

DEP Updates

JETCC Water Issues Briefing
February 27, 2008

Brian Kavanah

Director, Division of Water Quality Management

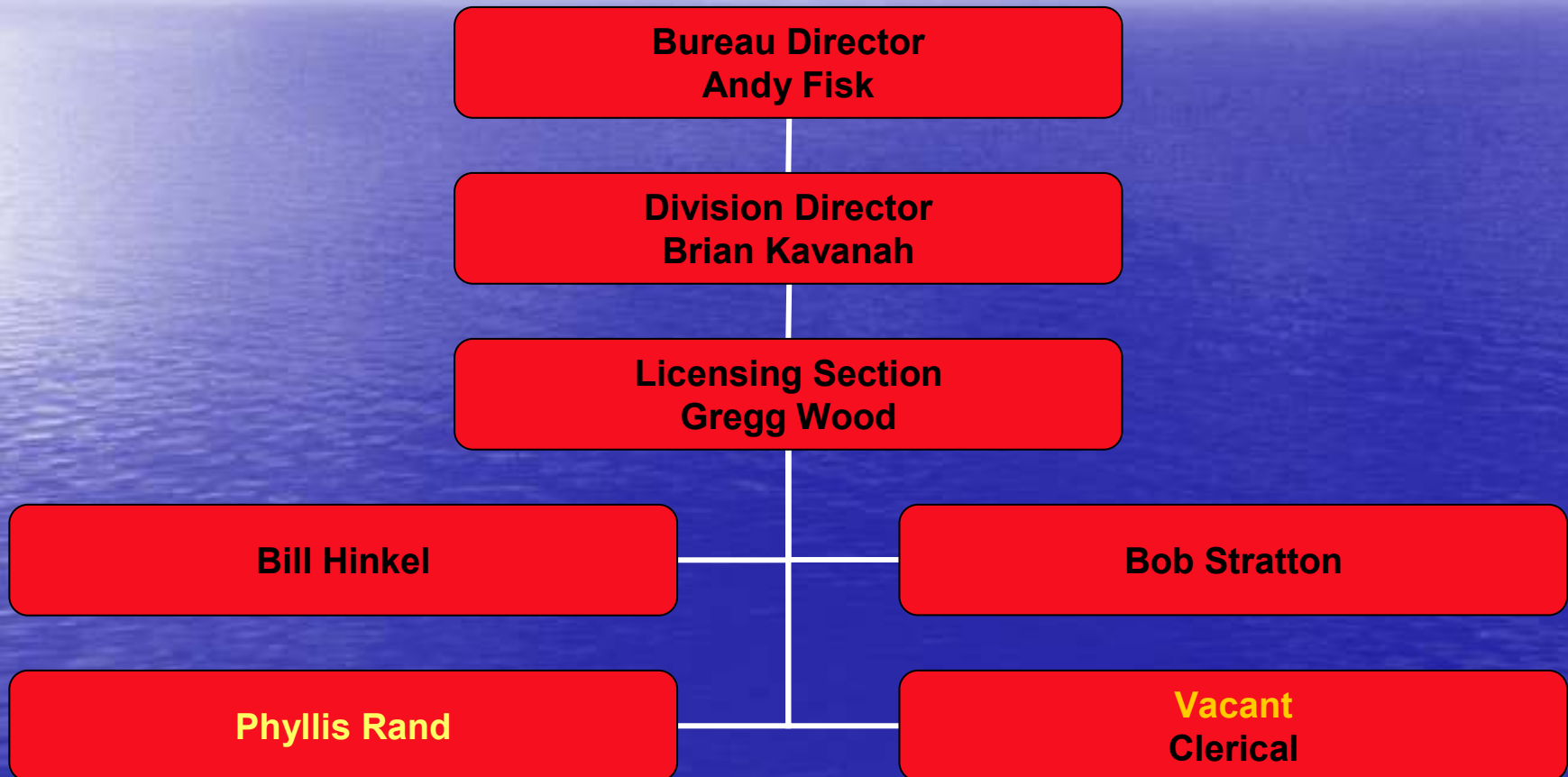
OVERVIEW

- Staffing
- Status of Dischargers
- Rulemaking
- New MEPDES/WDL Fees
- Legislation

Staffing

- Changes in water program recently
- **Recently Retired/transferred:**
 - Dave Silver (Permit Writer)
 - Cindy Oakes (Administrative support)
- **New Hire:** Phyllis Rand (Permit Writer)

