STATE OF MAINE
DEPARTMENT OF
ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PAUL MERCER
COMMISSIONER

May 7, 2018

Steven Craig
Penobscot McCrum LLC.
28 Pierce Street
Belfast, ME 04915
scraig@pmcllc.org

RE: *Maine Pollutant Discharge Elimination System (MEPDES) Permit # ME0023043*
Maine Waste Discharge License (WDL) Application # W004897-5O-H-R
Finalized MEPDES Permit Renewal

Dear Steven Craig:

Enclosed please find a copy of your **final** MEPDES permit and Maine WDL **renewal** which was approved by the Department of Environmental Protection. Please read this permit/license renewal and its attached conditions carefully. Compliance with this permit/license will protect water quality.

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

If you have any questions regarding the matter, please feel free to call me at 592-7161.

Your Department compliance inspector copied below is also a resource that can assist you with compliance. Please do not hesitate to contact them with any questions.

Thank you for your efforts to protect and improve the waters of the great state of Maine!

Sincerely,

Aaron Dumont
Division of Water Quality Management
Bureau of Water Quality

Enc.

cc: Denise Behr DEP/CMRO, Lori Mitchell, DEP/CMRO, David Webster, EPA,
Ellen Weitzler, USEPA, Olga Vergara, EPA, Marelyn Vega, EPA, Richard Carvalho, EPA

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

DEPARTMENT ORDER

IN THE MATTER OF

PENOBSCOT MCCRUM LLC	)	MAINE POLLUTANT DISCHARGE
BELFAST, WALDO COUNTY, MAINE	)	ELIMINATION SYSTEM PERMIT
FOOD PROCESSING FACILITY	)	AND
ME0023043	)	WASTE DISCHARGE LICENSE
W004897-5O-H-R **APPROVAL**	)	**RENEWAL**

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

APPLICATION SUMMARY

On March 31, 2017, the Department accepted as complete for processing, a renewal application from the permittee for Waste Discharge License (WDL) W004895-5O-F-R/ Maine Pollutant Discharge Elimination System (MEPDES) permit ME0023043, which was issued on December 4, 2012, for a five-year term. The 12/4/12 MEPDES permit authorized the permittee to discharge a monthly average flow of 0.1 million gallons per day (MGD) of secondary treated process wastewater from a potato processing facility to the tidewaters of Belfast (Passagassawakeag River), Class SB, in Belfast, Maine.

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. Amends the total copper daily maximum effluent limit to 0.07 lbs./day with 1/Year reporting requirement;

2. Establishes effluent monitoring and reporting requirements for cyanide amenable to chlorination CATC);

3. Revises the language for Screening Level Testing. Screening Level Testing must begin 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement;

4. Eliminating monitoring requirements for Outfall 002 as there are no longer any cooling water discharges happening from this outfall. Outfall 002 will be regulated under the facilities Multi Sector General Permit;

5. Establishes reduced Surveillance Level Wet testing based on facility test results; and

PERMIT SUMMARY (cont'd)

6. Establishes a Report% for Screening Level Wet testing for chronic species based on facility test results.

CONCLUSIONS

Based on the findings summarized in the attached Fact Sheet dated May 1, 2018, 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).

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ACTION

Based on the findings and conclusions as stated above, the Department APPROVES the above noted application of PENOBSCOT MCCRUM LLC to discharge a monthly average of 0.1 MGD of secondary treated process wastewater to the tidewaters of Belfast (Passagassawakeag River), Class SB, SUBJECT TO THE ATTACHED 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 CMR 2(21)(A) (amended October 19, 2015)].

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS 2ND DAY OF May 2018.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhns
for PAUL MERCER, Commissioner

Filed
MAY 0 2 2018
State of Maine
Board of Environmental Protection

Date filed with Board of Environmental Protection

Date of initial receipt of application: March 31, 2017
Date of application acceptance: March 31, 2017

This Order prepared by Aaron Dumont, BUREAU OF WATER QUALITY

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge **secondary treated municipal sanitary wastewater from Outfall #001A** to Belfast Bay / Passagassawakeag River, Class SB, located in Belfast. Such discharges are limited and must be monitored by the permittee as specified below[(1)]:

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average as specified	Daily Maximum as specified	Monthly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Flow *[50050]*	0.10 MGD *[03]*	Report MGD *[03]*	---	---	Continuous *[99/99]*	Recorder *[RC]*
BOD_5 *[00310]*	124 lbs./day *[26]*	182 lbs./day *[26]*	149 mg/L *[19]*	218 mg/L *[19]*	1/Month *[01/30]*	Composite *[24]*
TSS *[00530]*	124 lbs./day *[26]*	182 lbs./day *[26]*	149 mg/L *[19]*	218 mg/L *[19]*	1/Month *[01/30]*	Composite *[24]*
Settleable Solids *[00545]*	---	---	---	0.3 ml/L *[25]*	1/Week *[01/07]*	Grab *[GR]*
Oil & Grease [(2)] *[00556]*	---	---	---	15 mg/L *[19]*	2/Month *[02/30]*	Grab *[GR]*
Total Residual Chlorine[(3)] *[50060]*	---	---	---	0.2 mg/L *[19]*	3/Week *[03/07]*	Grab *[GR]*
pH (Std. Unit) *[00400]*	---	---	---	6.0 – 8.5 S.U. *[12]*	1/Day *[01/01]*	Grab *[GR]*
Copper (Total) *[01042]*	---	0.07 lbs./day *[26]*	---	Report ug/L *[28]*	1/Year *[01/YR]*	Composite *[24]*
Cyanide (CATC) *[00722]*	---	0.01 lbs./day *[26]*	---	Report ug/L *[28]*	1/Year *[01/YR]*	Composite *[24]*
Mercury (Total) [(4)] *[71900]*	---	---	50.8 ng/L *[3M]*	76.3 ng/L *[3M]*	1/Year *[01/YR]*	Grab *[GR]*
Production[(5)] *[00145]*	Report (tons/day) *[2N]*	Report (tons/day) *[2N]*	---	---	1/Day *[01/01]*	Calculate *[CA]*

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 6 – 9 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

2. **SCREENING LEVEL TESTING:** Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement.

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Whole Effluent Toxicity [6] **Acute – NOEL** *Americamysis bahia* (Mysid shrimp) *[TDM3E]*	---	---	---	Report % *[23]*	1/Year *[01/YR]*	Composite *[24]*
Chronic – NOEL *Arbacia punctulata* (Sea urchin) *[TBH3A]*	---	---	---	Report % *[23]*	1/Year *[01/YR]*	Composite *[24]*
Analytical Chemistry [7,9] *[51477]*	---	---	---	Report ug/L *[28]*	1/Quarter *[01/90]*	Composite / Grab *[24/GR]*
Priority Pollutant [8,9] *[50008]*	---	---	---	Report ug/L *[28]*	1/Year *[01/YR]*	Composite / Grab *[24/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 6 – 9 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

FOOTNOTES

1. **Sampling** – The permittee must conduct all effluent sampling and analysis in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR 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 CMR 263 (last amended April 1, 2010). Laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of 10-144 CMR 263. If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or as specified in 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).

2. **Oil & Grease** – There must be at least 14 days between sampling events.

3. **Total residual chlorine (TRC) –** Limitations and monitoring requirements for TRC are applicable any time elemental chlorine or chlorine-based compounds are being utilized at the facility to disinfect the discharge. The permittee must utilize United States Environmental Protection Agency (USEPA)-approved test method capable of bracketing the TRC limitations specified in this permitting action.

4. **Mercury** – The permittee must conduct all mercury monitoring required by this permit or required to determine compliance with interim limitations established pursuant to 06-096 CMR 519 in accordance with the USEPA's "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*. See **Attachment A** of this permit for a Department report 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.

5. **Production** – The permittee must report production as tons/day of raw potatoes processed.

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SPECIAL CONDITIONS

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

6. **Whole Effluent Toxicity (WET)** – Definitive WET testing is a multi-concentration testing event (a minimum of five dilutions bracketing the critical acute and chronic thresholds of 6.7% and 0.67% 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 fertilization for the sea urchin as the end point. The critical acute and chronic thresholds were derived as the mathematical inverse of the applicable acute and chronic dilution factors of 15:1 and 151:1, respectively. See **Attachment B** of this permit for a copy of the Department's WET reporting form.

   a. **Surveillance level testing** – Surveillance level testing is waived pursuant to *Surface Water Toxics Control Program,* 06-096 CMR 530(2)(D)(3)(b) (effective March 12, 2012).

   b. **Screening level testing** – Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement, the permittee must conduct screening level WET testing at a minimum frequency of once per year (1/Year). Acute tests must be conducted on the mysid shrimp (*Americamysis bahia*); chronic tests must be conducted on the sea urchin (*Arbacia punctulata*).

   WET test results must be submitted to the Department not later than the next 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 6.7% and 0.67%.

   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.

   a. U.S. Environmental Protection Agency. 2002. *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organism*s, 5th ed. USEPA 821-R-02-012. U.S. Environmental Protection Agency, Office of Water, Washington, D.C., October 2002 (the acute method manual);

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SPECIAL CONDITIONS

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

b. U.S. Environmental Protection Agency. 2002. *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organism*s, 3rd 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 included as **Attachment B** of this 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, WET and Chemical Specific Data Report Form* included as **Attachment C** of this permit.

7. Analytical chemistry – Refers to a suite of chemicals in **Attachment C** of this permit.

a. **Surveillance level testing** – Surveillance level testing is not required pursuant to 06-096 CMR 530(2)(D)(3)(b).

b. **Screening level testing** – Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement, the permittee must conduct screening level analytical chemistry testing at a minimum frequency of once per calendar quarter (1/Quarter).

8. Priority pollutant testing – Priority pollutants are those parameters listed in **Attachment C** of this permit.

a. **Surveillance level testing** – Surveillance level testing is not required pursuant to 06-096 CMR 530(2)(D)(3)(b).

b. **Screening level testing** – Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement, the permittee must conduct screening level priority pollutant testing at a minimum frequency of once per year (1/Year).

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SPECIAL CONDITIONS

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

9. 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 shall 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 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 Ambient Water Quality Criteria (AWQC) as established in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective October 9, 2005). For the purposes of DMR reporting, enter a "1" for yes, testing done this monitoring period or "0" **(zero)** monitoring not required this period.

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, 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 management responsibility over the treatment facility must hold a minimum of a **Maine Grade II,** Biological Treatment certificate (or Registered Maine Professional Engineer) pursuant to *Sewage Treatment Operators*, 32 M.R.S. §§ 4171-4182 and *Regulations for Wastewater Operator Certification*, 06-096 CMR 531 (effective May 8, 2006). 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.

SPECIAL CONDITIONS

D. 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 March 31, 2017; 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.

E. 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.

F. 06-096 CMR 530(2)(D)(4) 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 **Attachment D** of the permit 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;

SPECIAL CONDITIONS

F. 06-096 CMR 530(2)(D)(4) STATEMENT FOR REDUCED/WAIVED TOXICS TESTING (cont'd)

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

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

The Department may require that routine 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.

G. MONITORING AND REPORTING

Electronic Reporting

NPDES Electronic Reporting, 40 C.F.R. 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 15th day of the month** following the completed reporting period.

Documentation submitted in support of the electronic DMR may be attached to the electronic DMR. Toxics reporting must be done using the DEP toxsheet reporting form. An electronic copy of the Toxsheet reporting document must be submitted to your Department compliance inspector as an attachment to an email. 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 15th day of the month following the completed reporting period.

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SPECIAL CONDITIONS

G. MONITORING AND REPORTING (cont'd)

Non-electronic Reporting

If you have received a waiver from the Department concerning the USEPA electronic reporting rule, or are permitted to submit hardcopy DMR's to the Department, then your monitoring results obtained during the previous month must be summarized for each month and reported on separate Discharge Monitoring Report (DMR) forms provided by the Department and **postmarked on or before the thirteenth (13th) day of the month or hand-delivered to a Department Regional Office such that the DMR's are received by the Department on or before the fifteenth (15th) day of the month** following the completed reporting period.

