.	10C	PWD					
Chenery St.	11A	PWD	011	(017)	PWD	Back Cove	
Codman St.	11B	PWD					
Vannah Ave.	12	PWD	012	(018)	PWD	Back Cove	
Belmont St.	13A	City	013	---	City	Back Cove	
Forest Ave. @ Ashmont St.	13B	City					
Ashmont St. @ Forest Ave.	13C	City					
Forest Ave. @ Coyles Gully	14	City	014	---	City	Back Cove	
Forest Ave. @ Dartmouth St.	15A	City	015	(019)	PWD	Back Cove	
Dartmouth Ave. @ Baxter Blvd.	15B	PWD					
Forest Ave. @ Bedford St.	16A	City	016	(021)	PWD	Back Cove	
Bank St.	16B	PWD					
Preble St. @ Marginal Way (M W)	17	City	017	---	City	Back Cove	
Franklin Arterial @ M W	18	City	018	---	City	Back Cove	
Diamond @ M W (Fox @ Anderson)	19	City	019	---	City	Back Cove	
Northeast P.S.	20	PWD	020	(024)	PWD	Casco bay	

*The estimated annual flow based on the storm water management model (SWMM)

PWD – Portland Water District – All shaded areas are facilities owned and maintained by the Portland Water district.

Closed CSOs – All facility descriptions with lines drawn through them are closed CSOs

Table “A2” City of Portland and Portland Water District CSOs (cont’d)

Regulator Location (RL)	RL #.	Owner	Outfall #	PWD Outfall # ()	Owner	Receiving Water	Year Closed
Quebec St.	21	PWD	021	(002)	PWD		1995
Sewage treatment plant	22		022				NA
India St.	23	PWD	023	(003)	PWD	Portland Harbor	
Franklin Arterial @ Fore St.	24A	City	024	---	City	Portland Harbor	
Franklin Arterial @ Middlee St.	24B	City		---			
Long wharf	25	PWD	025	(004)	PWD	Portland Harbor	
Maple St. @ Commercial St.	26	City	026	---	City	Portland Harbor	
Clark St.	27	PWD	027	(005)	PWD	Portland Harbor	
Emery st.	28	PWD	028	(006)	PWD	Portland Harbor	
West Commercial St.	29	PWD	029	(007)	PWD	Fore River	
St. John St.	30	PWD	030	(008)	PWD	Fore River	
Congres. St. @ Sewall St.	31	PWD	031	---	PWD	Fore River	1993
Thompson Pt. P.S.	32	PWD	032	(028)	PWD	Fore River	
Fore River P.S.	33	PWD	033	(009)	PWD	Fore River	
Brewer St.	34	PWD	034	(025)	PWD	Fore River	
Stroudwater Road	35A	PWD	035	(029)	PWD	Fore River	
Capisic Pond Dam Overflow	36	City	036	---	City	Capisic Brook	
Mayer road	37	City	037	---	City	Capisic Brook	1993
Brighton Ave. @ Capisic St.	38	City	038	---	City	Capisic Brook	1998
Rowe St. (Hillcrest)	39	City	039	---	City	Nasons Brook	
Sagamore Village Overflow	40	City	040	---	City	Capisic Brook	1993
Holm Ave.	41	City	041	---	City	Capisic Brook	1996
Warren Ave. 60"	42	City	042	---	City	Capisic Brook	
Warren Ave. 24"	43	City	043	---	City	Capisic Brook	

**The estimated annual flow based on the storm water management model (SWMM)

~~PWD – Portland Water District~~ – All shaded areas are facilities owned and maintained by the Portland Water district.

~~Closed CSOs~~ – All facility descriptions with lines drawn through them are closed CSOs

2. CONDITIONS OF PERMITS

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

3. RECEIVING WATER QUALITY STANDARDS

Maine Law, 38 M.R.S.A., Section 468(1)(B)(1) states that at the point of discharge, Capasic Brook and Nasons Brook are classified as a Class C water ways. Maine Law, 38 M.R.S.A., Section 465(4). contains the classification standards for Class C water ways.

Maine Law, 38 M.R.S.A., Section 469 (1)(E).(2) states that at the point of discharge, Back Cove and Portland Harbor are classified as Class SC waterways. Maine Law, 38 M.R.S.A., Section 465-B(3) contains the classification standards for Class SC water ways.

4. RECEIVING WATER QUALITY CONDITIONS

The *2006 Integrated Water Quality Monitoring and Assessment Report* prepared by the Department pursuant to Sections 305(b) and 303(d) of the Federal Water Pollution Control Act indicates that at the point of discharge: 1) Capasic Brook is not meeting the standards of its assigned classification due to non-point source stormwater and habitat alteration, 2) Back Cove is not meeting the standards of its assigned classification due to CSO discharges and non-point source stormwater and is closed to shellfish harvesting due to CSO discharges and stormwater, 3) the Fore River is not meeting its assigned classification due to CSO discharges, non-point source stormwater and possibly contaminated sediments and is closed to shellfish harvesting due to CSO discharges and non-point source stormwater, 4) Portland Harbor is not meeting its assigned classification due to CSO discharges and non-point source stormwater and is closed to shellfish harvesting due to CSO discharges and non-point source stormwater.

5. EFFLUENT LIMITATIONS/MONITORING REQUIREMENTS

No effluent limitations have been established in this permitting action for the CSO discharge. Best practicable treatment (BPT) of CSO discharges includes control through best management practices and abatement of the discharge as specified in Chapter 570 of Department Rules (Combined Sewer Overflow). The permittee is required to measure and report annually CSO flow volumes and CSO discharge events.

6. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

The CSO discharge of untreated sewage has a negative impact on the water quality of the receiving waters, however the CSO Master Plan includes projects and management strategies to eliminate the CSO discharges. (See Special Condition A(4) of this permit.)

The Department acknowledges that total elimination of the CSOs is a costly long term project. With continued implementation of the Nine Minimum Control measures and the continued implementation of the CSO Master Plan and associated best management practices, the Department anticipates a reduction in CSO events and an improvement in water quality. Therefore, as permitted, the Department has determined the existing water uses will be maintained and protected.

7. PUBLIC NOTICE

Public notice of this application was made in the Portland Press Herald on or about July 5, 2008. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or request a public hearing, pursuant to Chapter 522 of the Department's rules.

8. DEPARTMENT CONTACTS

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

Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017
e-mail: gregg.wood@maine.gov

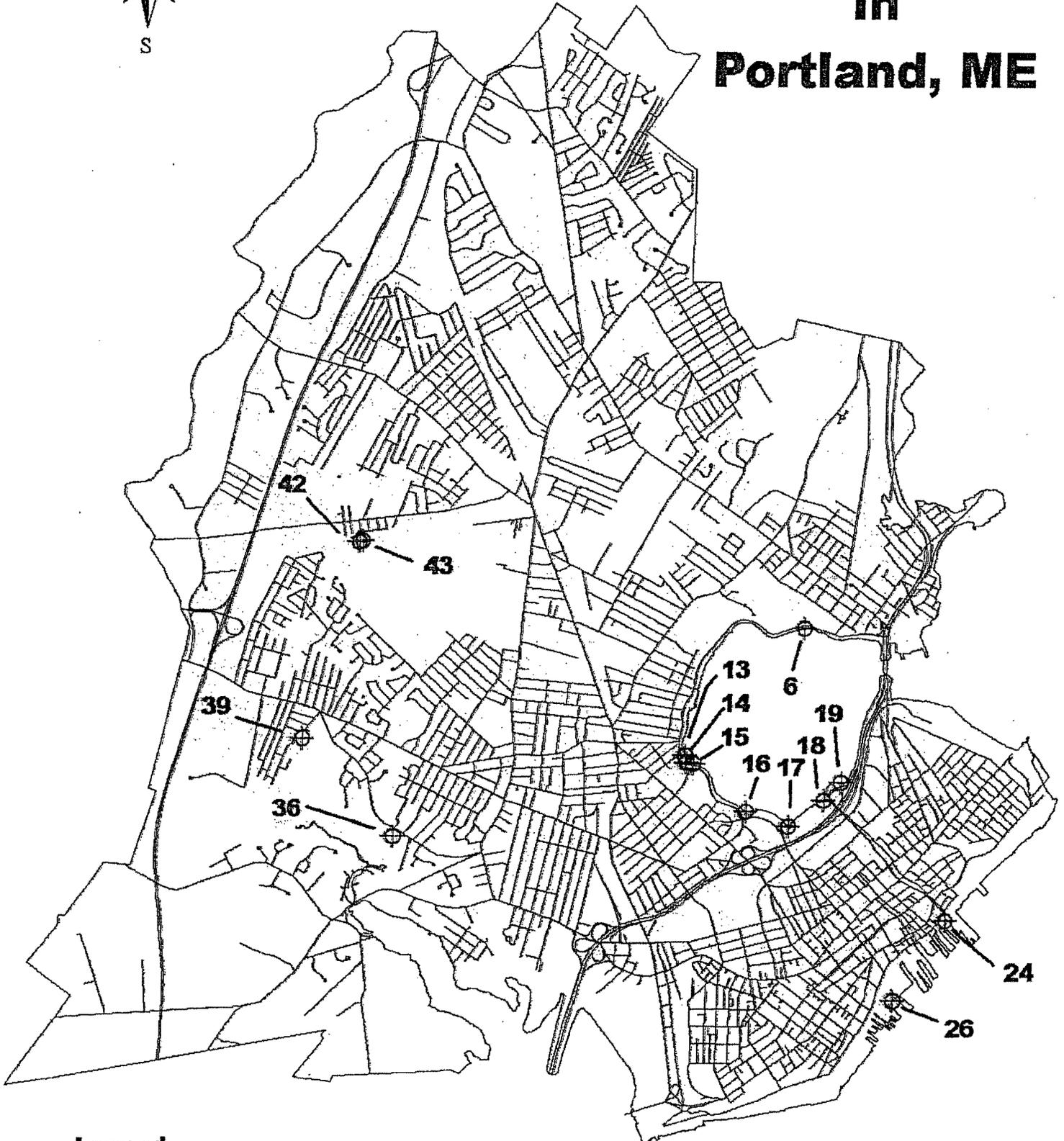
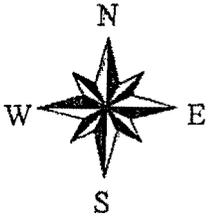
Telephone (207) 287-7693

9. RESPONSE TO COMMENTS

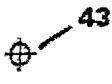
During the period of September 19, 2008, through the issuance date of the permit/license, the Department solicited comments on the proposed draft permit/license to be issued for the discharge(s) from the City of Portland. The Department did not receive comments from the permittee, state or federal agencies or interested parties that resulted in any substantive change(s) in the terms and conditions of the permit. Therefore, the Department has not prepared a Response to Comments.

ATTACHMENT A

CSO Locations in Portland, ME



Legend

 43 CSO Location with City Outfall Number