Permitting



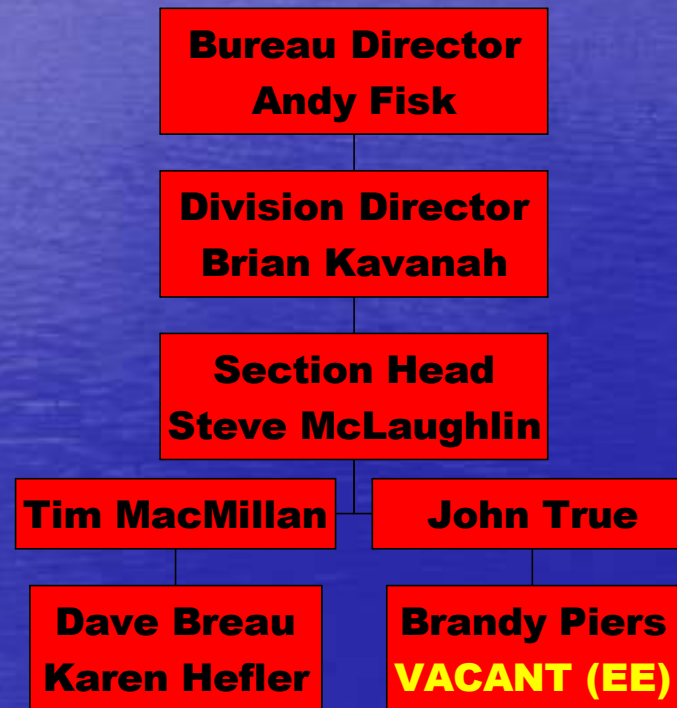
Compliance/Technical Assistance



Enforcement



SRF



Environmental Assessment

Bureau Director
Andy Fisk

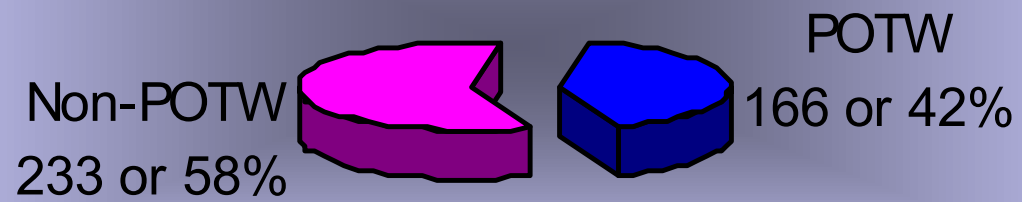
Dave Courtemanch
Division Director

Section Director
Barry Mower

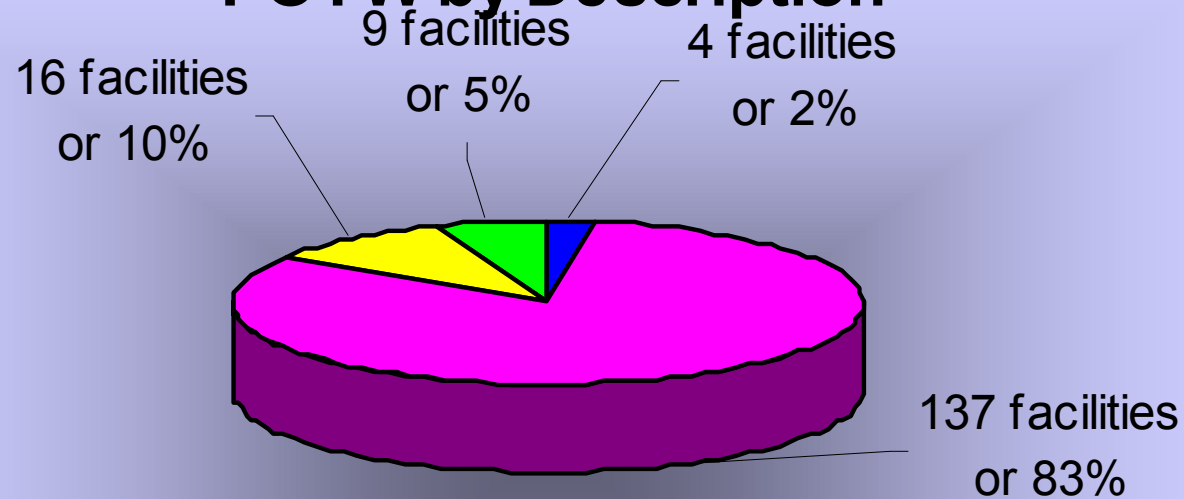
Modeling Section
Don Albert
Rob Mohlar



All Dischargers (399)

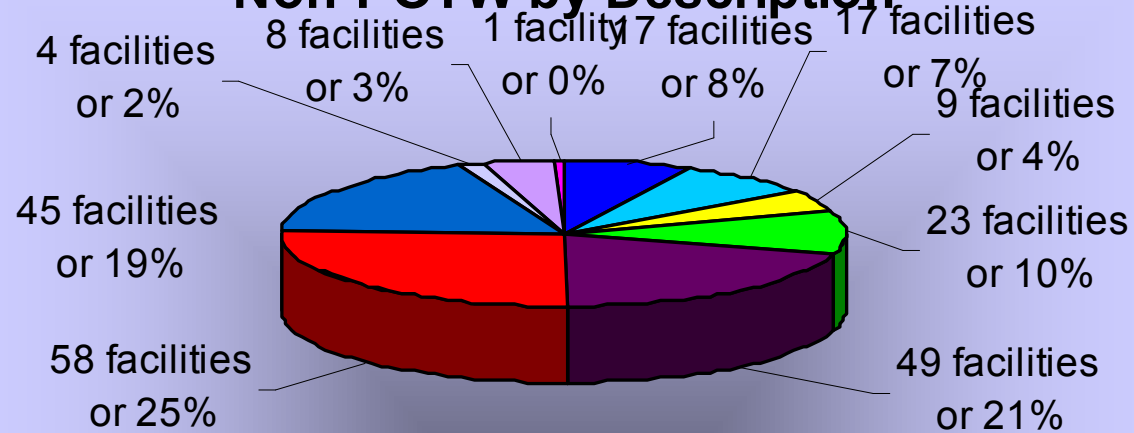


POTW by Description



- Less than 6000 GPD, with no significant industrial waste
- 6000 GPD to 5 million GPD, with no significant industrial waste
- Over 5 million GPD, or with significant industrial waste
- Combined Sewer Overflow (CSO)