Toxsheet reporting forms must be submitted electronically as an attachment to an email sent to your Department compliance inspector. In addition, a signed hardcopy of your toxsheet must also be submitted.

A signed copy of the DMR and all other reports required herein must be submitted to the Department assigned compliance inspector (unless otherwise specified) following address:

Department of Environmental Protection
Bureau of Water Quality
Division of Water Quality Management
17 State House Station
Augusta, Maine 04330

H. 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.

I. 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.

ATTACHMENT A

Maine Department of Environmental Protection

Effluent Mercury Test Report

Name of Facility: _____ Federal Permit # ME _____

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

SAMPLE COLLECTION INFORMATION

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

Sampling Location:

Weather Conditions: _____

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

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

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

ANALYTICAL RESULT FOR EFFLUENT MERCURY

Name of Laboratory: _____

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

Please Enter Effluent Limits for your facility

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

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

CERTIFICATION

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

By: _____ Date: _____

Title: _____

PLEASE MAIL THIS FORM TO YOUR ASSIGNED INSPECTOR

ATTACHMENT B

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
WHOLE EFFLUENT TOXICITY REPORT
MARINE WATERS

Facility Name _____ MEPDES Permit # _____

Pipe # _____

Facility Representative _____ Signature _____

By signing this form, I attest that to the best of my knowledge that the information provided is true, accurate, and complete.

Facility Telephone # _____ Date Collected _____ Date Tested _____

mm/dd/yy mm/dd/yy

Chlorinated? _____ Dechlorinated? _____

Results **% effluent**

	mysid shrimp	sea urchin
A-NOEL		
C-NOEL		

Effluent Limitations

A-NOEL	
C-NOEL	

Data summary	**mysid shrimp**	**sea urchin**
	% survival	**% fertilized**
QC standard	**>90**	**>70**
lab control		
receiving water control		
conc. 1 (%)		
conc. 2 (%)		
conc. 3 (%)		
conc. 4 (%)		
conc. 5 (%)		
conc. 6 (%)		
stat test used		

Salinity Adjustment

brine	
sea salt	
other	

place * next to values statistically different from controls

Reference toxicant	mysid shrimp	sea urchin
	A-NOEL	C-NOEL
toxicant / date		
limits (mg/L)		
results (mg/L)		

Comments _____

Laboratory conducting test

Company Name _____ Company Rep. Name (Printed) _____

Mailing Address _____ Company Rep. Signature _____

City, State, ZIP _____ Company Telephone # _____

Report WET chemistry on DEP Form "ToxSheet (Marine Version), March 2007."

ATTACHMENT C

Maine Department of Environmental Protection
WET and Chem
This form is for reporting laboratory data and facility information. Official compliance reviews will be done by DEP.

Facility Name _____ **MEPDES #** _____ Facility Representative Signature _____
Pipe # _____ To the best of my knowledge this information is true, accurate and complete.

Licensed Flow (MGD)		**Flow for Day (MGD)[1]**	**Flow Avg. for Month (MGD)[2]**
Acute dilution factor			
Chronic dilution factor		**Date Sample Collected**	**Date Sample Analyzed**
Human health dilution factor			
Criteria type: M(arine) or F(resh)	m		

Laboratory _____ Telephone _____
Address _____
_____
Lab Contact _____ Lab ID # _____

Last Revision - July 1, 2015

ERROR WARNING ! Essential facility information is missing. Please check required entries in bold above.

MARINE AND ESTUARY VERSION

Please see the footnotes on the last page.

			Effluent Limits, %			Receiving Water or Ambient	**Effluent Concentration (ug/L or as noted)**		**Possible Exceedence [7]**		
	WHOLE EFFLUENT TOXICITY		Acute	Chronic			WET Result, % Do not enter % sign	Reporting Limit Check	Acute	Chronic	
	Mysid Shrimp										
	Sea Urchin										
	WET CHEMISTRY										
	pH (S.U.) (9)										
	Total Organic Carbon (mg/L)					NA					
	Total Solids (mg/L)					NA					
	Total Suspended Solids (mg/L)					NA					
	Salinity (ppt.)										

			Effluent Limits, ug/L						**Possible Exceedence [7]**		
	ANALYTICAL CHEMISTRY [3]										
	Also do these tests on the effluent with WET. Testing on the receiving water is optional	Reporting Limit	Acute[6]	Chronic[6]	Health[6]			Reporting Limit Check	Acute	Chronic	Health
	TOTAL RESIDUAL CHLORINE (mg/L) (9)	0.05				NA					
	AMMONIA	NA				(8)					
M	ALUMINUM	NA				(8)					
M	ARSENIC	5				(8)					
M	CADMIUM	1				(8)					
M	CHROMIUM	10				(8)					
M	COPPER	3				(8)					
M	CYANIDE, TOTAL	5				(8)					
	CYANIDE, AVAILABLE [3a]	5				(8)					
M	LEAD	3				(8)					
M	NICKEL	5				(8)					
M	SILVER	1				(8)					
M	ZINC	5				(8)					

Maine Department of Environmental Protection
WET and Chem
This form is for reporting laboratory data and facility information. Official compliance reviews will be done by DEP.

	PRIORITY POLLUTANTS [4]		Effluent Limits						Possible Exceedence [7]		
		Reporting Limit	Acute[6]	Chronic[6]	Health[6]			Reporting Limit Check	Acute	Chronic	Health
M	ANTIMONY	5									
M	BERYLLIUM	2									
M	MERCURY (5)	0.2									
M	SELENIUM	5									
M	THALLIUM	4									
A	2,4,6-TRICHLOROPHENOL	5									
A	2,4-DICHLOROPHENOL	5									
A	2,4-DIMETHYLPHENOL	5									
A	2,4-DINITROPHENOL	45									
A	2-CHLOROPHENOL	5									
A	2-NITROPHENOL	5									
A	4,6 DINITRO-O-CRESOL (2-Methyl-4,6-dinitrophenol)	25									
A	4-NITROPHENOL	20									
A	P-CHLORO-M-CRESOL (3-methyl-4-chlorophenol)+B80	5									
A	PENTACHLOROPHENOL	20									
A	PHENOL	5									
BN	1,2,4-TRICHLOROBENZENE	5									
BN	1,2-(O)DICHLOROBENZENE	5									
BN	1,2-DIPHENYLHYDRAZINE	20									
BN	1,3-(M)DICHLOROBENZENE	5									
BN	1,4-(P)DICHLOROBENZENE	5									
BN	2,4-DINITROTOLUENE	6									
BN	2,6-DINITROTOLUENE	5									
BN	2-CHLORONAPHTHALENE	5									
BN	3,3'-DICHLOROBENZIDINE	16.5									
BN	3,4-BENZO(B)FLUORANTHENE	5									
BN	4-BROMOPHENYLPHENYL ETHER	5									
BN	4-CHLOROPHENYL PHENYL ETHER	5									
BN	ACENAPHTHENE	5									
BN	ACENAPHTHYLENE	5									
BN	ANTHRACENE	5									
BN	BENZIDINE	45									
BN	BENZO(A)ANTHRACENE	8									
BN	BENZO(A)PYRENE	5									
BN	BENZO(G,H,I)PERYLENE	5									
BN	BENZO(K)FLUORANTHENE	5									
BN	BIS(2-CHLOROETHOXY)METHANE	5									
BN	BIS(2-CHLOROETHYL)ETHER	6									
BN	BIS(2-CHLOROISOPROPYL)ETHER	6									
BN	BIS(2-ETHYLHEXYL)PHTHALATE	10									
BN	BUTYLBENZYL PHTHALATE	5									
BN	CHRYSENE	5									
BN	DI-N-BUTYL PHTHALATE	5									
BN	DI-N-OCTYL PHTHALATE	5									
BN	DIBENZO(A,H)ANTHRACENE	5									
BN	DIETHYL PHTHALATE	5									
BN	DIMETHYL PHTHALATE	5									
BN	FLUORANTHENE	5									

Maine Department of Environmental Protection
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BN	FLUORENE	5									
BN	HEXACHLOROBENZENE	5									
BN	HEXACHLOROBUTADIENE	5									
BN	HEXACHLOROCYCLOPENTADIENE	10									
BN	HEXACHLOROETHANE	5									
BN	INDENO(1,2,3-CD)PYRENE	5									
BN	ISOPHORONE	5									
BN	N-NITROSODI-N-PROPYLAMINE	10									
BN	N-NITROSODIMETHYLAMINE	5									
BN	N-NITROSODIPHENYLAMINE	5									
BN	NAPHTHALENE	5									
BN	NITROBENZENE	5									
BN	PHENANTHRENE	5									
BN	PYRENE	5									
P	4,4'-DDD	0.05									
P	4,4'-DDE	0.05									
P	4,4'-DDT	0.05									
P	A-BHC	0.2									
P	A-ENDOSULFAN	0.05									
P	ALDRIN	0.15									
P	B-BHC	0.05									
P	B-ENDOSULFAN	0.05									
P	CHLORDANE	0.1									
P	D-BHC	0.05									
P	DIELDRIN	0.05									
P	ENDOSULFAN SULFATE	0.1									
P	ENDRIN	0.05									
P	ENDRIN ALDEHYDE	0.05									
P	G-BHC	0.15									
P	HEPTACHLOR	0.15									
P	HEPTACHLOR EPOXIDE	0.1									
P	PCB-1016	0.3									
P	PCB-1221	0.3									
P	PCB-1232	0.3									
P	PCB-1242	0.3									
P	PCB-1248	0.3									
P	PCB-1254	0.3									
P	PCB-1260	0.2									
P	TOXAPHENE	1									
V	1,1,1-TRICHLOROETHANE	5									
V	1,1,2,2-TETRACHLOROETHANE	7									
V	1,1,2-TRICHLOROETHANE	5									
V	1,1-DICHLOROETHANE	5									
V	1,1-DICHLOROETHYLENE (1,1-dichloroethene)	3									
V	1,2-DICHLOROETHANE	3									
V	1,2-DICHLOROPROPANE	6									
V	1,2-TRANS-DICHLOROETHYLENE (1,2-trans-dichloroethene)	5									
V	1,3-DICHLOROPROPYLENE (1,3-dichloropropene)	5									
V	2-CHLOROETHYLVINYL ETHER	20									
V	ACROLEIN	NA									
V	ACRYLONITRILE	NA									
V	BENZENE	5									

Maine Department of Environmental Protection
WET and Chem
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V	BROMOFORM	5									
V	CARBON TETRACHLORIDE	5									
V	CHLOROBENZENE	6									
V	CHLORODIBROMOMETHANE	3									
V	CHLOROETHANE	5									
V	CHLOROFORM	5									
V	DICHLOROBROMOMETHANE	3									
V	ETHYLBENZENE	10									
V	METHYL BROMIDE (Bromomethane)	5									
V	METHYL CHLORIDE (Chloromethane)	5									
V	METHYLENE CHLORIDE	5									
V	TETRACHLOROETHYLENE (Perchloroethylene or Tetrachloroethene)	5									
V	TOLUENE	5									
V	TRICHLOROETHYLENE (Trichloroethene)	3									
V	VINYL CHLORIDE	5									

Notes:

(1) Flow average for day pertains to WET/PP composite sample day.

(2) Flow average for month is for month in which WET/PP sample was taken.

(3) Analytical chemistry parameters must be done as part of the WET test chemistry.

(3a) Cyanide, Available (Cyanide Amenable to Chlorination) is not an analytical chemistry parameter, but may be required by certain discharge permits .

(4) Priority Pollutants should be reported in micrograms per liter (ug/L).

(5) Mercury is often reported in nanograms per liter (ng/L) by the contract laboratory, so be sure to convert to micrograms per liter on this spreadsheet.

(6) Effluent Limits are calculated based on dilution factor, background allocation (10%) and water quality reserves (15% - to allow for new or changed discharges or non-point sources).

