STATE OF MAINE
DEPARTMENT OF
ENVIRONMENTAL PROTECTION

JANET L. MILLS
GOVERNOR

GERALD D. REID
COMMISSIONER

April 16, 2020

Mr. Bryan Woods
Palom Aquaculture, LLC
P.O. Box 12
Old Saybrook, CT. 06475

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0037311
Maine Waste Discharge License (WDL) #W009080-6F-C-R
Final Permit

Dear Mr. Woods:

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 287-7693. 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,

Gregg Wood
Division of Water Quality Management
Bureau of Water Quality

Enc.
cc: Clarissa Trasko, DEP/EMRO Lori Mitchell, DEP/CMRO Sandy Mojica, USEPA
Marelyn Vega, USEPA Shelley Puleo, USEPA

DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: November 2018 **Contact: (207) 287-2452**

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) an administrative process before the Board of Environmental Protection (Board); or (2) 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. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S. § 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. §§ 341-D(4) & 346; the *Maine Administrative Procedure Act*, 5 M.R.S. § 11001; and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 C.M.R. ch. 2.

DEADLINE 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 more than 30 calendar days after the date on which the Commissioner's decision was filed with the Board will be dismissed unless notice of the Commissioner's license decision was required to be given to the person filing an appeal (appellant) and the notice was not given as required.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017. An appeal may be submitted by fax or e-mail if it contains a scanned original signature. It is recommended that a faxed or e-mailed appeal be followed by the submittal of mailed original paper documents. The complete appeal, including any attachments, must be received at DEP's offices in Augusta on or before 5:00 PM on the due date; materials received after 5:00 pm are not considered received until the following day. The risk of material not being received in a timely manner is on the sender, regardless of the method used. The appellant must also send a copy of the appeal documents to the Commissioner of the DEP; the applicant (if the appellant is not the applicant in the license proceeding at issue); and if a hearing was held on the application, any intervenor in that hearing process. All of the information listed in the next section of this information sheet must be submitted at the time the appeal is filed.

INFORMATION APPEAL PAPERWORK MUST CONTAIN

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

1. *Aggrieved Status*. The appeal must explain how the appellant has standing to maintain an appeal. This requires an explanation of how the appellant 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.* The appeal must identify the specific findings of fact, conclusions regarding compliance with the law, license conditions, or other aspects of the written license decision or of the license review process that the appellant objects to or believes to be in error.
3. *The basis of the objections or challenge.* For the objections identified in Item #2, the appeal must state why the appellant believes that the license decision is incorrect and should be modified or reversed. If possible, the appeal should cite specific evidence in the record or specific licensing requirements that the appellant believes were not properly considered or fully addressed.
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 matters specifically raised in the written notice of appeal.
6. *Request for hearing.* If the appellant wishes the Board to hold a public hearing on the appeal, a request for public hearing must be filed as part of the notice of appeal, and must include an offer of proof in accordance with Chapter 2. The Board will hear the arguments in favor of and in opposition to a hearing on the appeal and the presentations on the merits of an appeal at a regularly scheduled meeting. If the Board decides to hold a public hearing on an appeal, that hearing will then be scheduled for a later date.
7. *New or additional evidence to be offered.* If an appellant wants to provide evidence not previously provided to DEP staff during the DEP's review of the application, the request and the proposed evidence must be submitted with the appeal. The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered in an appeal only under very limited circumstances. The proposed evidence must be relevant and material, and (a) the person seeking to add information to the record must show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process; or (b) the evidence itself must be newly discovered and therefore unable to have been presented earlier in the process. Specific requirements for supplemental evidence are found in Chapter 2 § 24.

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, and is made easily accessible by the DEP. Upon request, the DEP will make application materials available during normal working hours, provide space to review the file, and provide an 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 general questions regarding the appeal process.
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. Unless a stay of the decision is requested and granted, 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, and will provide 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, any materials submitted in response to the appeal, and relevant excerpts from the DEP's application review file will be sent to Board members with a recommended decision from DEP staff. The appellant, the license holder if different from the appellant, and any interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. The appellant and the license holder will have an opportunity to address the Board at the Board meeting. 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, the 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. § 346(1); 06-096 C.M.R. ch. 2; 5 M.R.S. § 11001; and 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. 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. § 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.

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

DEPARTMENT ORDER

IN THE MATTER OF

PALOM AQUACULTURE LLC	)	MAINE POLLUTANT DISCHARGE
GOULDSBORO, HANCOCK COUNTY	)	ELIMINATION SYSTEM PERMIT
FISH REARING FACILITY	)	AND
ME0037311	)	WASTE DISCHARGE LICENSE
W009080-6F-C-R **APPROVAL**	)	**RENEWAL**

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, §1251, *et seq.*, and Maine law, 38 M.R.S., §414-A *et seq.*, and applicable regulations, the Maine Department of Environmental Protection (Department hereinafter) has considered the application of PALOM AQUACULTURE LLC (Palom/permittee hereinafter), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

Palom has applied to the Department for renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0037311/Maine Waste Discharge License (WDL) #W009080-6F-A-N, (permit hereinafter) issued by the Department on May 9, 2013, for a five-year term. The May 9, 2013 permit authorized discharge of up to a monthly average flow of 1.7 million gallons per day (MGD) and a daily maximum flow of 8.5 MGD of treated waste waters from a land based Atlantic salmon fish rearing facility to Prospect Harbor (Sand Cove), Class SB, in Gouldsboro, Maine. It is noted that as of the date of this permit, the facility has not been constructed. The applicant is proposing to utilize an existing structure as the hatchery building (Building 85) and intends to add Arctic Char and Steelhead (Salmon Trout) of Non-North American Origin.