Non-POTW by Description



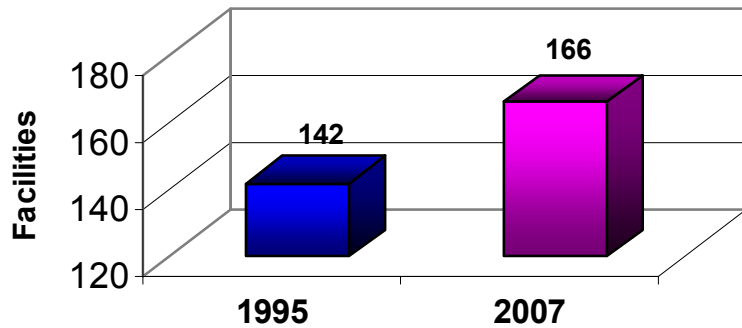
- Sanitary waste water, commercial source
- Major industrial facility, process waste water discharge
- Minor industrial facility, process waste water discharge
- Food handling or packaging waste water
- Fish rearing facility
- Non-contact cooling water
- Industrial/Commercial source, miscellaneous or incidental non-process waste water
- Aquatic pesticide application
- Snow dump
- Experimental discharge license

Permit Backlog as of 12/31/07

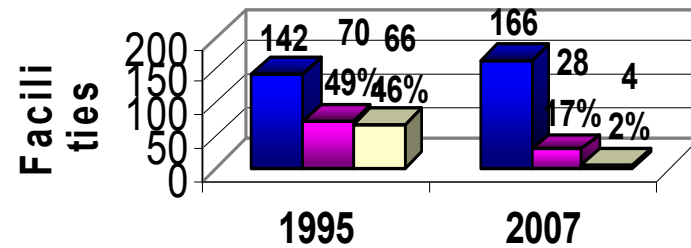
- In 2007 - 73 licensing actions completed
- Maintained the expired license backlog at approximately 7% of all licensed facilities.
- Working to maintain all permits as current.

POTW Permit Status

17% Increase in Number of Licensed POTWs



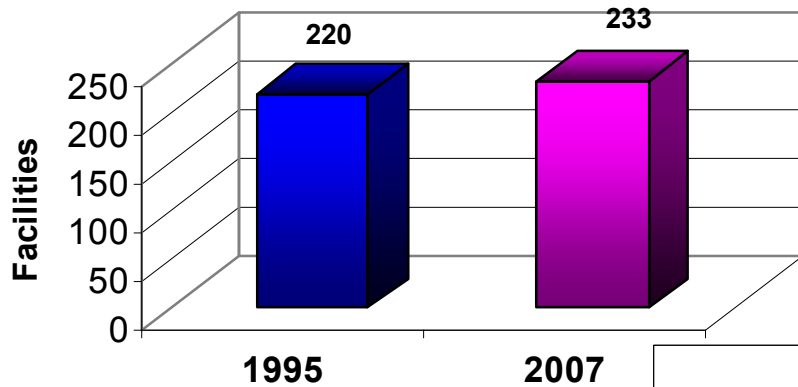
Expired POTW Licenses



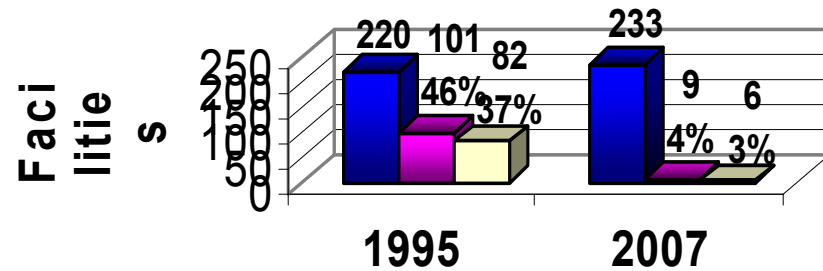
- All Facilities
- Facilities with Expired Licenses
- Facilities with licenses expired more than one year

Non POTW Permit Status

6% Increase in Non-POTWs



Expired Non-POTW Licenses



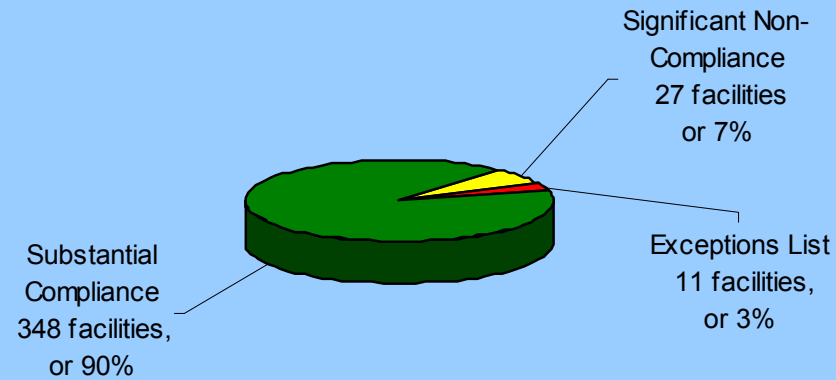
- All Facilities
- Facilities with Expired Licenses
- Facilities with licenses expired more than one year