(7) Possible Exceedence determinations are done for a single sample only on a mass basis using the actual pounds discharged. This analysis does not consider watershed wide allocations for fresh water discharges.

(8) These tests are optional for the receiving water. However, where possible samples of the receiving water should be preserved and saved for the duration of the WET test. In the event of questions about the receiving water's possible effect on the WET results, chemistry tests should then be conducted.

(9) pH and Total Residual Chlorine must be conducted at the time of sample collection. Tests for Total Residual Chlorine need be conducted only when an effluent has been chlorinated or residual chlorine is believed to be present for any other reason.

Comments:

ATTACHMENT D

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHAPTER 530.2(D)(4) CERTIFICATION

MEPDES#_____Facility Name_____

Since the effective date of your permit, have there been;		NO	YES Describe in comments section
1	Increases in the number, types, and flows of industrial, commercial, or domestic discharges to the facility that in the judgment of the Department may cause the receiving water to become toxic?	☐	☐
2	Changes in the condition or operations of the facility that may increase the toxicity of the discharge?	☐	☐
3	Changes in storm water collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge?	☐	☐
4	Increases in the type or volume of hauled wastes accepted by the facility?	☐	☐

COMMENTS:

Name (printed): _____

Signature:_____Date: _____

This document must be signed by the permittee or their legal representative.

This form may be used to meet the requirements of Chapter 530.2(D)(4). This Chapter requires all dischargers having waived or reduced toxic testing to file a statement with the Department describing changes to the waste being contributed to their system as outlined above. As an alternative, the discharger may submit a signed letter containing the same information.

Scheduled Toxicity Testing for the next calendar year

Test Conducted	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
WET Testing	□	□	□	□
Priority Pollutant Testing	□	□	□	□
Analytical Chemistry	□	□	□	□
Other toxic parameters [1]	□	□	□	□

Please place an "X" in each of the boxes that apply to when you will be conducting any one of the three test types during the next calendar year.

[1] This only applies to parameters where testing is required at a rate less frequently than quarterly.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
MAINE WASTE DISCHARGE LICENSE

FACT SHEET

DATE: **May 1, 2018**

PERMIT NUMBER: **ME0023043**
WASTE DISCHARGE LICENSE: **W004897-5O-H-R**

NAME AND ADDRESS OF APPLICANT: **PENOBSCOT MCCRUM LLC**
28 PIERCE STREET
BELFAST, ME 04915

COUNTY: **WALDO**

NAME AND ADDRESS WHERE DISCHARGE(S) OCCUR(S):
PENOBSCOT MCCRUM LLC
28 PIERCE STREET
BELFAST, ME 04915

RECEIVING WATER CLASSIFICATION: **TIDEWATERS OF BELFAST**
PASSAGASSAWAKEAG RIVER, CLASS SB

COGNIZANT OFFICIAL CONTACT INFORMATION:
STEVE CRAIG
(207)-338-4360
scraig@pmcllc.org

1. APPLICATION SUMMARY

On March 31, 2017, the Department of Environmental Protection (Department) accepted as complete for processing, a renewal application from Penobscot McCrum LLC. (permittee) for Waste Discharge License (WDL) W004897-5O-F-R/ Maine Pollutant Discharge Elimination System (MEPDES) permit ME0023043, which was issued on December 4, 2012, for a five-year term. The 12/4/12 MEPDES permit authorized the permittee to discharge a monthly average flow of 0.1 million gallons per day (MGD) of secondary treated process wastewater from a potato processing facility to the tidewaters of Belfast (Passagassawakeag River), Class SB, in Belfast, Maine. See **Attachment A** of this fact sheet for a location map.

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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. Amends the total copper daily maximum effluent limit to 0.07 lbs./day with 1/Year reporting requirement;

2. Establishes effluent monitoring and reporting requirements for cyanide amenable to chlorination (CATC);

3. Revises the language for Screening Level Testing. Screening Level Testing must begin 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement;

4. Eliminating monitoring requirements for Outfall 002 as there are no longer any cooling water discharges happening from this outfall. Outfall 002 will be regulated under the facilities Multi Sector General Permit;

5. Establishes reduced Surveillance Level Wet testing based on facility test results;

6. Establishes a Report% for Screening Level Wet testing for chronic species based on facility test results.

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

September 14, 1983 – The Department issued WDL #4897 for a five-year term.

December 12, 1986 – The Department issued a modification of WDL #4897 which increased the daily maximum flow limitation from 0.10 MGD to 0.20 MGD. The flow increase was necessary to accommodate consolidation of the licensee's Spring Street and Pierce Street plants.

July 21, 1987 – The USEPA issued NPDES permit #ME0023043 for a five-year term.

May 24, 1989 – The licensee (then Penobscot Frozen Foods (PFF)) and the Department entered into an Administrative Consent Agreement (CA) and Enforcement Order for numerous license violations for BOD_5, TSS, settleable solids and oil & grease. The Order required PFF to construct a biological wastewater treatment facility.

July 12, 1989 – The Department issued WDL #W004897-42-B-R for a five-year term.

March 1990 – As stipulated by the 5/24/89 CA, PFF completed the construction of, and had operational, a sequencing batch reactor (SBR) biological wastewater treatment facility.

August 27, 1993 − The licensee applied for renewal of WDL #W004897-42-B-R, but withdrew the application on September 13, 1993.

2. PERMIT SUMMARY (cont'd)

February 17, 1995 – The Department issued a letter to the licensee stating that the process wastewater discharge from the PFF facility was not subject to whole effluent toxicity (WET) or priority pollutant (chemical specific) testing stipulated in a newly promulgated Department regulation, Chapter 530.5, *Surface Water Toxics Control Program*, dated October 12, 1994.

June 1, 2000 – Pursuant to *Certain deposits and discharges prohibited*, 38 M.R.S. § 420 and *Waste discharge licenses*, 38 M.R.S. § 413 and *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001), the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL # W004897-42-B-R.

August 21, 2001 – The Maine Superior Court issued a Consent Order to PFF for violations of the State's water quality laws and WDL #W-004897-42-B-R which was issued by the Department on July 12, 1989. The Consent Order required PFF to submit a comprehensive facility plan for the renovation, expansion or replacement of the existing wastewater treatment facility and pay a monetary penalty for the violations.

July 10, 2002 − The Department issued WDL #W-004897-5O-C-R / MEPDES Permit #ME0023043 for the discharge of up to a monthly average of 0.1 MGD and a daily maximum of 0.15 MGD of secondary treated potato process water as well as the discharge of up to a daily maximum of 0.075 MGD of non-contact cooling water to the tidewaters of Belfast / Passagassawakeag River. The Permit/WDL was issued for a five-year term.

November 9, 2004 − The Department issued WDL #W-004897-5O-D-T / MEPDES Permit #ME0023043, transferring the MEPDES Permit / Maine WDL from PFF to Penobscot McCrum, LLC (PM LLC).

March 8, 2006 – The Department informed PM LLC via letter that changes being undertaken to the Surface Water Toxics Control Program pursuant to the adoption of Department rule Chapter 530 would likely result in toxicity testing requirements with the next MEPDES Permit / Maine WDL renewal.

October 15, 2007 – The Department issued combination WDL #W-004897-5O-E-R / MEPDES Permit #ME0023043 for a five-year term.

February 6, 2012 – The Department issued a modification of WDL #W-004897-5O-E-R / MEPDES Permit #ME0023043 for reduction of mercury testing frequency from 2/Year to 1/Year based on *Certain deposits and discharges prohibited*, 38 M.R.S., § 420 sub-§1-B(F).

September 24, 2012 – The Department issued combination MEPDES # ME0023043/WDL #W004897-5O-E-R for a five-year term.

March 31, 2017 – The permittee submitted a timely and complete application to the Department to renew MEPDES #ME0023043/WDL W004897-5O-F-R to discharge a monthly average flow of 0.1 million gallons per day (MGD) of secondary treated process wastewaters from a potato processing facility located at 28 Pierce Street in Belfast. The application was accepted for processing by the Department on March 31, 2017.

2. PERMIT SUMMARY (cont'd)

c. Source Description: The permittee processes potatoes by baking, blanching and frying them into frozen food products. The water used in permittee's processing is obtained from the Belfast Water District. The permittee reported production numbers in their most recent WDL renewal application. On an average the permittee processes 93,473 pounds of raw potatoes per day, with a maximum of 149,220 pounds per day, and an overall total of 30,529,960 pounds per year of potatoes processed into frozen potato products.

Most of the wastewater generated in the manufacturing process is the result of equipment and floor washing that takes place hourly with additional mid-day and end-of-day washdowns. This wastewater is discharged to the receiving water via Outfall #001A. The permittee has provided the Department with a list of chemicals used for sanitation or disinfection during production and clean-up operations. Additional wastewater consists of flow from the oven room, which is the result of condensed moisture drawn from the potatoes, condensate from an air compressor, and condensate from the freezer equipment in the freezer/defrost holding room. This wastewater stream is directed to the facilities onsite waterwater treatment system. All potatoes are washed at the permittee's Washburn, Maine facility and then transported to the Belfast facility.

Potato waste material is trucked to farms for agronomic utilization. All sanitary wastewater flows from the facility are conveyed to the Belfast wastewater treatment facility, which is permitted separately under MEPDES permit #ME0101532.

d. Wastewater Treatment: The permittee's water use is as represented in Fact Sheet **Attachment B**. The permittee operates a sequencing batch reactor (SBR) biological wastewater treatment facility to provide treatment of all processing wastewater. The wastewater facility provides a secondary level of treatment via settling in two lamellae clarifiers and one SBR unit. In 2006, to address previous oil and grease effluent limit exceedances, the permittee supplemented its facility infrastructure with the installation of two oil and grease skimmer units, one in the blanch room and one in the treatment plant's lamellae clarifiers. The permittee discharges treated processing wastewater through Outfall #001A, two to three times per 24-hour period. Each discharge event consists of approximately 15,000 gallons of wastewater, for a total average discharge of approximately 46,000 gallons per day (GPD) and a maximum discharge of approximately 90,000 GPD. Outfall #001A consists of a 12-inch diameter pipe that outlets into Belfast Bay in a depth of approximately 10-feet at mean low water.

The permittee has ceased discharging potato moisture condensate, non-contact cooling water, and air and refrigeration condensate through Outfall 002. Outfall 002 discharges stormwater through 12-inch diameter culvert that runs beneath an adjacent railroad track and outlets to the ground surface, with discharged flows eventually reaching the intertidal portion of Belfast Bay.

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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 CMR 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 CMR 584 (effective July 29, 2012), 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 estuarine and marine waters, 38 M.R.S. § 469(6) classifies all estuarine and marine waters lying within the boundaries of Waldo County that are not otherwise classified are class SB, which includes Belfast Harbor at the point of discharge, as Class SB waters. *Standards for classification of estuarine and marine waters*, 38 M.R.S. § 465-B(2), describes the standards for Class SB waters.

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2014 Integrated Water Quality Monitoring and Assessment Report, prepared pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the marine waters at the permittee's outfall (Waterbody ID 722-41) as, *Category 4-A(b), Estuarine and Marine Waters with Impaired Use, TMDL Completed (TMDL completed for listed causes and bacteria from combined sewer overflows)* The impairment may be either recreational uses (swimming) or shellfish consumption or both. Shellfish consumption impairments only apply to waters naturally capable of supporting the shellfish harvesting use (i.e. waters of high enough salinity for propagation of shellfish).