PERMIT SUMMARY

This permitting action is carrying forward technology based mass limitations for biochemical oxygen demand (BOD), total suspended solids (TSS) and a pH range limitation and requires the permittee to monitor and report mass of fish on hand at the facility and mass and concentration of nitrate nitrogen, nitrite-nitrogen and total kjeldahl nitrogen (TKN) during the summer months May – October inclusively. This permitting action is establishing an authorization for additional species; Arctic Char and Steelhead (Salmon Trout) as well as the utilization of Building #85 as the hatchery building.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated March 26, 2018, and subject to the Conditions listed below, the Department makes the following conclusions:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.

2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.

3. The provisions of the State's antidegradation policy, 38 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 water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;

   (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and

   (e) Where a discharge will result in lowering the existing water quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.

4. The discharge will be subject to effluent limitations that require application of best practicable treatment as defined in Maine law, 38 M.R.S., §414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the above noted application of PALOM AQUACULTURE LLC to discharge a monthly average flow of 1.7 MGD and daily maximum flow of 8.5 MGD of treated waste waters from a land based Atlantic Salmon, Arctic Char and Steelhead (Salmon Trout) fish rearing facility to Prospect Harbor (Sand Cove), Class SB, in Gouldsboro, Maine, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

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

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

3. This permit becomes effective upon the date of signature below and expires at midnight five (5) years after that date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the terms and conditions of this permit and all subsequent 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) (effective June 9, 2018].

DONE AND DATED AT AUGUSTA, MAINE, THIS 16 DAY OF April, 2020.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____

For Gerald D. Reid, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: March 20, 2018

Date of application acceptance: March 20, 2018.

FILED

APRIL 16, 2020

State of Maine
Board of Environmental Protection

Date filed with Board of Environmental Protection

This Order prepared by Gregg Wood, BUREAU OF WATER QUALITY

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge **treated process waste waters from** a land-based fish rearing facility to Prospect Harbor (Sand Cove) via **Outfall #001**. Such discharges must be limited and monitored by the permittee as specified below[(1)]:

Effluent Characteristic	**Discharge Limitations and Reporting Requirements**				**Minimum Monitoring Requirements**	
	Monthly Average	**Daily Maximum**	**Monthly Average**	**Daily Maximum**	**Measurement Frequency**	**Sample Type**
Flow *[50050]*	1.7 MGD *[03]*	8.5 MGD*[03]*	---	---	Continuous *[99/99]*	Metered *[MT]*
BOD_5 *[00310]*	425 lbs/day *[26]*	709 lbs/day *[26]*	30 mg/L *[19]*	50 mg/L *[19]*	1/Week *[01/07]*	Composite[2] *[CP]*
TSS *[00530]*	425 lbs/day *[26]*	709 lbs/day *[26]*	30 mg/L *[19]*	50 mg/L *[19]*	1/Week *[01/07]*	Composite[2] *[CP]*
Total Kjeldahl Nitrogen *[00625]* ***(May 1 – October 31)***	Report lbs/day *[26]*	Report lbs/day *[26]*	Report mg/L *[19]*	Report mg/L *[19]*	1/Week *[01/07]*	Composite[2] *[CP]*
Nitrate + Nitrite Nitrogen *[00630]* ***(May 1 – October 31)***	Report lbs/day *[26]*	Report lbs/day *[26]*	Report mg/L *[19]*	Report mg/L *[19]*	1/Week *[01/07]*	Composite[2] *[CP]*
Total -Nitrogen[(3)] *[00600]* ***(May 1 – October 31)***	Report lbs/day *[26]*	Report lbs/day *[26]*	Report mg/L *[19]*	Report mg/L *[19]*	1/Week *[01/07]*	Calculate *[CA]*
Fish on Hand *[45604]*	Report lbs/day*[26]*	Report lbs/day *[26]*	---	---	1/Week *[01/07]*	Calculated *[CA]*
pH *[00400]*	---	---	---	6.0-8.5 S.U[(4)] *[12]*	1/Week *[01/07]*	Grab *[GR]*

SPECIAL CONDITIONS

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

Footnotes:

1. **Sampling** – Effluent samples for all parameters must be collected after the last treatment process prior to discharge to the receiving water. Any change in sampling location(s) must be reviewed and approved by the Department in writing. Sampling and analysis must be conducted in accordance with; a) methods approved in 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 shall be analyzed by a laboratory certified by the State of Maine's Department of Human Services. Laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended December 9, 2018). 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. **Composite Samples**: Composite sample means a sample consisting of a minimum of four grab samples collected at two-hour intervals during the working day at the facility. Alternatively, upon approval by the Department's compliance inspector, the permittee may use 24-hour composites collected with an automatic composite sampler.