Compliance Status

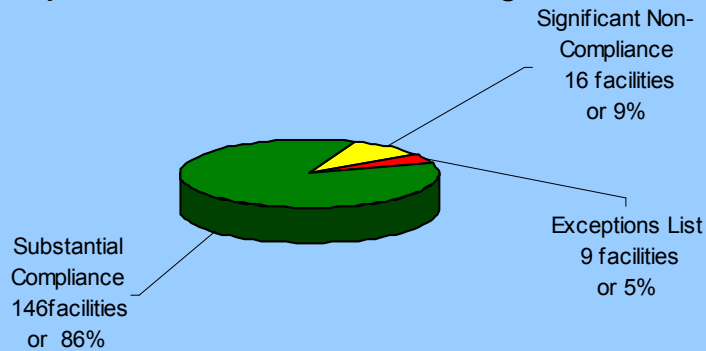
- **Significant Non Compliance (SNC):** Two large violations, or four of any size violations, for a given parameter in a six-month period. A large violation is a *conventional pollutant* violation that exceeds its permit limit by 40% or more, or a *toxic pollutant* violation that exceeds its permit limit by 20% or more. Conventional pollutants: BOD, TSS, fecal coliform bacteria, oil and grease, and pH.
- **Exceptions List (EL):** A facility is placed on the EL if a facility already in SNC qualifies for SNC again in the next quarter.

Compliance Status

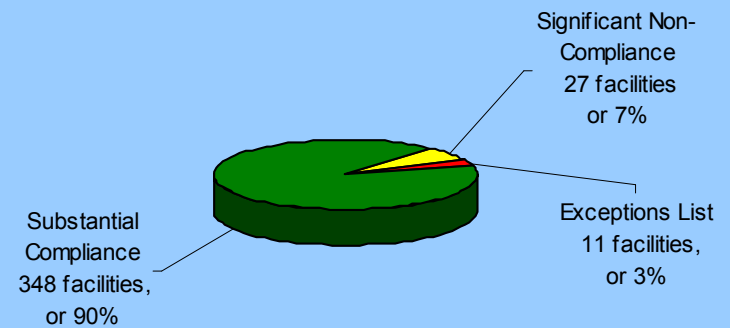
Compliance Status of All Dischargers 2006



Compliance Status of POTW Dischargers 2006



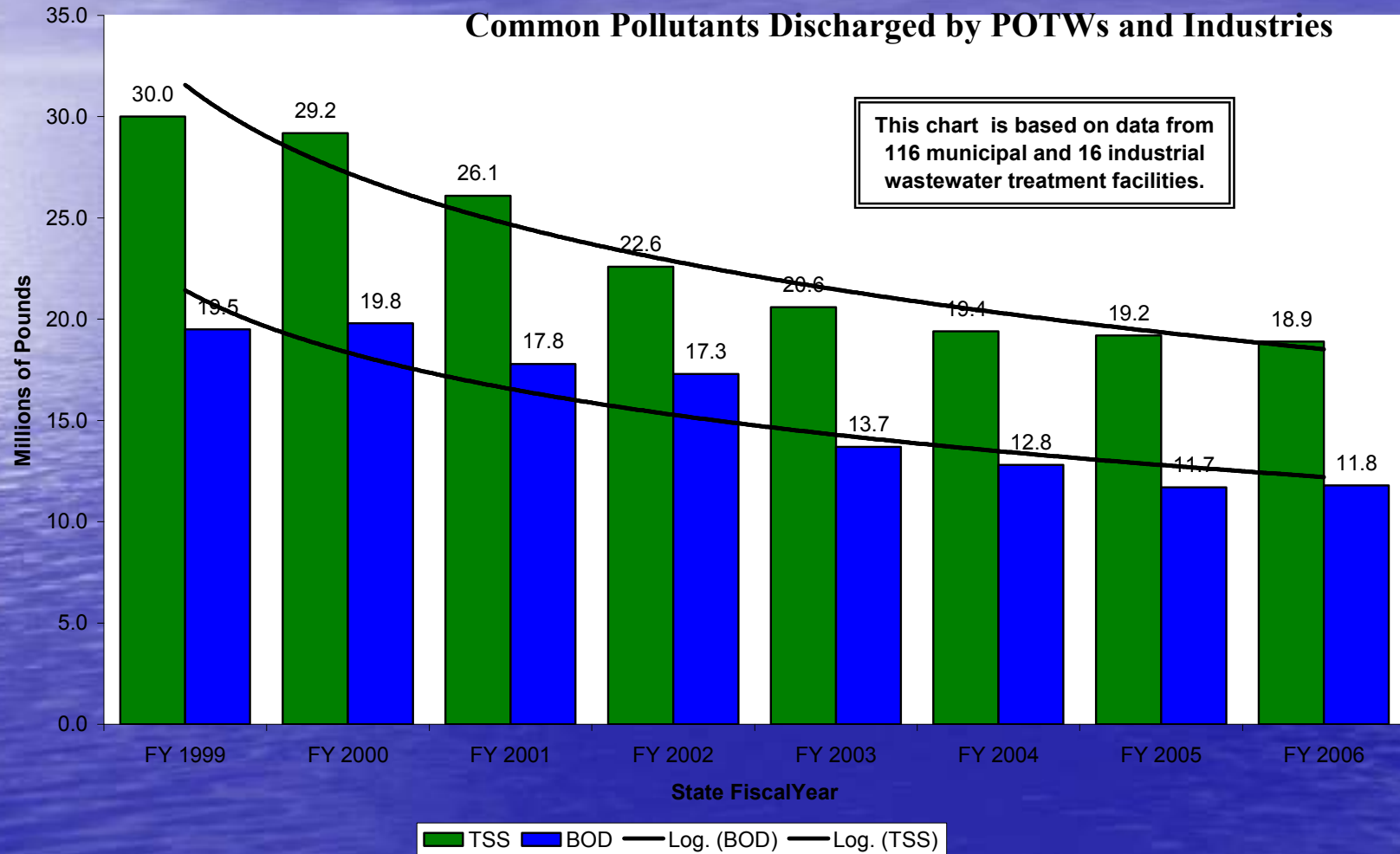
Compliance Status of All Dischargers 2006