The Maine Department of Marine Resources (MEDMR) closes shellfish harvesting areas if there are known sources of discharges with unacceptable bacteria levels (thresholds established in the National Shellfish Sanitation Program) or maintains shellfish harvesting closure areas due to lack of updated information regarding ambient water quality conditions and current shoreline surveys. In addition, the MEDMR prohibits shellfish harvesting in the immediate vicinity of all wastewater treatment outfall pipes as a precautionary measure in the event of a failure in the treatment plant's disinfection system. Thus, shellfish harvesting area #32 is closed to the harvesting of shellfish due the location of the Town's wastewater treatment plant outfall. The shellfish closure area can be found at http://www.maine.gov/dmr/shellfish-sanitation-management/closures/pollution.html

Category 5-D*: Estuarine and Marine Waters Impaired by Legacy Pollutants*. All estuarine and marine waters capable of supporting American lobster are listed in Category 5-D, partially supporting fishing ("shellfish" consumption) due to elevated levels of polychlorinated biphenyls (PCBs) and other persistent, bioaccumulating substances in lobster tomalley. The permittee will not cause or contribute to the failure of the receiving waters to meet the standards of its designated classification.

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6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The previous permitting action established, and this permitting action is carrying forward, effluent limitations and monitoring requirements for one process outfall: Outfall #001A for process wastewaters.

Outfall #001A – Process waters

The Department reviewed 57 Discharge Monitoring Reports (DMRs) that were submitted for Outfall #001A for the period of December 4, 2012 – October 26, 2017. A review of the data indicates that following:

Flow (DMRs=57)

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	0.10	0.04 – 0.05	0.046
Daily Maximum	Report	0.05 – 0.51	0.090

The previous permitting action established, and this permitting action is carrying forward the monthly average flow limitation of 0.10 MGD and the continuous monitoring requirement.

a. Dilution Factors: 06-096 CMR 530(4)(A)(2)(a) states that, *"For discharges to the ocean, dilution must be calculated as near-field or initial dilution, or that dilution available as the effluent plume rises from the point of discharge to its trapping level, at mean low water level and slack tide for the acute exposure analysis, and at mean tide for the chronic exposure analysis using appropriate models determined by the Department such as MERGE, CORMIX or another predictive model."*

As indicated in Fact Sheet Section 6 of the previous permitting action, the Department utilized facility plan and profile information provided by the permittee and calculations based on interpretation of the CORMIX model whose parameters include facility permitted flows, outfall/diffuser configuration (pipe 12" in diameter with no diffuser); and in-stream mixing characteristics (based on 15 minute travel time) determined from modeling and/or field to establish applicable dilution factors (that are being carried forward in this permitting action, Dilution information for Outfall #001A is as follows:

Acute = 15:1 Chronic = 151:1 Harmonic mean[(1)] = 453:1

Notes:

[1]The harmonic mean dilution factor is approximated by multiplying the chronic dilution factor by three (3). This multiplying factor is based on guidelines for estimation of human health dilution presented in the U.S. EPA publication, "*Technical Support Document for Water Quality-Based Toxics Control"* (Office of Water; USEPA/505/2-90-001, page 88), and represents an estimation of harmonic mean flow on which human health dilutions are based in a riverine 7Q10 flow situation.

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6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

b. Production: The previous permitting action established, and this permitting action is carrying forward, reporting of monthly average and daily maximum production in tons/day of raw potatoes processed. The Department reviewed 57 Discharge Monitoring Reports DMRs that were submitted for Outfall #001A for the period of December 4, 2012 – October 26, 2017 a review of the data indicates that following:

Production (DMRs = 57)

Value	Limit (tons/day)	Range (tons/day)	Mean (tons/day)
Monthly Average	Report	31 − 75	55
Daily maximum	Report	49 − 98	79

The Department considers 65 tons/day used in subsequent permitting actions to be representative of normal production at the permittee's facility. This permitting action is carrying forward monthly average and daily maximum production reporting requirements.

c. Biochemical Oxygen Demand and Total Suspended Solids: The previous permitting action established monthly average and daily maximum mass limits for BOD_5 and TSS based on State of Maine technology based guidelines developed in 1976 for the potato processing industry. The guidelines established production based limits for BOD_5 and TSS of 0.95 lbs./1000 lbs. (1.9 lbs./ton) of raw potatoes processed as the monthly average limit and 1.4 lbs./1000 lb. (2.8 lbs./ton) of raw potatoes processed as the daily maximum limit.

Per USEPA guidance, the average actual production is to be used for development of National Effluent Guideline based effluent limits. At the time of the previous permitting action the Department's review of DMR data for the period of March 2004 through March 2007 indicated a mean monthly average production of 65 tons/day during the three year period. Based on this, technology based mass limits were calculated as follows:

Monthly average: 65 tons/day (1.9 lbs./ton) = 124 lbs./day
Daily Maximum: 65 tons/day (2.8 lbs./ton) = 182 lbs./day

The previous permitting action established technology based concentration limits from the mass limits calculated above, monthly average flow limit, and a conversion factor of 8.34 lbs./gallon, as follows:

Monthly average: 124 lbs./day / (0.1 MGD x 8.34 lbs./gal) = 149 mg/L
Daily Maximum: 182 lbs./day / (0.1 MGD x 8.34 lbs./gal) = 218 mg/L

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

The Department reviewed DMRs that were submitted for BOD and TSS at Outfall #001A for the reporting period of December 4, 2012 – October 26, 2017 a review of the data indicates that following:

BOD Mass (DMRs=52)

Value	Limit (lbs./day)	Range (lbs./day)	Average (lbs./day)
Monthly Average	124	0.7 – 97	9.5
Daily Maximum	182	0.7 – 97	10.4

BOD Concentration (DMRs=52)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	149	2.6 – 220	24
Daily Maximum	218	2.6 − 220	24

For the reporting period of December 4, 2012 – October 26, 2017, there was one excursion from the monthly average concentration reporting limit of 149 mg/L and the Daily Maximum concentration reporting limit of 218 mg/L.

TSS Mass (DMRs=57)

Value	Limit (lbs./day)	Range (lbs./day)	Average (lbs./day)
Monthly Average	124	1.10 – 32	8.0
Daily Maximum	182	1.10 – 32	8.1

TSS Concentration (DMRs=57)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	149	3 – 55	19.0
Daily Maximum	218	3 – 55	19.2

The previous permitting action established, and this permitting action is carrying forward monthly average and daily maximum for concentration and mass and a 1/month monitoring frequency for BOD and TSS.

d. Settleable Solids: The previous permitting action established and this permitting action is carrying forward a daily maximum technology limit of 0.3 ml/L for settleable solids, which is considered by the Department as a best professional judgment of Best Practicable Technology (BPT) for secondary treated wastewater, along with a minimum monitoring frequency requirement of 1/Week.

The Department reviewed 57 DMRs that were submitted for Outfall #001A for the period September December 4, 2012 – October 26, 2017. A review of the data indicates that following:

Settleable Solids Concentration (DMRs=57)

Value	Limit (ml/L)	Range (ml/L)	Average (ml/L)
Daily Maximum	0.3	0.00 – 0.30	0.26

The previous permitting action established, and this permitting action is carrying forward a concentration of 0.3 mg/L and a monitoring frequency of 1/week.

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

e. Oil & Grease – The previous permitting actions established a daily maximum concentration limit of 15 mg/L for oil and grease, based on BPJ of BPT and water quality based limit necessary so as not to cause a visible oil sheen on the surface of the receiving waters (Permit Special Condition B(1).

It is noted that in June 2006, the permittee installed two oil and grease skimmer units, one in the blanch room and one in the treatment plant's lamellae clarifiers. A review of the DMR data for Outfall #001A for the period December 4, 2012 – October 26, 2017, indicates that the daily maximum values have been reported as follows:

Oil & Grease (DMRs = 57)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily maximum	15	4.2 − 13	5.5

This permitting action is carrying forward the daily maximum concentration limit of 15 mg/L for oil and grease along with the 2/month monitoring frequency.

f. Total Residual Chlorine (TRC): Limits on total residual chlorine are specified to ensure attainment of the in-stream water quality criteria for chlorine and that BPT technology is utilized to abate the discharge of chlorine. Permits issued by this Department impose the more stringent of the calculated water quality based or BPT based limits. The previous permitting action established a monthly average technology based limit of 0.2 mg/L. End-of-pipe water quality based thresholds for TRC were calculated as follows:

Acute (A) Criterion	Chronic (C) Criterion	A & C Acute Dilution Factors	Calculated Acute Threshold	Calculated Chronic Threshold
0.013 mg/L	0.0075 mg/L	15:1 (A) 151:1 (C)	0.2 mg/L	1.1 mg/L

The Department has established a daily maximum BPT limitation of 1.0 mg/L 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. In the case of the permittee, the calculated acute water quality limit of 0.2 mg/L is more stringent than 1.0 mg/L. The previous permitting action established, and this permitting action is carrying forward the daily maximum limit of 0.2 mg/L.

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

The Department reviewed 57 DMRs that were submitted for the monitoring period of December 4, 2012 – October 26, 2017, indicates that the daily maximum values have been reported as follows:

Total Residual Chlorine (DMRs=57)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	0.2	0.03 – 0.20	0.146

g. pH: The previous permitting action established, and this permitting action is carrying forward, a technology-based pH limit of 6.0 – 8.5 standard units (SU), which is based on BPJ of BPT and a minimum monitoring frequency requirement of 1/Day.

The Department reviewed 57 DMRs that were submitted for the monitoring period of December 4, 2012 – October 26, 2017, indicates as follows:

pH (DMRs=57)

Value	Limit (SU)	Minimum (SU)	Maximum
Range	6.0 – 8.5	6.26	8.40

h. Mercury: Pursuant to *Certain deposits and discharges prohibited*, 38 M.R.S. § 420 and *Waste Discharge Licenses*, 38 M.R.S. § 413 and *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001), the Department issued an interim average and daily maximum effluent concentration limits of 50.8 parts per trillion (ppt) and 76.3 ppt, respectively, and a minimum monitoring frequency requirement of two (2) tests per year for mercury. 38 M.R.S. § 420(1-B)(B)(1) provides that a facility is not in violation of the Ambient Water Quality Criteria (AWQC) for mercury if the facility is in compliance with an interim discharge limit established by the Department. A review of the Department's data base for the period October 19, 1999 – March 30, 2016 indicates the permittee has been in compliance with the interim limits for mercury as results have been reported as follows:

Mercury (DMRs=54)

Value	Limit (ng/L)	Range (ng/L)	Mean (ng/L)
Average	50.8	0.50 – 39.40	2.2
Daily Maximum	76.3		

The Department issued a minor revision on February 6, 2012, to the October 15, 2007, permit thereby revising the minimum monitoring frequency requirement from twice per year to once per year given the permittee has maintained at least 5 years of mercury testing data. Pursuant to 38 M.R.S. § 420(1-B)(F), this permitting action is carrying forward the 1/Year monitoring frequency established in the February 6, 2012, permit modification.

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

i. 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 CMR 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 CMR 584 sets forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

WET, priority pollutant and analytical chemistry testing, as required by 06-096 CMR 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 mysid shrimp *(Americamysis bahia)* and the sea urchin *(Arbacia punctulata).* 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 included as **Attachment C** of the permit. Analytical chemistry refers to those pollutants listed under "Analytical Chemistry" on the form included as **Attachment C** of the permit.

06-096 CMR 530(2)(A) specifies the dischargers subject to the rule as:

> All licensed dischargers of industrial process wastewater or domestic wastes is 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.

Penobscot McCrum LLC., discharges (potato processing) wastewater to surface waters and is therefore subject to the testing requirements of the toxics rule.

06-096 CMR 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 ≥20:1 but <100:1.
Level III	Chronic dilution factor ≥100:1 but <500:1 or >500:1 and Q ≥1.0 MGD
Level IV	Chronic dilution factor >500:1 and Q ≤1.0 MGD

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

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 >100:1 but <500:1 or >500:1 and Q ≥1.0 MGD. 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

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.

j. Whole Effluent Toxicity (WET) Evaluation: 06-096 CMR 530(3)(E) states:

> For effluent monitoring data and the variability of the pollutant in the effluent**,** the Department shall 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 September 12, 2017, the Department conducted a statistical evaluation on the most recent 53 months of WET test results on file with the Department for the permittee in accordance with the statistical approach outlined above. The 9/12/17 statistical evaluation indicates that none of the results had a reasonable potential to exceed the chronic or acute ambient water quality threshold. See **Attachment C** of this Fact Sheet for a summary of the WET test results.