3. **Total nitrogen (as N) – Monthly** – The permittee is required to report the monthly average, and daily maximum mass and concentrations for each month (May – October) of each year by adding the total kjeldahl nitrogen values to the nitrate + nitrite nitrogen values for each sampling event. See **Attachment A** of this permit for *Protocol for Nitrogen Sample Collection and Analysis for Waste Water Effluent.*

4. **pH** - Excursions of the pH range limitation will be considered permit violations unless due to natural causes. At no time, shall the effluent pH exceed 0.5 standard units outside of the pH levels in Sand Cove at the point of discharge. If effluent pH falls outside of 6.0-8.5 s.u., the permittee must provide corresponding ambient pH values with the appropriate monthly DMR.

SPECIAL CONDITIONS

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent must not contain a visible oil sheen, foam or floating solids at any time which would impair the usages designated for the classification of the receiving waters.

2. The effluent must not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated for the classification of the receiving waters.

3. The discharge must not impart visible discoloration, taste, turbidity, toxicity, radioactivity or other properties in the receiving waters which would impair the usages designated for the classification of the receiving waters.

4. Notwithstanding specific conditions of this permit the effluent must not lower 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. 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 20, 2018 2) the terms and conditions of this permit, and 3) only from Outfall #001 of this permit. 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.

D. NOTIFICATION REQUIREMENTS

In accordance with Standard Condition D, the permittee must notify the Department of the following:

1. Any substantial change in the volume or character of pollutants being introduced into the waste water collection and treatment system by a source introducing pollutants to the system at the time of permit issuance.

2. For the purposes of this section, adequate notice shall include information on:

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

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

SPECIAL CONDITIONS

E. COMMENCEMENT OF OPERATIONS

At a minimum of ninety (90) days prior to commencing production/operations, the permittee must meet with the Department's permitting and compliance inspection staff to review applicability of the permit limitations, monitoring requirements and reporting requirements. Should the Department determine the proposed production/operations are significantly different than what has been presented in the March 20, 2018 application materials, the Department may require the permittee to submit a revised application to the Department.

F. BEST MANAGEMENT PLAN/OPERATION & MAINTENANCE PLAN

At a minimum of ninety (90) days prior to commencing production/operations the permittee must submit to the Department for review and comment, a Best Management Practices (BMP) Plan for the fish rearing operation. The content of BMP plan must be consistent with the outline in the template and checklist prepared by the EPA and is included as **Attachment D** of the Fact Sheet of this permit.

At a minimum of ninety (90) days prior to commencing production/operations the permittee must submit to the Department for review, a written comprehensive Operation & Maintenance (O&M) Plan**.** The plan must provide a systematic approach by which the permittee must at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit.

An acceptable O&M plan must ensure the following items are adequately addressed:

1. Solids Control

    a. Methods and practices to ensure efficient feed management and feeding strategies that limit feed input to the minimum amount reasonably necessary to achieve production goals and sustain targeted rates of aquatic animal growth in order to minimize potential discharges to waters of the State.

    b. In order to minimize the discharge of accumulated solids from the solids processing system and production systems, identify and implement procedures for routine cleaning of rearing units and any settling tanks, and procedures to minimize any discharge of accumulated solids during the inventorying, grading, and harvesting of aquatic animals in the production system.

    c. Procedure for removal and disposal of mortalities.

SPECIAL CONDITIONS

F. BEST MANAGEMENT PLAN/OPERATION & MAINTENANCE PLAN (cont'd)

2. Materials Storage

   a. Ensure proper storage of drugs[1], pesticides[2], feed, chemicals and any petroleum and/or hazardous waste products in a manner designed to prevent spills that may result in the discharge of drugs, pesticides, or feed to waters of the State.

   b. Implement procedures for properly containing, cleaning, and disposing of any spilled material that has the potential to enter waters of the State.

3. Structural Maintenance

   a. Inspect the production system and the wastewater treatment system on a routine basis in order to identify and promptly repair any damage.

   b. Conduct regular maintenance of the production system and the wastewater treatment system in order to ensure that they are properly functioning.

4. Recordkeeping

   a. Maintain records for fish rearing units documenting the feed amounts and estimates of the numbers and weight of fish.

   b. Maintain records that document the frequency of cleaning, inspections, repairs and maintenance.

5. Training

   a. In order to ensure the proper clean-up and disposal of spilled material adequately, train all relevant personnel in spill prevention and how to respond in the event of a spill.

   b. Train staff on the proper operation and cleaning of production and wastewater treatment systems including training in feeding procedures and proper use of equipment to prevent unauthorized discharges.

[1] **Drug.** "Drug" means any substance defined as a drug in section 201(g)(1) of the *Federal Food, Drug and Cosmetic Act* [21 U.S.C. § 321].

[2] **Pesticide.** "Pesticide" means any substance defined as a "pesticide" in section 2(u) of the *Federal Insecticide, Fungicide, and Rodenticide Act* [7 U.S.C. § 136 (u)].

SPECIAL CONDITIONS

F. BEST MANAGEMENT PLAN/OPERATION & MAINTENANCE PLAN (cont'd)

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 waste water 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 EPA 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.