Compliance Status

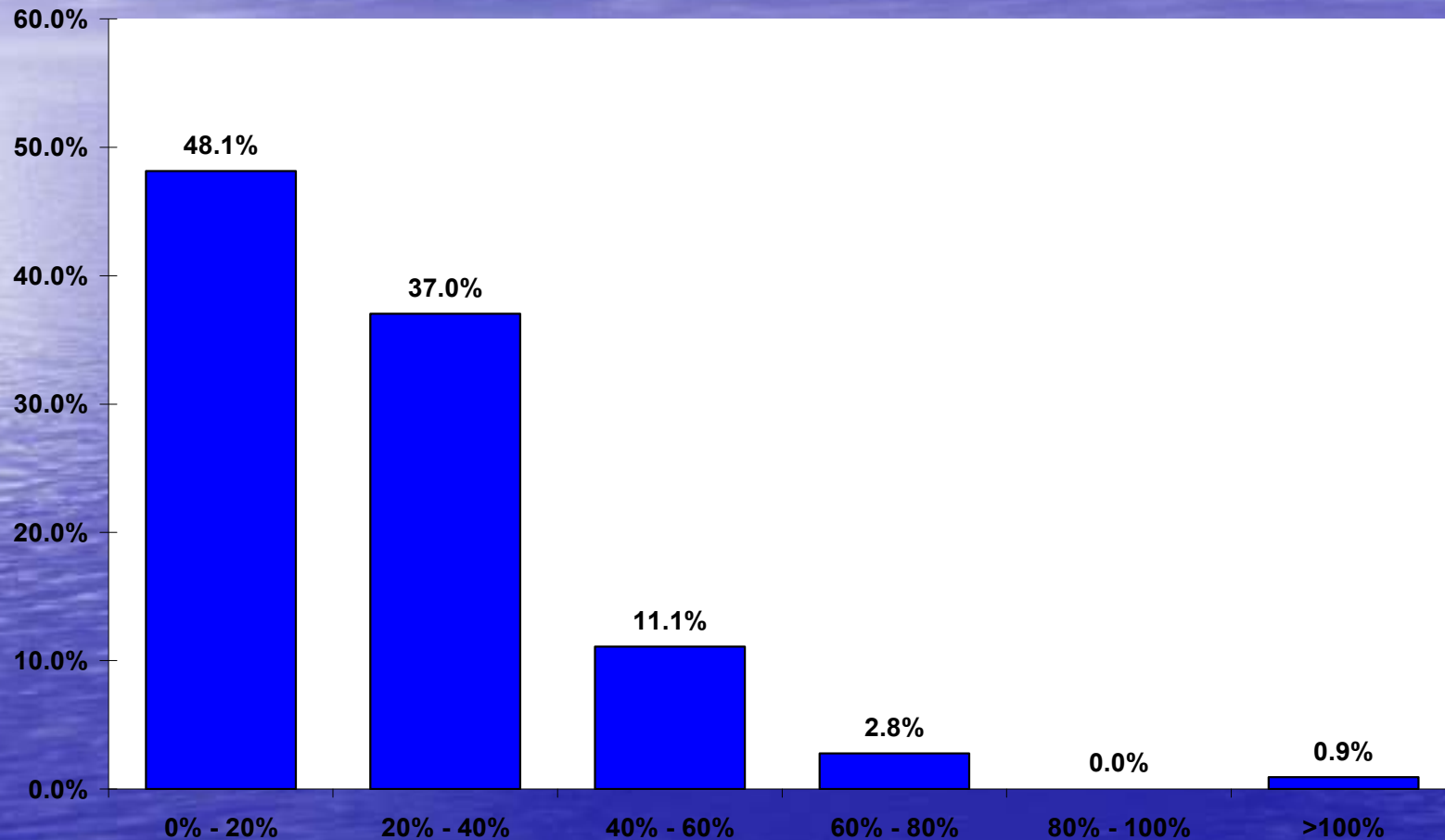
Summary of Discharge Violations				
Year	BOD		TSS	
	Number of Violations	% of Possible Violations	Number of Violations	% of Possible Violations
FY 98-99	504	2.92%	193	1.12%
FY 99-00	516	3.00%	279	1.62%
FY 00-01	226	1.32%	243	1.41%
FY 01-02	315	1.81%	117	0.67%
FY 02-03	125	0.72%	111	0.64%
FY 03-04	165	1.26%	238	1.95%
FY 04-05	204	1.33%	394	3.27%
FY 05-06	150	1.19%	154	1.29%