Based on the provisions of 06-096 CMR 530 and Department best professional judgment, this permitting action establishing the reduced surveillance level WET testing requirements for this facility. Special Condition F. 06-096 CMR 530(2)(D)(4) Statement For Reduced/Waived Toxics Testing of this Permit explains the statement required by the discharger to reduce WET testing.

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

k. Analytical Chemistry & Priority Pollutant Testing Evaluation:

06-096 CMR 530(4)(C) states:

> The background concentration of specific chemicals must be included in all calculations using the following procedures. The Department may publish and periodically update a list of default background concentrations for specific pollutants on a regional, watershed or statewide basis. In doing so, the Department shall use data collected from reference sites that are measured at points not significantly affected by point and non-point discharges and best calculated to accurately represent ambient water quality conditions. The Department shall use the same general methods as those in section 4(D) to determine background concentrations.

For pollutants not listed by the Department, an assumed concentration of 10% of the applicable water quality criteria must be used in calculations.

06-096 CMR 530(3)(E) states, "Where it is determined through [the statistical approach referred to in USEPA's Technical Support Document for Water Quality-Based Toxics Control] 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."

06-096 CMR 530(3)(D) states, "Where the need for effluent limits has been determined, limits derived from acute water quality criteria must be expressed as daily maximum values. Limits derived from chronic or human health criteria must be expressed as monthly average values."

Chemical specific evaluation

As with WET test results, the Department conducted a statistical evaluation on September 12, 2017, for the most current 55 months of analytical chemistry and priority pollutant test results on file. The evaluation indicates the discharge exceeded the applicable acute AWQC threshold for total copper and exhibited reasonable potential to exceed the acute AWQC for cyanide. See **Attachment D** of this Fact Sheet for the individual test results. As a result, this permit is establishing a daily maximum water quality based mass limit of 0.07 lbs./day for copper and 0.01 lbs./day for cyanide. The limit was calculated as follows:

Chapter 530 (promulgated on October 12, 2005) §4(C), states *"The background concentration of specific chemicals must be included in all calculations using the following procedures. The Department may publish and periodically update a list of default background concentrations for specific pollutants on a regional, watershed or statewide basis. In doing so, the Department shall use data collected from reference sites that are measured at points not significantly affected by point and non-point discharges and best calculated to accurately represent ambient water quality conditions. The Department shall use the same general methods as those in section 4(D) to determine background concentrations. For pollutants not listed by the Department, an assumed concentration of I 0% of the applicable water quality criteria must be used in calculations*". The Department has no information on the background levels of metals in the water column in the

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

tidewaters of the Passagassawakeag River in the vicinity of the permittee's outfall. Therefore, a default background concentration of 10% of the applicable water quality criteria is being used in the calculations of this permitting action.

Chapter 530 4(E), states *"In allocating assimilative capacity for toxic pollutants, the Department shall hold a portion of the total capacity in an unallocated reserve to allow for new or changed discharges and non-point source contributions. The unallocated reserve must be reviewed and restored as necessary at intervals of not more than five years. The water quality reserve must be not less than 15% of the total assimilative quantity*".

Total Copper

Given:

Total copper acute Acute AWQC = 5.78 ug/L or 0.00578 mg/L
Acute (modified) dilution factor= 15:1
Background concentration =10% of AWQC
Permitted flow= 0.10 MGD

Find:

1) Daily maximum water quality based mass limitation.

End of Pipe (EOP) Concentration Threshold= [(Dilution Factor)(0.90)(criterion)] + (0.10)(criterion)

EOP=[(15)(0.90)(0.00578 mg/L)] + (0.1)(0.00578 mg/L) = 0.07860 mg/L or 78.6 ug/L

(0.07860 mg/L)(8.34 lbs./gal)(0.10 MGD) = **0.07 lbs./day**

This permitting action is making a best professional judgment carry forward the monitoring frequency established in the previous permitting action for total copper at 1/Year.

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

Total Cyanide Amenable to Chlorination

Given:

Cyanide amenable to chlorination Acute AWQC = 1 ug/L or 0.001 mg/L
Acute (modified) dilution factor= 15:1
Background concentration =10% of AWQC
Permitted flow= 0.10 MGD

Find:

1) Daily maximum water quality based mass limitation.

End of Pipe (EOP) Concentration Threshold= [(Dilution Factor)(0.90)(criterion)] + (0.10)(criterion)

EOP=(15)(0.90)(0.001 mg/L) + (0.1)(0.001 mg/L) = 0.0136 mg/L

(0.0136 mg/L)(8.34 lbs/gal)(0.10 MGD) = **0.01 lbs./day**

This permitting action is making a best professional judgment to establish the monitoring frequencies for total cyanide amenable to chlorine at 1/Year.

As for the remaining chemical specific parameters tested to date, no other parameters tested in the 53-month evaluation period exceed or has a reasonable potential to exceed applicable acute, chronic or human health AWQC. Therefore, this permitting action carrying forward screening level reporting and monitoring frequency for analytical chemistry at 1/Quarter during the screening level year pursuant to 06-096 CMR 530(2)(D)(3)(c). As with reduced WET testing, the permittee must file an annual certification with the Department pursuant to Chapter 530 §2(D)(4) and Special Condition F of this permit.

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

Outfall #002 – Non-contact cooling water

l. Flow – The previous permitting action established a daily maximum flow limitation of 0.075 MGD for Outfall #002 based on information provided by the permittee as being a flow that is representative of the maximum discharge flow for this outfall. This permitting action is removing Outfall #002 monitoring and reporting requirements based upon changes made at the facility that eliminated any process water inputs to Outfall #002. Any discharge from Outfall #002 is now regulated under the December 7, 2017, Multi Sector General Permit for Stormwater Discharges Associated with Industrial Activities.

A review of the DMR data for the period December 4, 2012 – October 26, 2017, indicates values have been reported as follows:

Flow (DMRs= 49)

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly average	Report	0.00−0.00	0.00
Daily Maximum	0.075	0.0001−0.001	0.00034

m. Temperature: The previous permitting action established a seasonal daily maximum temperature reporting requirement from December 4, 2012 – October 26, 2017, for Outfall #002 and #001.

A review of the DMR data for the period December 4, 2012 – October 26, 2017, indicates values have been reported as follows:

Temperature (DMRs =18)

Value	Limit (ºF)	Range (ºF)	Mean (ºF)
Daily Maximum	Report	54ºF − 75ºF	69 ºF

n. pH – The previous permitting action established a technology based pH range limit of 6.0 − 8.5 standard units along with a 1/Week monitoring requirement for Outfall #002 based on a Department BPJ of BPT.

The Department reviewed DMR data for the period of December 4, 2012 – October 26, 2017, indicates values have been reported as follows:

pH (DMRs = 49)

Value	Limit (S.U.)	Minimum (S.U.)	Maximum (S.U.)
Range	6.0 – 8.5	5.06	10.4

During the monitoring period of September 24, 2017 through July 18, 2017, the permittee reported 8 excursions from the technology based pH range of 6.0 – 8.5.

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY:

As permitted, the Department has determined the existing water uses will be maintained and protected and the discharge will not cause or contribute to the failure of the waterbody to meet standards for Class SB classification.

8. PUBLIC COMMENTS

Public notice of this application was made in *The Bangor Daily News* newspaper on or about March 25, 2017. 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 CMR 522 (effective January 12, 2001).

9. DEPARTMENT CONTACTS

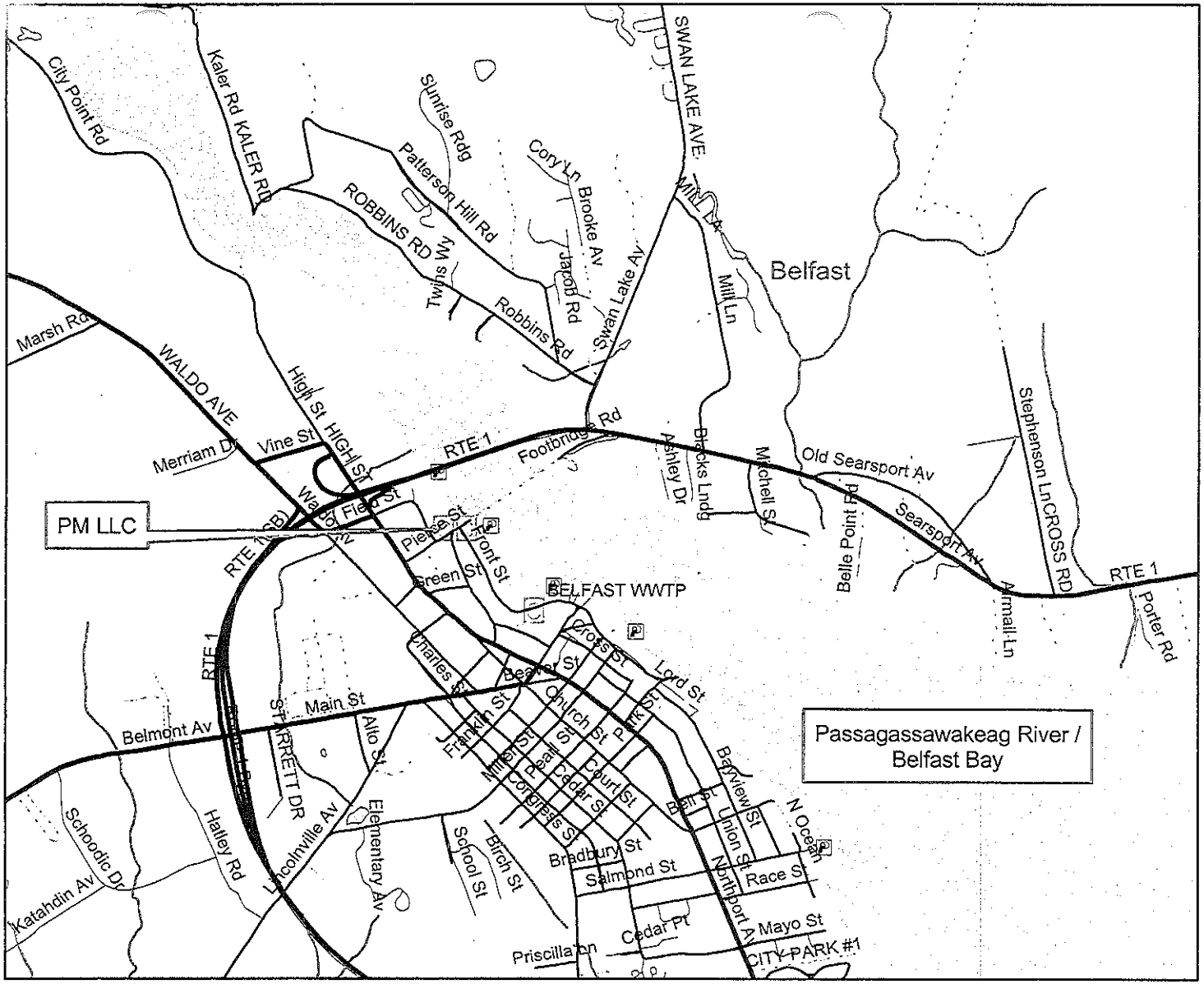
Additional information concerning this permitting action may be obtained from, and written comments sent to:

Aaron Dumont
Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 592-7161
e-mail: Aaron.A.Dumont@maine.gov

10. RESPONSE TO COMMENTS

During the period of March 27, 2018, through the effective date of this final agency action, the Department solicited comments on the draft MEPDES permit. The Department did not receive any substantive comment on the draft permit. It is noted that minor typographical and grammatical errors identified in comments were not summarized in this section, but were corrected, where necessary, in the final permit.