G. DISEASE CONTROL

The permittee must comply with Maine Department of Inland Fisheries and Wildlife (MDIFW) (freshwater facilities) and Maine Department of Marine Resources (MEDMR) (salmon & marine facilities) fish health laws (12 MRS, §6071; 12 MRS, §100051, 10105, 12507 and 12509, or revised laws). The cited laws include requirements for notification to the appropriate agency within 24-hours of pathogen detection. In addition to the requirements of the MDIFW and MEDMR rules, **the permittee shall notify the Department in writing within 24 hours following pathogen detection**, with information on the disease/pathogen, necessary control measures, and the veterinarian involved.

1. **General requirements.** All chemicals used at the facility must be applied in compliance with federal labeling restrictions and in compliance with applicable statute, Board of Pesticides Control rules and best management practices (BMPs). In accordance with Special Condition D of this permit, the permittee must notify the Department of any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system.

2. **FDA-approved drugs.** All drugs used for disease prevention or control must be approved or authorized by the U.S. Food and Drug Administration (FDA), and all applications must comply with applicable FDA requirements and shall only be administered in accordance with label instructions.

    a. Drugs identified in the permittee's application: The permittee has not listed any drugs to be utilized at the facility given the permittee is selling into natural/organic markets.

    b. Preventative treatments: The discharge of any approved drug administered as a preventative measure is not authorized by this permit, unless the following conditions are met: the drug must be approved by FDA, and the treatment and route of administration must be consistent with the drug's intended use.

SPECIAL CONDITIONS

G. DISEASE CONTROL (cont'd)

c. Drugs not identified in the permittee's application: When the need to treat or control diseases requires the use of a FDA-approved drug not identified in the application, the permittee must notify the Department orally or by electronic mail prior to initial use of the drug.

1. The notification must include a description of the drug, its intended purpose, the method of application, the amount, the concentration, the duration of the use, and information on aquatic toxicity.

2. ***Within seven (7) days of*** the initial notification the permittee must submit a written report that includes all of the information outlined in Section I.2(c)(1) above.

3. The Department may require submission of an application for permit modification, including public notice requirements, if the drug is to be used for more than a 30-consecutive day period.

4. If, upon review of information regarding the use of a drug pursuant to this section, the Department determines that significant adverse effects are likely to occur, it may restrict or limit use of the drug.

3. **Extralabel drug use.** Extralabel drug use is not authorized by this permit, unless in accordance with a specific prescription written for that use by a licensed veterinarian.

a. Notification. The permittee must notify the Department orally or by e-mail prior to initial extralabel use of a drug.

1. The notification must include a description of the drug, its intended purpose, the method of application, the amount, concentration, and duration of the use, information on aquatic toxicity, and a description of how and why the use qualifies as an extralabel drug use under FDA requirements.

2. **Within seven (7) days of the initial notification** the permittee must submit a written report that includes all of the information outlined in Section I.3(a)(1) above. Notice must include documentation that a veterinarian has prescribed the drug for the proposed use. A copy of the veterinarian's prescription must be maintained on-site during treatment for Department review.

3. If, upon review of information regarding the extralabel use of a drug pursuant to this section, the Department determines that significant adverse effects are likely to occur, it may deny, restrict or limit use of the drug.

SPECIAL CONDITIONS

G. DISEASE CONTROL (cont'd)

4. **Investigational New Animal Drug (INAD).** The discharge of drugs authorized by the FDA for use during studies conducted under the INAD program is not authorized by this permit, unless in accordance with specific prior consent given in writing by the Department.

   a. Initial report. The permittee must provide a written report to the Department for the proposed use of an INAD ***within seven (7) days*** of agreeing or signing up to participate in an INAD study. The written report must identify the INAD to be used, method of use, dosage, and disease or condition the INAD is intended to treat.

   b. Evaluation and monitoring. ***At least ninety (90) days prior to initial use*** of an INAD at a facility, the permittee must submit for Department review and approval a study plan for the use of the drug that:

      1. Indicates the date the facility agreed or signed up to participate in the INAD study.

      2. Demonstrates that the minimum amount of drug necessary to evaluate its safety, efficacy, and possible environmental impacts will be used.

      3. Includes an environmental monitoring and evaluation program that at a minimum describes sampling strategies, analytical procedures, evaluation techniques and a timetable for completion of the program. Currently available data or literature that adequately characterizes the environmental fate of the INAD and its metabolite(s) may be proposed for consideration in determinations of environmental monitoring and evaluation programs required by the Department pursuant to this section.

   c. Notification. The permittee must notify the Department orally or by electronic mail ***no more than forty-eight (48) hours after*** beginning the first use of the INAD under the approved plan.

H. DISINFECTING/SANITIZING AGENTS

Disinfectants and/or sanitizing agents must be registered with USEPA as appropriate and applied according to manufacturer's label instructions. Records of all disinfectants and/or sanitizing agents used that have the potential to enter the waste-stream or receiving water, their volumes and concentrations as used and concentrations at the point of discharge, shall be maintained at the facility for a period of five years. This permitting action only authorizes the discharge of those materials applied for, evaluated by the Department, and either regulated or determined to be *deminimis* in this permitting action or in subsequent Department actions. The use and discharge of disinfecting/sanitizing agents is subject to the conditions described in Permit Special Condition C, *Authorized Discharges* and Fact Sheet Section 8, *Disinfecting/Sanitizing Agents*.