Environmental Performance



Environmental Performance

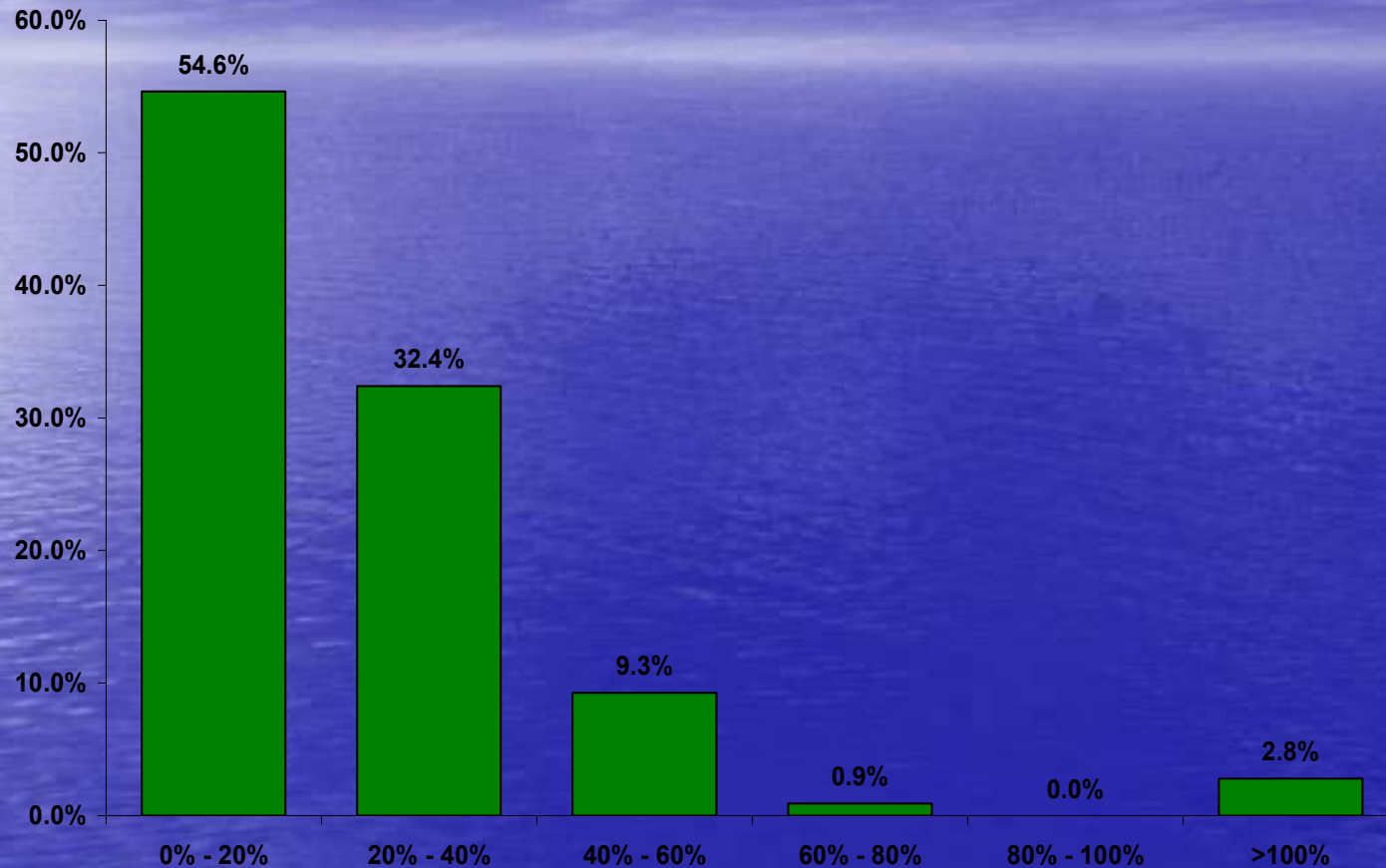
FY 2006 BOD Discharge as a Percent of License Limits



Percent of BOD License Limit Discharged

Environmental Performance

FY 2006 TSS Discharge as a Percent of License Limits



Percent of TSS License Limit Discharged

Enforcement Actions 2007

<u>Actions</u>	<u>Number</u>
Letter of Warning	18
Notice of Violation	35
Consent Agreement	6
District Court	2
Total	61

Rulemaking- SRF

- Chapter 595
- Steve McLaughlin – Project Manager
- steve.a.mclaughlin@maine.gov 287-7768
- Revised to streamline process and eliminate outdated federal language.
- New fee sharing with Bond Bank to help fund DEP SRF staff.
- Approved by the BEP May 2007.

Rulemaking – Pretreatment

- Chapter 528
- Jim Crowley – Project Manager
james.r.crowley@maine.gov 287-8898
- Revising to be consistent with recent EPA streamlining rule.
- Provides POTWs with additional control mechanisms.
- Approved by the BEP January 17, 2008.
- Thanks to MWWCA PT committee for help with review of proposed rule.