ATTACHMENT A



Legend

Streams

- AA
- A
- B
- C
- Ponds and Lakes
- Wastewater_Facilities
- Wastewater_Outfalls

Roads

JURISDICTION

- Town Road
- Town Road - Summer
- Town Road - Winter
- State-aided Highway
- State Highway
- Toll Highway
- Private Road
- Reservation Road
- Seasonal Parkway
- SA
- SB
- sa
- sb
- sc

Penobscot McCrum LLC
Belfast, Maine

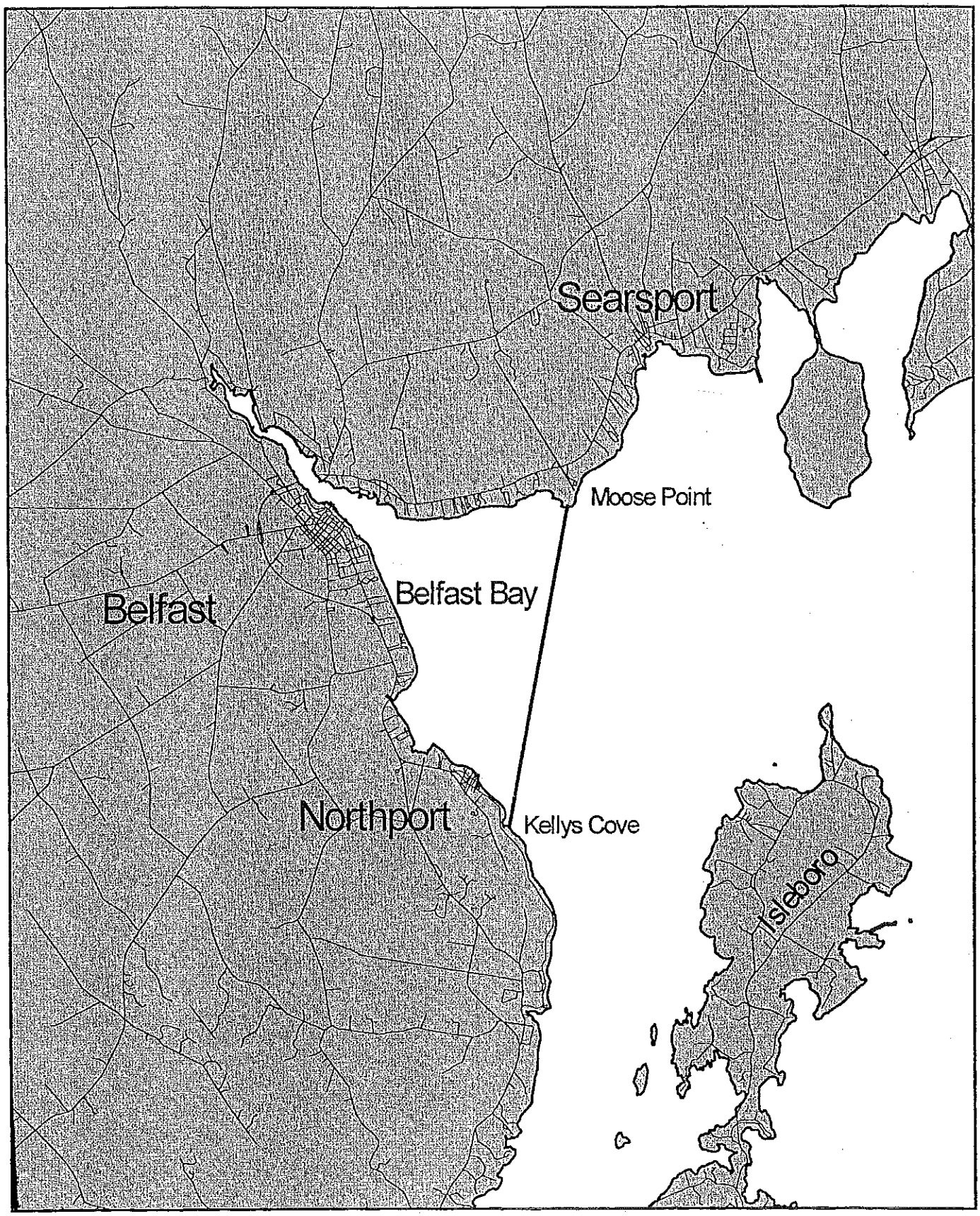
Map created by:
Bob Stratton
Division of Water Quality Management
Maine Department of Environmental Protection

DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF MAINE

Department of Marine Resources

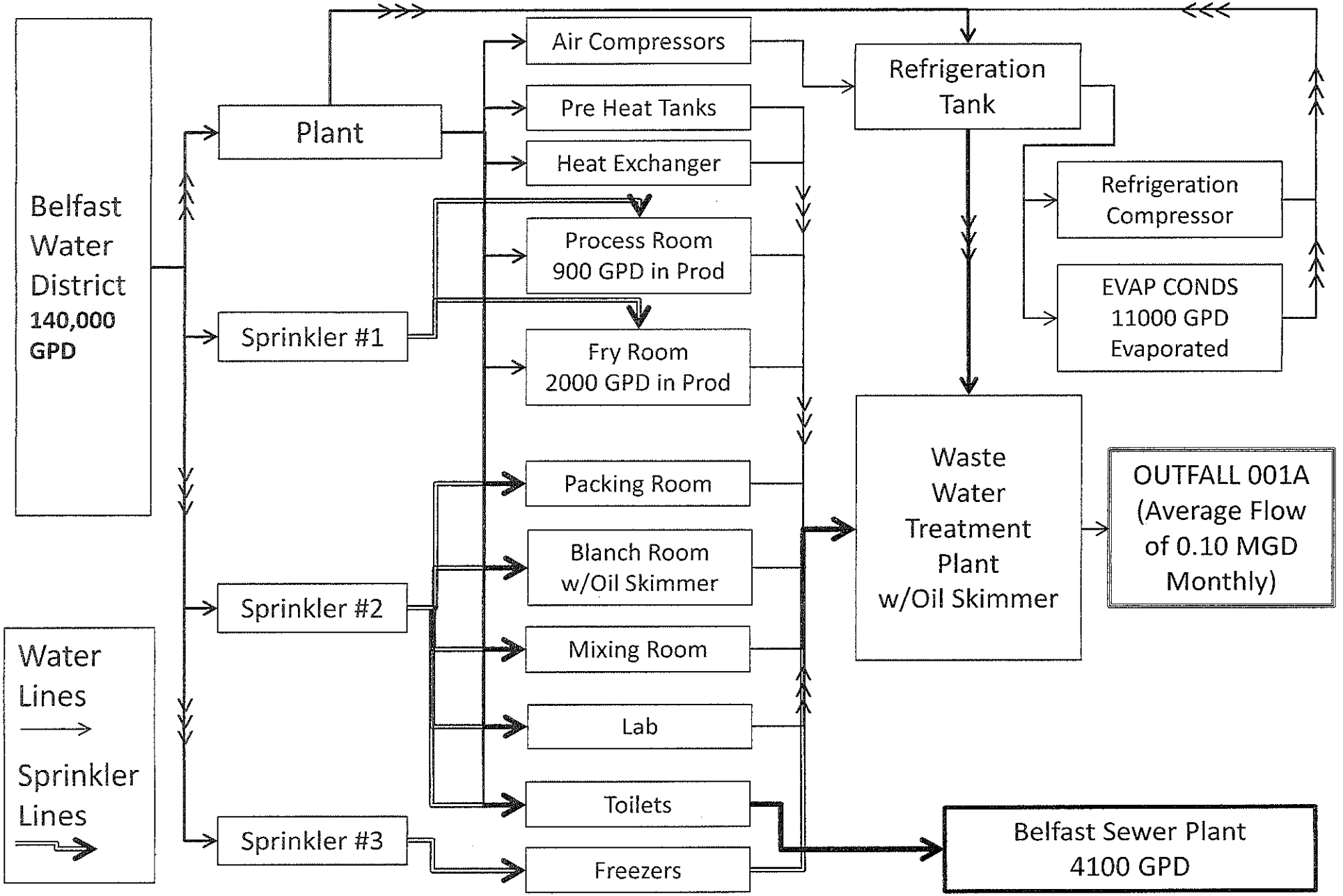
Legal Notice of Shellfish Closure Area

C 32 Belfast Bay, Belfast



ATTACHMENT B

Penobscot McCrum LLC Water Usage Schematic



ATTACHMENT C

COMBINED WET AND PRIORITY POLLUTANTS REPORT
Data entered into Toxscan for the period

01/Aug/2012 - 01/Aug/2017

Facility name: **PENOBSCOT MCCRUM LLC** Permit Number: ME0023043 Effluent Limit: Acute (%) = 6.67 Chronic (%) = 0.66

CHEMICAL TEST REPORT

Showing all data - *(Mercury results are in ng/L)

	Test date	Result (ug/l)	Lsthan
1,1,1-TRICHLOROETHANE			
	07/11/2016	5.0000	Y
	10/03/2016	5.0000	Y
1,1,2,2-TETRACHLOROETHANE			
	07/11/2016	5.0000	Y
	10/03/2016	5.0000	Y
1,1,2-TRICHLOROETHANE			
	07/11/2016	5.0000	Y
	10/03/2016	5.0000	Y
1,1-DICHLOROETHANE			
	07/11/2016	5.0000	Y
	10/03/2016	5.0000	Y
1,1-DICHLOROETHYLENE			
	07/11/2016	5.0000	Y
	10/03/2016	3.0000	Y
1,2-(O)DICHLOROBENZENE			
	10/03/2016	4.7000	Y
1,2,4-TRICHLOROBENZENE			
	10/03/2016	4.7000	Y
1,2-DICHLOROETHANE			
	07/11/2016	5.0000	Y
	10/03/2016	3.0000	Y
1,2-DICHLOROPROPANE			
	07/11/2016	5.0000	Y
	10/03/2016	5.0000	Y
1,2-DIPHENYLHYDRAZINE			

COMBINED WET AND PRIORITY POLLUTANTS REPORT
Data entered into Toxscan for the period

01/Aug/2012 - 01/Aug/2017

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CHEMICAL TEST REPORT

Showing all data - *(Mercury results are in ng/L)

1,2-DIPHENYLHYDRAZINE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/03/2016	20.0000	Y
1,2-TRANS-DICHLOROETHYLENE	**Test date**	**Result (ug/l)**	**Lsthan**
	07/11/2016	5.0000	Y
	10/03/2016	5.0000	Y
1,3-(M)DICHLOROBENZENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/03/2016	4.7000	Y
1,3-DICHLOROPROPYLENE	**Test date**	**Result (ug/l)**	**Lsthan**
	07/11/2016	5.0000	Y
	10/03/2016	5.0000	Y
1,4-(P)DICHLOROBENZENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/03/2016	4.7000	Y
2,4,6-TRICHLOROPHENOL	**Test date**	**Result (ug/l)**	**Lsthan**
	10/03/2016	4.7000	Y
2,4-DICHLOROPHENOL	**Test date**	**Result (ug/l)**	**Lsthan**
	10/03/2016	4.7000	Y
2,4-DIMETHYLPHENOL	**Test date**	**Result (ug/l)**	**Lsthan**
	10/03/2016	4.7000	Y
2,4-DINITROPHENOL	**Test date**	**Result (ug/l)**	**Lsthan**
	10/03/2016	24.0000	Y
2,4-DINITROTOLUENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/03/2016	4.7000	Y
2,6-DINITROTOLUENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/03/2016	4.7000	Y
2-CHLOROETHYLVINYL ETHER	**Test date**	**Result (ug/l)**	**Lsthan**

COMBINED WET AND PRIORITY POLLUTANTS REPORT
Data entered into Toxscan for the period

01/Aug/2012 - 01/Aug/2017

Facility name: **PENOBSCOT MCCRUM LLC** Permit Number: ME0023043 Effluent Limit: Acute (%) = 6.67 Chronic (%) = 0.66

CHEMICAL TEST REPORT

Showing all data - *(Mercury results are in ng/L)