SPECIAL CONDITIONS

I. SALMON GENETIC TESTING

Maine's Aquaculture General Permit (#MEG130000, Part II, Section I) and individual MEPDES Permits for marine aquaculture facilities contain requirements to address the genetic integrity of Atlantic salmon raised in Maine for aquaculture. The genetic requirements are implemented at the marine sites as well as at the hatchery and rearing facilities that raise and supply salmon for marine aquaculture. As the permittee does not raise salmon for marine aquaculture, it is not subject to these requirements. **The use of Atlantic salmon originating from non-North American stock is prohibited at the permittee's facility**.

J. SPILLS

In the event of a spill of drugs, chemicals, feed, petroleum and/or hazardous waste products that results in a discharge to waters of the State, the permittee must provide an oral report of the spill to the Department within 24 hours of its occurrence and a written report on a form provided by the Department, within five (5) days to the Department. The report must include the identity and quantity of the material spilled.

K. CONTAINMENT MANAGEMENT SYSTEM

The permittee is required to employ a fully functional Containment Management System (CMS) designed, constructed, operated, and audited so as to prevent the accidental or consequential escape of fish from the facility.

Each CMS plan must include:

1. a site plan or schematic;
2. site plan description;
3. procedures for inventory control, escape response; and unusual event management;
4. provisions for employee training, auditing methods, and record keeping requirements; and
5. the CMS must identify critical control points where escapes could potentially occur, specific control mechanisms for each of these points, and monitoring procedures to verify the effectiveness of controls.

The CMS site specific plan must also describe the use of effective containment barriers appropriate to the life history of the fish. The facility must have in place both a three-barrier system for fish up to 5 grams in size and a two-barrier system for fish 5 grams in size or larger.

SPECIAL CONDITIONS

K. CONTAINMENT MANAGEMENT SYSTEM (cont'd)

The three-barrier system must include one barrier at the incubation/rearing unit, one barrier at the effluent from the hatch house/fry rearing area and a third barrier placed in line with the entire effluent from the facility. Each barrier must be appropriate to the size of fish being contained. The two-barrier system must include one barrier at the individual rearing unit drain and one barrier in line with the total effluent from the facility. Each barrier must be appropriate to the size of fish being contained. Barriers installed in the system may be of the screen type or some other similarly effective device used to contain fish of a specific size in a designated area. Barriers installed in the system for compliance with these requirements must be monitored daily.

Facility personnel responsible for routine operation must be properly trained and qualified to implement the CMS. Prior to any containment system assessment associated with this permit, the permittee must provide to the Department documentation of the employee's or contractor's demonstrated capabilities to conduct such work ***[ICIS code 21599]***.

A minimum of six months prior to the commencement of operations. ***[ICIS code 53799]*** the permittee must submit the CMS plan to the Department, the National Marine Fisheries Service (NMFS), the U.S. Fish & Wildlife Service (USFWS) and Maine Department of Marine Resources (DMR) for review and approval and must maintain a current copy of the plan at the facility. Final approval of the plan will be determined by the Department. **The permittee may not bring eggs or any size fish into the facility until the final CMS plan is approved by the Department.**

The CMS must be audited at least once per year and within 30 days of a reportable escape by a third party qualified to conduct CMS audits and approved by the Department ***[ICIS code 63899]***. A written report of these audits must be provided to the facility and the Department for review and approval within 30 days of the audit being conducted ***[ICIS code 43699]***. Any time that a CMS audit identifies deficiencies, the written report must contain a corrective action plan including a timetable for implementation and provisions for re-auditing, unless waived by the Department, to verify completion of all corrective actions.

Additional third party audits to verify correction of deficiencies must be conducted in accordance with the corrective action plan or upon request of the Department. The facility must notify the Department upon completion of corrective actions.

The permittee must maintain for a period of at least five (5) years complete records, logs, reports of internal and third party audits and documents related to the CMS for each facility.

SPECIAL CONDITIONS

K. CONTAINMENT MANAGEMENT SYSTEM (cont'd)

Compromised containment/Escape reporting. The permittee must notify by electronic mail (e-mail) the Escape Reporting Contact List (provided in this subsection) of any known system failures that compromise fish containment or suspected escape of any fish within 24 hours of becoming aware of the known or suspected loss to the following persons listed under "Escape Reporting Contact List."

The permittee must include in its e-mail notification the following information: 1) site location (town and waterbody); 2) date of event (or window of possible dates if exact date is unknown); 3) time of event (if known or specify "unknown"); 4) species (including strain); 5) estimated average weight; 6) age of escaped fish; 7) number of escaped fish (or if exact number is not possible, an estimate); 8) medication profile; 9) details of the escape; 10) corrective action(s) taken or planned; 11) and a contact person (including phone number) for the facility which is subject of the known or suspected escape.

Escape Reporting Contact List:

The agency contacts on this list may be revised by the state and/or federal agencies by provision of written notification to the permittee and the other agencies. Upon notice of any such change the permittee must notify all persons on the revised list in the same manner as provided in this protocol.