LD ????: *"An Act to Sustain Maine's Core Wastewater Licensing Program and Adjust Related Provisions."*

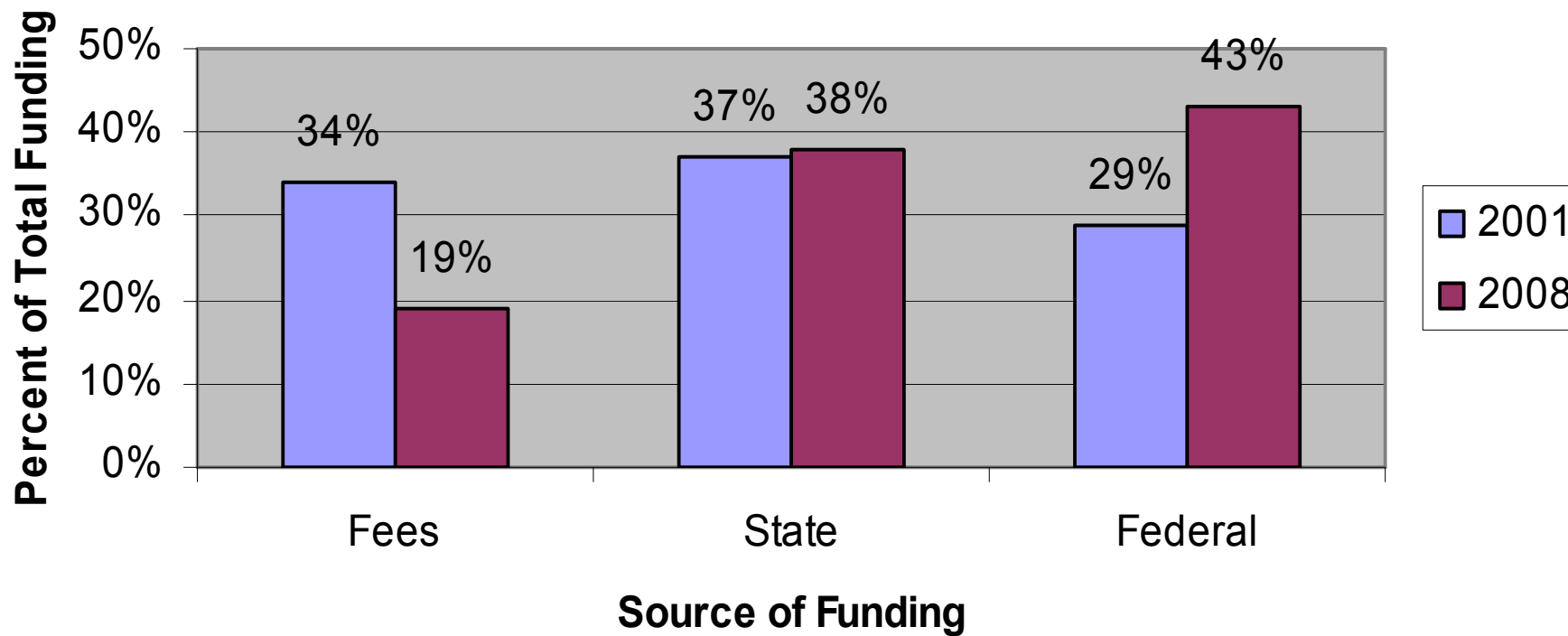
- Bill proposes to adjust MEPDES/WDL fees.
- Fees partially fund MEPDES/WDL program.
 - Licensing
 - Compliance
 - Enforcement
 - Water Quality Monitoring/Modeling
 - Data Management
 - Clerical
 - Administration

MEPDES/WDL Fee Bill (cont.)

- Original fee system in place since 1998.
- The DEP has actively managed the MEPDES program to maintain permit fees at their current level.
- Percentage of program supported by fees has been reduced over time.

MEPDES/WDL Fee Bill (cont.)

Change in MEPDES/WDL Program Funding



MEPDES/WDL Fee Bill (cont.)

- Changes in percentages due to position shifts to avoid fee increases.
- Moved two permit writers to GF in 2003.
- Lost federal grant in 2006 for technical assistance position.
- Proposed to shift one permit writer back to fees, to access GF \$ for technical assistance position.

MEPDES/WDL Fee Bill (cont.)

- Working with stakeholders to develop proposal:
 - MWWCA
 - MRWA
 - MPPA
 - CLF
 - FOCB
 - EM

MEPDES/WDL Fee Bill (cont.)

- Goals:
 - Fill vacant technical assistance position
 - Solvency until 2013.
 - Minimize amount of increase.
 - Fee for service concept.