	Test date	Result (ug/l)	Lsthan
2-CHLOROETHYLVINYL ETHER			
	07/11/2016	10.0000	Y
	10/03/2016	10.0000	Y
2-CHLORONAPHTHALENE			
	10/03/2016	4.7000	Y
2-CHLOROPHENOL			
	10/03/2016	4.7000	Y
2-NITROPHENOL			
	10/03/2016	4.7000	Y
3,3'-DICHLOROBENZIDINE			
	10/03/2016	4.7000	Y
3,4-BENZO(B)FLUORANTHENE			
	10/03/2016	4.7000	Y
4,4'-DDD			
	07/11/2016	0.0200	Y
	10/03/2016	0.0200	Y
4,4'-DDE			
	07/11/2016	0.0200	Y
	10/03/2016	0.0200	Y
4,4'-DDT			
	07/11/2016	0.0200	Y
	10/03/2016	0.0200	Y
4,6-DINITRO-O-CRESOL			
	10/03/2016	24.0000	Y
4-BROMOPHENYLPHENYL ETHER			

COMBINED WET AND PRIORITY POLLUTANTS REPORT
Data entered into Toxscan for the period

01/Aug/2012 - 01/Aug/2017

Facility name: **PENOBSCOT MCCRUM LLC** Permit Number: ME0023043 Effluent Limit: Acute (%) = 6.67 Chronic (%) = 0.66

CHEMICAL TEST REPORT

Showing all data - *(Mercury results are in ng/L)

	Test date	Result (ug/l)	Lsthan
4-BROMOPHENYLPHENYL ETHER			
	10/03/2016	4.7000	Y
4-CHLOROPHENYL PHENYL ETHER			
	10/03/2016	4.7000	Y
4-NITROPHENOL			
	10/03/2016	19.0000	Y
A-BHC			
	07/11/2016	0.0100	Y
	10/03/2016	0.0100	Y
ACENAPHTHENE			
	10/03/2016	4.7000	Y
ACENAPHTHYLENE			
	10/03/2016	4.7000	Y
ACROLEIN			
	10/03/2016	10.0000	Y
ACRYLONITRILE			
	10/03/2016	25.0000	Y
A-ENDOSULFAN			
	07/11/2016	0.0100	Y
	10/03/2016	0.0100	Y
ALDRIN			
	07/11/2016	0.0100	Y
	10/03/2016	0.0100	Y
ALUMINUM			
	09/27/2012	60.0000	Y

COMBINED WET AND PRIORITY POLLUTANTS REPORT
Data entered into Toxscan for the period

01/Aug/2012 - 01/Aug/2017

Facility name: **PENOBSCOT MCCRUM LLC** Permit Number: ME0023043 Effluent Limit: Acute (%) = 6.67 Chronic (%) = 0.66

CHEMICAL TEST REPORT

Showing all data - *(Mercury results are in ng/L)

	Test date	Result (ug/l)	Lsthan
ALUMINUM			
	03/25/2014	293.0000	N
	10/21/2014	60.0000	Y
	06/22/2015	60.0000	Y
	01/19/2016	228.0000	N
	04/12/2016	106.0000	N
	07/11/2016	60.0000	Y
	10/03/2016	60.0000	Y
AMMONIA			
	09/27/2012	160.0000	N
	03/25/2014	510.0000	N
	10/21/2014	420.0000	N
	06/22/2015	880.0000	N
	01/19/2016	0.1300	Y
	04/12/2016	125.0000	Y
	07/11/2016	200.0000	N
	10/03/2016	170.0000	N
ANTHRACENE			
	10/03/2016	4.7000	Y
ANTIMONY			
	07/11/2016	0.2000	Y
	10/03/2016	0.4100	N
ARSENIC			
	09/27/2012	1.0000	Y
	03/25/2014	1.8000	N
	10/21/2014	1.1000	N

Facility name: **PENOBSCOT MCCRUM LLC** Permit Number: ME0023043 Effluent Limit: Acute (%) = 6.67 Chronic (%) = 0.66

CHEMICAL TEST REPORT

Showing all data - *(Mercury results are in ng/L)

	Test date	Result (ug/l)	Lsthan
ARSENIC			
	06/22/2015	1.1000	N
	01/19/2016	1.1000	N
	04/12/2016	1.0000	Y
	07/11/2016	1.0000	N
	10/03/2016	1.0000	Y
B-BHC	**Test date**	**Result (ug/l)**	**Lsthan**
	07/11/2016	0.0100	Y
	10/03/2016	0.0100	Y
B-ENDOSULFAN	**Test date**	**Result (ug/l)**	**Lsthan**
	07/11/2016	0.0200	Y
	10/03/2016	0.0200	Y
BENZENE	**Test date**	**Result (ug/l)**	**Lsthan**
	07/11/2016	5.0000	Y
	10/03/2016	5.0000	Y
BENZIDINE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/03/2016	24.0000	Y
BENZO(A)ANTHRACENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/03/2016	4.7000	Y
BENZO(A)PYRENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/03/2016	4.7000	Y
BENZO(G,H,I)PERYLENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/03/2016	4.7000	Y
BENZO(K)FLUORANTHENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/03/2016	4.7000	Y
BERYLLIUM	**Test date**	**Result (ug/l)**	**Lsthan**

Facility name: **PENOBSCOT MCCRUM LLC** Permit Number: ME0023043 Effluent Limit: Acute (%) = 6.67 Chronic (%) = 0.66

CHEMICAL TEST REPORT

Showing all data - *(Mercury results are in ng/L)

	Test date	Result (ug/l)	Lsthan
BERYLLIUM			
	07/11/2016	0.2000	Y
	10/03/2016	0.2000	Y
BIS(2-CHLOROETHOXY)METHANE			
	10/03/2016	4.7000	Y
BIS(2-CHLOROETHYL)ETHER			
	10/03/2016	4.7000	Y
BIS(2-CHLOROISOPROPYL)ETHER			
	10/03/2016	4.7000	Y
BIS(2-ETHYLHEXYL)PHTHALATE			
	10/03/2016	4.7000	Y
BROMOFORM			
	07/11/2016	5.0000	Y
	10/03/2016	5.0000	Y
BUTYLBENZYL PHTHALATE			
	10/03/2016	4.7000	Y
CADMIUM			
	09/27/2012	0.2000	Y
	03/25/2014	0.2000	Y
	10/21/2014	0.2000	Y
	06/22/2015	2.0000	Y
	01/19/2016	0.2000	Y
	04/12/2016	0.2000	Y
	07/11/2016	0.2000	Y
	10/03/2016	0.2000	Y
CARBON TETRACHLORIDE			

Facility name: **PENOBSCOT MCCRUM LLC** Permit Number: ME0023043 Effluent Limit: Acute (%) = 6.67 Chronic (%) = 0.66

CHEMICAL TEST REPORT

Showing all data - *(Mercury results are in ng/L)

	Test date	Result (ug/l)	Lsthan
CARBON TETRACHLORIDE			
	07/11/2016	5.0000	Y
	10/03/2016	5.0000	Y
CHLORDANE			
	07/11/2016	0.0900	Y
	10/03/2016	0.0900	Y
CHLORINE			
	03/25/2014	50.0000	Y
	10/21/2014	50.0000	Y
	06/22/2015	50.0000	Y
	01/19/2016	70.0000	N
CHLOROBENZENE			
	07/11/2016	5.0000	Y
	10/03/2016	5.0000	Y
CHLORODIBROMOMETHANE			
	07/11/2016	5.0000	Y
	10/03/2016	3.0000	Y
CHLOROETHANE			
	07/11/2016	5.0000	Y
	10/03/2016	5.0000	Y
CHLOROFORM			
	07/11/2016	5.0000	Y
	10/03/2016	5.0000	Y
CHROMIUM			
	09/27/2012	1.4200	N
	03/25/2014	3.1100	N

Facility name: **PENOBSCOT MCCRUM LLC** Permit Number: ME0023043 Effluent Limit: Acute (%) = 6.67 Chronic (%) = 0.66

CHEMICAL TEST REPORT

Showing all data - *(Mercury results are in ng/L)

	Test date	Result (ug/l)	Lsthan
CHROMIUM			
	10/21/2014	1.9200	N
	06/22/2015	1.2100	N
	01/19/2016	2.8100	N
	04/12/2016	1.7700	N
	07/11/2016	1.1400	N
	10/03/2016	2.6600	N
CHRYSENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/03/2016	4.7000	Y
COPPER	**Test date**	**Result (ug/l)**	**Lsthan**
	09/27/2012	36.3000	N
	03/25/2014	25.0000	N
	03/26/2014	26.9000	N
	10/21/2014	24.6000	N
	06/22/2015	9.4600	N
	01/19/2016	37.0000	N
	04/12/2016	58.4000	N
	07/11/2016	46.5000	N
	10/03/2016	47.6000	N
CYANIDE	**Test date**	**Result (ug/l)**	**Lsthan**
	09/27/2012	5.4000	N
	03/25/2014	5.0000	Y
	10/21/2014	7.0000	N
	06/22/2015	5.0000	Y
	01/19/2016	5.0000	Y
CYANIDE TOTAL	**Test date**	**Result (ug/l)**	**Lsthan**

Facility name: **PENOBSCOT MCCRUM LLC** Permit Number: ME0023043 Effluent Limit: Acute (%) = 6.67 Chronic (%) = 0.66

CHEMICAL TEST REPORT

Showing all data - *(Mercury results are in ng/L)

	Test date	Result (ug/l)	Lsthan
CYANIDE TOTAL			
	04/12/2016	5.0000	Y
	07/11/2016	5.0000	Y
	10/03/2016	5.0000	Y
D-BHC			
	07/11/2016	0.0100	Y
	10/03/2016	0.0100	Y
DIBENZO(A,H)ANTHRACENE			
	10/03/2016	4.7000	Y
DICHLOROBROMOMETHANE			
	07/11/2016	5.0000	Y
	10/03/2016	3.0000	Y
DIELDRIN			
	07/11/2016	0.0200	Y
	10/03/2016	0.0200	Y
DIETHYL PHTHALATE			
	10/03/2016	4.7000	Y
DIMETHYL PHTHALATE			
	10/03/2016	4.7000	Y
DI-N-BUTYL PHTHALATE			
	10/03/2016	4.7000	Y
DI-N-OCTYL PHTHALATE			
	10/03/2016	4.7000	Y
ENDOSULFAN SULFATE			
	07/11/2016	0.0200	Y
	10/03/2016	0.0200	Y

Facility name: **PENOBSCOT MCCRUM LLC** Permit Number: ME0023043 Effluent Limit: Acute (%) = 6.67 Chronic (%) = 0.66

CHEMICAL TEST REPORT

Showing all data - *(Mercury results are in ng/L)

	Test date	Result (ug/l)	Lsthan
ENDRIN			
	07/11/2016	0.0200	Y
	10/03/2016	0.0200	Y
ENDRIN ALDEHYDE	**Test date**	**Result (ug/l)**	**Lsthan**
	07/11/2016	0.0200	Y
	10/03/2016	0.0200	Y
ETHYLBENZENE	**Test date**	**Result (ug/l)**	**Lsthan**
	07/11/2016	5.0000	Y
	10/03/2016	5.0000	Y
FLUORANTHENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/03/2016	4.7000	Y
FLUORENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/03/2016	4.7000	Y
G-BHC	**Test date**	**Result (ug/l)**	**Lsthan**
	07/11/2016	0.0100	Y
	10/03/2016	0.0100	Y
HEPTACHLOR	**Test date**	**Result (ug/l)**	**Lsthan**
	07/11/2016	0.0100	Y
	10/03/2016	0.0100	Y
HEPTACHLOR EPOXIDE	**Test date**	**Result (ug/l)**	**Lsthan**
	07/11/2016	0.0100	Y
	10/03/2016	0.0100	Y
HEXACHLOROBENZENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/03/2016	4.7000	Y
HEXACHLOROBUTADIENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/03/2016	4.7000	Y

Facility name: **PENOBSCOT MCCRUM LLC** Permit Number: ME0023043 Effluent Limit: Acute (%) = 6.67 Chronic (%) = 0.66