Army Corps of Engineers
Maine Project Office; Jay Clement; Jay.L.Clement@usace.army.mil

Maine Department of Environmental Protection
Regional Compliance Inspector, Clarissa Trasko, Clarissa.Trasko@maine.gov

Maine Department Marine Resources
Secretary to the Commissioner; Amy Sinclair; Amy.Sinclair@maine.gov
Marine Scientist, Division of Aquaculture, Marcy Nelson, Marcy.Nelson@maine.gov
Director, Division of Sea-Run Fisheries, Sean Ledwin, Sean.M.Ledwin@maine.gov

Maine Department of Inland Fisheries and Wildlife
Commissioner, Chandler Woodcock, Chandler.Woodcock@maine.gov, or current Commissioner

National Marine Fisheries Service
Maine Field Station; David Bean, David.Bean@noaa.gov

United States Fish & Wildlife Service
Maine Field Office; Wende Mahaney; Wende_Mahaney@fws.gov

SPECIAL CONDITIONS

L. FISH FEED

On or before 90 days prior to stocking the site with fish feed, the permittee must submit a detailed list of ingredients in the feed. If the list contains ingredients of concern, the Department reserves the right to reopen the permit pursuant to Special Condition N *Reopening of Permit for Modifications*, to establish additional limitations and or monitoring requirements of the ingredients of concern.

M. ANNUAL 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 95799]***: See **Attachment E** of the Fact Sheet for an acceptable certification form to satisfy this Special Condition.

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

(b) Changes in the operation of the treatment works that may increase the toxicity of the discharge; and

(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 shall provide the Department with statements describing;

(d) Changes in storm water collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge.

(e) Increases in the type or volume of off-site process waste waters accepted by the facility.

The Department reserves the right to modify toxicity testing if new information becomes available that indicates the discharge may cause or have a reasonable potential to cause exceedances of ambient water quality criteria/thresholds or if it determines that there have been changes in the character of the discharge or if annual certifications described above are not submitted.

SPECIAL CONDITIONS

N. REOPENING OF PERMIT FOR MODIFICATION

Upon evaluation of the tests results in the Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at anytime 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.

O. 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.. 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.

P. SEVERABILITY

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

ATTACHMENT A

Protocol for Nitrogen Sample Collection and Analysis for Waste Water Effluent

Approved Analytical Methods (from Table 1 B of Part 136 per the 2012 Method Update Rule): (laboratory must be certified for any method performed)

Total Kjeldahl Nitrogen (TKN):

Manual digestion and distillation or gas diffusion followed by any of the following	SM4500-Norg B-97 or C-97 and SM4500-NH3 B-97.		ASTM D3590-02 (06) (A)	I-4515-9145
Titration	SM4500-NH3 C-97		ASTM D3590-89, 02 (A)	973.48.3
Nesslerization			ASTM D1426-08 (A)	
Electrode	SM4500-NH3 D-97 or E-97		ASTM D1426-08 (B)	
Semi-automated phenate	EPA 350.1 Rev. 2.0 (1993)		SM4500-NH3 G-97 or H-97	
Manual phenate, salicylate, or other substituted phenols in Berthelot reaction based methods	SM4500-NH3 F-1997			
Automated methods for TKN that do not require manual digestion				
Automated phenate, salicylate, or other substituted phenols in Berthelot reaction based methods colorimetric (auto digestion and distillation)	EPA 351.1 (1978)			I-4551-788
Semi-automated block digestor colorimetric (distillation not required)	EPA 351.2, Rev. 2.0 (1993)	SM4500-Norg D-97	ASTM D3590-02 (06) (B)	I-4515-9145

Nitrate + Nitrite (NO3 + NO2):

Cadmium reduction, Manual		SM4500-NO3 E-00e	ASTM D3867-04 (B)	
Cadmium reduction, Automated, or	EPA 353.2, Rev. 2.0 (1993)	SM4500-NO3 F-00	ASTM D3867-04(A)	I-4545-852e
Automated hydrazine		SM4500-NO3 H-00		
Ion chromatography	EPA 300.0, Rev. 2.1 (1993) and EPA 300.1, rev. 1.0 (1997)	SM4110 B-00 or C-00	ASTM D4327-03	993.303
CIE/UV		SM4140 B-97	ASTM D6508-00 (05)	ASTM D6508, Rev. 2

Sample Collection: The Maine DEP is requesting that nitrogen analysis be conducted on composite effluent samples, unless a facility's Permit specifically designates grab sampling for this parameter. Facilities can use individual collection bottles or a single jug made out of glass or polyethylene. Bottles and/or jugs should be cleaned prior to each use with dilute H_2SO_4. This cleaning should be followed by several rinses with distilled water. Commercially purchased, pre-cleaned sample containers are an acceptable alternative. The sampler hoses should be cleaned, as needed.

Sample Preservation: During compositing the sample must be at 0-6 degrees C (without freezing). If the sample is being sent to a commercial laboratory or analysis cannot be performed the day of collection then the sample must be preserved using H_2SO_4 to obtain a sample pH of <2 su and refrigerated at 0-6 degrees C (without freezing). The holding time for a preserved sample is 28 days.

Laboratory QA/QC: Laboratories must follow the appropriate QA/QC procedures that are described in each of the approved methods.

Sampling QA/QC: If a composite sample is being collected using an automated sampler, then once per month run a blank on the composite sampler. Automatically, draw distilled water into the sample jug using the sample collection line. Let this water set in the jug for 24 hours and then analyze for total nitrogen. Preserve this sample as described above.