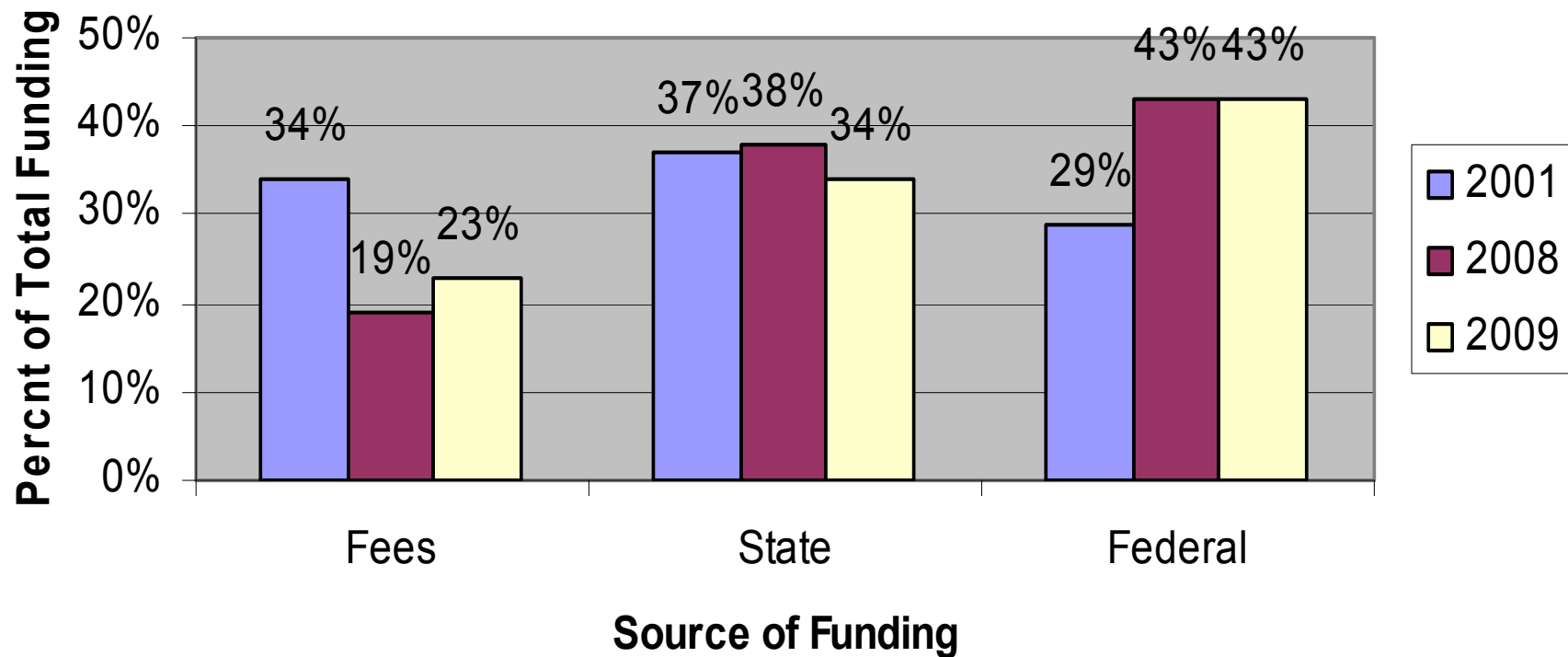
MEPDES/WDL Fee Bill (cont)

- Proposal:
 - Raise additional \$86,000 per year.
 - New Annualized License Renewal Service Fee.
 - Fee specific to discharger category based on average hours to process that type of license.
 - Fee ranges from \$0 to \$650.
 - If approved new fee would start in FY 2009.

<u>Category</u>	<u>New Annualized License Renewal Service Fee</u>
Major industrial	\$650
POTW <0.01	\$150
POTW 0.01 - 0.1	\$150
POTW 0.1 - 1.0	\$225
POTW 1.0 - 5.0	\$450
POTW >5MGD or Ind. Waste	\$650
Cooling water	\$60
Food processing	\$150
Fish rearing >0.1 MGD	\$300
Other industrial	\$300
CSO	\$150

MEPDES/WDL Fee Bill (cont.)

Proposed Change to MEPDES/WDL Program Funding



EPA Federal Rulemaking – NPDES Fees

- EPA proposed NPDES fee rule on 1/30/07. Comment period closed 3/5/07.
50 comments, all in opposition.
- Required as part of president's budget.
- Require states to have NPDES fee program that funds 75% - 100% of program or states will lose grant money.
- Despite language from congress in current budget that is counter to EPA proposal, EPA may move ahead with rule in the future.

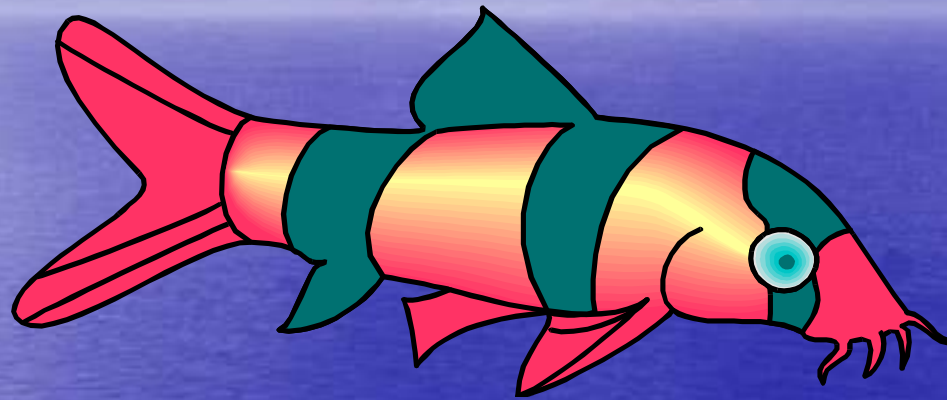
Proposed Legislation - 2008

- LD 2169 *"An Act To Amend the Laws Pertaining To Storm Water Management and To Authorize a General Fund Bond Issue for Drinking Water Management"*
- Amended bill authorizes bond for \$1.7 million for clean water SRF and \$1.7 million for drinking water SRF (\$3.4 million total bond) to match the \$17 million in federal funds.

LD 2169 (cont.)

- Voted OTP by NRC on 2/14/08. Passed on to Appropriations Committee.
- ***\$1 state dollar gets \$5 federal dollars!!!***
- SRF loans fund critical wastewater and drinking water projects.
- MWWCA and MWU advocating.





Carpe Diem