CHEMICAL TEST REPORT

Showing all data - *(Mercury results are in ng/L)

HEXACHLOROCYCLOPENTADIENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/03/2016	4.7000	Y
HEXACHLOROETHANE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/03/2016	4.7000	Y
INDENO(1,2,3-CD)PYRENE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/03/2016	4.7000	Y
ISOPHORONE	**Test date**	**Result (ug/l)**	**Lsthan**
	10/03/2016	4.7000	Y
LEAD	**Test date**	**Result (ug/l)**	**Lsthan**
	09/27/2012	0.2700	N
	03/25/2014	0.2800	N
	10/21/2014	0.2000	Y
	06/22/2015	0.2000	Y
	01/19/2016	0.2100	N
	04/12/2016	0.4000	N
	07/11/2016	0.2000	N
	10/03/2016	0.4000	N
MERCURY	**Test date**	**Result (ng/l)**	**Lsthan**
	12/10/2013	1.97	N
	05/05/2014	0.50	N
	07/23/2015	0.51	N
	03/30/2016	0.51	Y
METHYL BROMIDE	**Test date**	**Result (ug/l)**	**Lsthan**
	07/11/2016	5.0000	Y
	10/03/2016	5.0000	Y
METHYL CHLORIDE	**Test date**	**Result (ug/l)**	**Lsthan**

Facility name: **PENOBSCOT MCCRUM LLC** Permit Number: ME0023043 Effluent Limit: Acute (%) = 6.67 Chronic (%) = 0.66

CHEMICAL TEST REPORT

Showing all data - *(Mercury results are in ng/L)

	Test date	Result (ug/l)	Lsthan
METHYL CHLORIDE			
	07/11/2016	5.0000	Y
	10/03/2016	5.0000	Y
METHYLENE CHLORIDE			
	07/11/2016	10.0000	Y
	10/03/2016	5.0000	Y
NAPHTHALENE			
	10/03/2016	4.7000	Y
NICKEL			
	09/27/2012	3.8200	N
	03/25/2014	6.0300	N
	10/21/2014	4.4300	N
	06/22/2015	3.1600	N
	01/19/2016	6.1900	N
	04/12/2016	3.0100	N
	07/11/2016	4.0600	N
	10/03/2016	2.4000	N
NITROBENZENE			
	10/03/2016	4.7000	Y
N-NITROSODIMETHYLAMINE			
	10/03/2016	4.7000	Y
N-NITROSODI-N-PROPYLAMINE			
	10/03/2016	4.7000	Y
N-NITROSODIPHENYLAMINE			
	10/03/2016	4.7000	Y
PCB-1016			

Facility name: **PENOBSCOT MCCRUM LLC** Permit Number: ME0023043 Effluent Limit: Acute (%) = 6.67 Chronic (%) = 0.66

CHEMICAL TEST REPORT

Showing all data - *(Mercury results are in ng/L)

	Test date	Result (ug/l)	Lsthan
PCB-1016			
	07/11/2016	0.0900	Y
	10/03/2016	0.0900	Y
PCB-1221			
	07/11/2016	0.0900	Y
	10/03/2016	0.0900	Y
PCB-1232			
	07/11/2016	0.0900	Y
	10/03/2016	0.0900	Y
PCB-1242			
	07/11/2016	0.0900	Y
	10/03/2016	0.0900	Y
PCB-1248			
	07/11/2016	0.0900	Y
	10/03/2016	0.0900	Y
PCB-1254			
	07/11/2016	0.0900	Y
	10/03/2016	0.0900	Y
PCB-1260			
	07/11/2016	0.0900	Y
	10/03/2016	0.0900	Y
P-CHLORO-M-CRESOL			
	10/03/2016	4.7000	Y
PENTACHLOROPHENOL			
	10/03/2016	19.0000	Y
PHENANTHRENE			

Facility name: **PENOBSCOT MCCRUM LLC** Permit Number: ME0023043 Effluent Limit: Acute (%) = 6.67 Chronic (%) = 0.66

CHEMICAL TEST REPORT

Showing all data - *(Mercury results are in ng/L)

	Test date	Result (ug/l)	Lsthan
PHENANTHRENE			
	10/03/2016	4.7000	Y
PHENOL			
	10/03/2016	4.7000	Y
PYRENE			
	10/03/2016	4.7000	Y
SALINITY			
	04/12/2016	0.0000	N
	07/11/2016	0.0000	N
	10/03/2016	0.0000	N
SELENIUM			
	07/11/2016	1.0000	Y
	10/03/2016	1.0000	Y
SILVER			
	09/27/2012	0.2000	Y
	03/25/2014	0.2000	Y
	10/21/2014	0.2000	Y
	06/22/2015	0.2000	Y
	01/19/2016	0.2000	Y
	04/12/2016	0.2000	Y
	07/11/2016	0.2000	Y
	10/03/2016	0.2000	Y
TETRACHLOROETHYLENE			
	07/11/2016	5.0000	Y
	10/03/2016	5.0000	Y
THALLIUM			

Facility name: **PENOBSCOT MCCRUM LLC** Permit Number: ME0023043 Effluent Limit: Acute (%) = 6.67 Chronic (%) = 0.66

CHEMICAL TEST REPORT

Showing all data - *(Mercury results are in ng/L)

	Test date	Result (ug/l)	Lsthan
THALLIUM			
	07/11/2016	0.2000	Y
	10/03/2016	0.2000	Y
TOC			
	03/25/2014	33,000.0000	N
	10/21/2014	20,000.0000	N
	06/22/2015	8,100.0000	N
	01/19/2016	25,000.0000	N
TOLUENE			
	07/11/2016	5.0000	Y
	10/03/2016	5.0000	Y
TOXAPHENE			
	07/11/2016	0.1900	Y
	10/03/2016	0.1900	Y
TRICHLOROETHYLENE			
	07/11/2016	5.0000	Y
	10/03/2016	3.0000	Y
TSS			
	03/25/2014	1,000,000.0000	N
	10/21/2014	6,400.0000	N
	06/22/2015	4,400.0000	N
	01/19/2016	22,000.0000	N
VINYL CHLORIDE			
	07/11/2016	5.0000	Y
	10/03/2016	5.0000	Y
ZINC			

COMBINED WET AND PRIORITY POLLUTANTS REPORT
Data entered into Toxscan for the period

01/Aug/2012 - 01/Aug/2017

Facility name: **PENOBSCOT MCCRUM LLC** Permit Number: ME0023043 Effluent Limit: Acute (%) = 6.67 Chronic (%) = 0.66

CHEMICAL TEST REPORT

Showing all data - *(Mercury results are in ng/L)

ZINC

Test date	Result (ug/l)	Lsthan
09/27/2012	20.7000	N
03/25/2014	74.2000	N
10/21/2014	14.9000	N
06/22/2015	4.6000	N
01/19/2016	45.6000	N
04/12/2016	38.5000	N
07/11/2016	19.5000	N
10/03/2016	25.6000	N

WET TEST REPORT

Species	Test	Percent	Sample date	Critical %	Exception	RP
MYSID SHRIMP	A_NOEL	25	07/11/2016	6.667		
MYSID SHRIMP	A_NOEL	100	10/03/2016	6.667		
SEA URCHIN	C_NOEL	100	03/25/2014	0.662		
SEA URCHIN	C_NOEL	25	10/20/2014	0.662		
SEA URCHIN	C_NOEL	100	06/22/2015	0.662		
SEA URCHIN	C_NOEL	25	07/11/2016	0.662		
SEA URCHIN	C_NOEL	25	10/03/2016	0.662		

ATTACHMENT D

CHEMICAL EVALUATION REPORT (INDIVIDUAL)

8/28/2017

Report ID: 926

Data Date Range: 28/Aug/2012 - 28/Aug/2017

Facility: **PENOBSCOT MCCRUM LLC** Permit Number: **ME0023043**

Receiving Water: **PASSAGASSAWAKEAG RIVER** Fresh or Salt: **S** Complete Mix: **Y**

Dilution Factors: Acute: **15.0** Chronic: **151.0** Health: **453.0** Licensed Flow: **0.1**

Water Quality Assumptions: Reserve (%): **0.0** Background (%): **10.0** Temperature: **25.0**

Hardness: **20.0** PH: **7.0** Salinity: **20.0**

Historical Average Date: **28/Aug/2017**

Specific pollutants with reasonable potential: Number of parameters found = 2

Pollutant: **COPPER** Reporting Limit: **3.0** Sample Number: **10**

Coefficient of Variation: **0.5** Reasonable Potential Factor: **1.6**

Historical Average: **N/A** RP Historical Average: **N/A**

Facility Allocation:	Acute	Chronic	Health
Pounds per day	0.04306910	N/A	N/A
Exceedence ug/L	51.64	---	---
RP ug/L	32.28	---	---

***** INDIVIDUAL RESULTS *****

					Exceedence or Reasonable Potential and Basis		
Flag	**Daily Flow**	**Date**	**Concentration**	**Mass**	**Acute**	**Chronic**	**Health**
IN	0.0530	09/27/2012	36.3	0.01605	---	---	---
IN	0.0048	03/25/2014	25	0.001	---	---	---
IN	0.0058	03/26/2014	26.9	0.0013	---	---	---
IN	0.0546	10/21/2014	24.6	0.01119	---	---	---
IN	0.0646	06/22/2015	9.46	0.0051	---	---	---
IN	0.0539	01/19/2016	37	0.01663	---	---	---
IN	0.0648	04/12/2016	58.4	0.03156	Y	---	---
IN	0.0445	07/11/2016	46.5	0.01726	---	---	---
IN	0.0408	10/03/2016	47.6	0.0162	---	---	---
IN	0.0638	06/27/2017	11	0.00585	---	---	---

Pollutant: **CYANIDE** Reporting Limit: **5.0** Sample Number: **5**

Coefficient of Variation: **0.6** Reasonable Potential Factor: **2.3**

Historical Average: **N/A** RP Historical Average: **N/A**

Facility Allocation:	Acute	Chronic	Health
Pounds per day	0.00763440	N/A	N/A
Exceedence ug/L	9.15	---	---
RP ug/L	3.98	---	---

***** INDIVIDUAL RESULTS *****

					Exceedence or Reasonable Potential and Basis		
Flag	**Daily Flow**	**Date**	**Concentration**	**Mass**	**Acute**	**Chronic**	**Health**
IN	0.0530	09/27/2012	5.4	0.00239	---	---	---
IN	0.0048	03/25/2014	<5	---	---	---	---
IN	0.0546	10/21/2014	7	0.00318	---	---	---
IN	0.0646	06/22/2015	<5	---	---	---	---
IN	1.5370	01/19/2016	<5	---	---	---	---

CONTENTS

A. GENERAL PROVISIONS

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

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

(a) They are not

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. OPERATION AND MAINTENACE OF FACILITIES

1. General facility requirements.

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

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

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

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

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

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

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

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

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

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

5. Bypasses.

(a) Definitions.

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

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

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

(c) Notice.

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

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

(d) Prohibition of bypass.

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

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

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

6. Upsets.

(a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

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

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

C. MONITORING AND RECORDS

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

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

3. Monitoring and records.

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

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

(c) Records of monitoring information shall include:

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

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

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

D. REPORTING REQUIREMENTS

1. Reporting requirements.

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

(i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or

(ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Section D(4).

(iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;

(b) Anticipated noncompliance. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(c) Transfers. This permit is not transferable to any person except upon application to and approval of the Department pursuant to 38 MRSA, § 344 and Chapters 2 and 522.

(d) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Department for reporting results of monitoring of sludge use or disposal practices.

(ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Department.

(iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.

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

(f) Twenty-four hour reporting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Publicly owned treatment works.

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

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

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

E. OTHER REQUIREMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Maximum daily discharge limitation means the highest allowable daily discharge.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012 **Contact: (207) 287-2811**

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's ("DEP") Commissioner: (1) in an administrative process before the Board of Environmental Protection ("Board"); or (2) in a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by the Board's receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status*. The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested*. The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.