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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
MAINE WASTE DISCHARGE LICENSE

FACT SHEET

DATE: **March 26, 2018**

PERMIT NUMBER: **#ME0037311**
WASTE DISCHARGE LICENSE: **#W009080-6F-C-R**

NAME AND ADDRESS OF APPLICANT:

PALOM AQUACULTURE LLC
P.O. Box 12
Old Saybrook, CT. 06475

COUNTY: **Hancock County**

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

PALOM AQUACULTURE, LLC
Corea Road
Former Corea Naval Facility
Gouldsboro, Maine

RECEIVING WATER/CLASSIFICATION: **Sand Cove/Class SB**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Bryan J. Woods, Member**
(860) 402-4953
e-mail: bryanwoods@earthlink.net

1. APPLICATION SUMMARY

a. Application: Palom has applied to the Department for renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0037311/Maine Waste Discharge License (WDL) #W009080-6F-A-N, issued by the Department on May 9, 2013, for a five-year term. The May 9, 2013 Permit/License authorized discharge of up to a monthly average flow of 1.7 million gallons per day (MGD) and a daily maximum flow of 8.5 MGD of treated waste waters from a land based Atlantic salmon fish rearing facility to Prospect Harbor (Sand Cove), Class SB, in Gouldsboro, Maine. It is noted that as of the date of this permit, the facility has not been constructed. The applicant is proposing to utilize an existing structure as the hatchery building (Building #85) and intends to add the species Arctic Char and Steelhead (Salmon Trout) of Non-North American Origin. See **Attachment A** of this Fact Sheet for a location map.

1. APPLICATION SUMMARY (Cont'd)

b. Source Description and Waste Water Treatment: Palom is proposing to construct a land-based Atlantic Salmon, Arctic Char and Steelhead (Salmon Trout) facility on the former Corea Naval Facility. The applicant now proposes to utilize an existing structure known as Building #85. Building #85 is a two-story concrete structure, 30 x 38 meters, formerly used to house Naval communications equipment. Palom will modify the building to accommodate a freshwater RAS, growing smolt, to supply their grow-out facility. The hatchery will reuse >95% recirculated water. The proposed hatchery is 1,200 feet from Prospect Harbor and will incorporate physical barriers including screen, filter, and turbine housings, to prevent smolt escapes. Palom proposes the annual smolt production to 200,000, with sizes ranging from 50 – 100 grams. The Building #85 hatchery will discharge a maximum of 870 liters per minute of filtered fresh water, compared to the grow-out facility's 22,452 liters per minute of seawater. The small amount of filtered fresh water added to the shared effluent of grow-out facility will not materially change the pollution characteristics of the combined stream discharge to Prospect Harbor.

The grow-out facility will consist of 10 grow-out tanks (18 meters in diameter, 5 meters deep) with the goal of harvesting 1,000 MT of salmon per year. The market size of each fish will range from 3kg -5kg. At stabilized production in about 3 - 5 years, Palom will process 16,000 – 17,000 fish per month. At any point in time, the farm will have about 80 to 100 metric tons of biomass including smolt, post-smolt, and salmon in various stages of growth inside the facility. The facility will be a re-circulating facility with a monthly average discharge of 1.7 million gallons which is approximately 2% of the total water circulated through the facility on a given day. New sea water will be withdrawn from Sand Cove and is mechanically filtered via rotating drum filters to remove parasites and other particulate matter. The water is introduced into the re-circulating system and is constantly being run through biofilters to remove excess food and fish excrement prior to discharge back to Sand Cove.

The 20-inch diameter intake pipe will be located in approximately 57 feet of water to minimize the intake of phytoplankton and zooplankton and to draw sea water that has a uniform temperature and salinity. The 24-inch diameter outfall pipe will be located in 18 feet of water at mean low water. See **Attachment B** of this Fact Sheet for drawings of the facility provided by the permittee.

2. CONDITIONS OF PERMIT

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

3. RECEIVING WATER QUALITY STANDARDS

Maine law 38 M.R.S., §469(8) classifies the Atlantic Ocean at the point of discharge as a Class SB waterway. Maine law, 38 M.R.S., §465-B(2) describes the standards for classification of Class SB waterways.

Class SB waters must be of such quality that they are suitable for the designated uses of recreation in and on the water, fishing, aquaculture, propagation and harvesting of shellfish, industrial process and cooling water supply, hydroelectric power generation, navigation and as habitat for fish and other estuarine and marine life. The habitat must be characterized as unimpaired.

The dissolved oxygen content of Class SB waters may not be less than 85% of saturation. Between April 15th and October 31st, the number of enterococcus bacteria in these waters may not exceed a geometric mean of 8 CFU per 100 milliliters in any 90-day interval or 54 CFU per 100 milliliters in more than 10% of the samples in any 90-day interval. The number of total coliform bacteria or other specified indicator organisms in samples representative of the waters in shellfish harvesting areas may not exceed the criteria recommended under the National Shellfish Sanitation Program, United States Food and Drug Administration.

Discharges to Class SB waters may not cause adverse impact to estuarine and marine life in that the receiving waters must be of sufficient quality to support all estuarine and marine species indigenous to the receiving water without detrimental changes in the resident biological community. There may be no new discharge to Class SB waters that would cause closure of open shellfish areas by the Department of Marine Resources. For the purpose of allowing the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety, the department may find that the discharged effluent will not cause adverse impact to estuarine and marine life as long as the materials and methods used provide protection for nontarget species. When the department issues a license for the discharge of aquatic pesticides authorized under this paragraph, the department shall notify the municipality in which the application is licensed to occur and post the notice on the department's publicly accessible website.

4. RECEIVING WATER QUALITY CONDITIONS

A document entitled, State of Maine Department of Environmental Protection, 2016 Integrated Water Quality Monitoring and Assessment Report, published by the Department indicates Sand Cove, Class SB, at the points of intake and discharge is meeting the standards of its assigned classification. See **Attachment C** for a Maine Department of Marine Resources map indicating status of surrounding shellfish harvesting areas.

All estuarine and marine waters of the State are listed as, *"Category 5-D: Estuarine and Marine Waters Impaired by Legacy Pollutants."* Impairment in this context refers to the estuarine and marine waters partially supporting the designated use of fishing and harvesting of shellfish due to elevated levels of mercury, PCBs, dioxin, and other persistent bioaccumulating substances in tissues of some fish and in lobster tomalley. The Department has no reason to believe the proposed discharge from the permittee's facility will cause or contribute to aforementioned impairment.

5. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

a. Flow: This permitting action is carrying forward a monthly average flow of 1.7 MGD based on estimates provided by the permittee. The discharge of 1.7 MGD represents 2% of the re-circulated flow through the fish rearing facility on a daily basis.

b. Dilution Factors: Department Regulation (06-096 CMR) Chapter 530, *Surface Water Toxics Control Program*, October 2005, states, *"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 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."* Based on the location and configuration of the facility outfall pipe as well as the limited information on the physical properties of Sand Cove, the

Department has determined the dilution factors for the discharge of a monthly average of 1.7 MGD from the permittee's facility are as follows:

Acute = 2:1 Chronic = 6:1 Harmonic mean (1) = 18:1

Footnote (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 USEPA publication *"Technical Support Document for Water Quality-Based Toxics Control"* (Office of Water; EPA/505/2-90-001, page 88), and represents an estimation of harmonic mean flow on which human health dilutions are based.

c. Biochemical Oxygen Demand (BOD_5) and Total Suspended Solids (TSS): This permitting action is carrying forward monthly average and daily maximum concentration limits of 30 mg/L and 50 mg/L respectively for BOD_5 and TSS based on Department best professional judgment (BPJ) of best practicable treatment (BPT) for re-circulating facilities. These limits were based on recommendations included in USEPA's 2002 proposed draft National Effluent Guidelines for TSS from re-circulated fish hatchery wastewater receiving a secondary level of treatment and the Department's long-standing view of the relationship with and significance of BOD_5, and consideration of effluent quality from facilities utilizing the Department's BPJ of minimum treatment technology. Mass limits were calculated based on the monthly average flow limit of 1.7 MGD, the applicable concentration limits, and a conversion factor of 8.34 lbs/gal for water. The limits were calculated as follows:

Monthly average: (1.7 MGD)(30 mg/L)(8.34 lbs/gal) = 425 lbs/day

Daily maximum: (1.7 MGD)(50 mg/L)(8.34 lbs/gal) =709 lbs/day

5. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)

d. Total Kjeldahl Nitrogen (TKN) and Total Nitrogen (TN) – Nitrogen is the limiting nutrient in marine waters. Discharges of excess quantities of nitrogen can cause algal blooms in the receiving waters which can lead to negative impacts to dissolved oxygen levels in the receiving water. TKN is the sum of organic nitrogen, ammonia (NH_3), and ammonium (NH_4^+). To calculate Total Nitrogen (TN), the concentrations of nitrate-nitrogen and nitrite-nitrogen are determined and added to TKN. The permittee is required to monitor and report both the mass and concentration of TKN, nitrate-nitrogen and nitrite nitrogen.

e. Fish on Hand: This permitting action is establishing a reporting requirement for monthly average and daily maximum mass of fish on hand. This parameter is intended to enable both the Department and the permittee in evaluating management practices at the facility and trends in effluent quality and receiving water impacts. A minimum monitoring frequency of once per week is based on the Department's BPJ of the monitoring frequency necessary to accurately characterize facility effluent conditions.

f. pH – This permitting action is carrying forward a pH range limit of 6.0 – 8.5 standard units (su), considered by the Department as a best practicable treatment standard for fish hatcheries and rearing facilities and consistent with the pH limit established in discharge permits for these facilities. Based on Department BPJ, as a portion of the influent water consists of water extracted from the receiving water, this permitting action further specifies "*Excursions of the pH range limitation shall be considered permit violations unless due to natural causes. At no time shall the effluent pH exceed 0.5 standard units outside of the pH levels in Sand Cove at the point of discharge. If effluent pH falls outside of 6.0-8.5 s.u., the permittee shall provide corresponding ambient pH values with the appropriate monthly DMR.*". This permitting action establishes a minimum pH monitoring frequency requirement of once/week to provide for more accurate characterization of facility effluent conditions.

6. DISEASE AND PATHOGEN CONTROL AND REPORTING

Maine Department of Inland Fisheries and Wildlife (MDIFW) Rules (Chapter 2.03-A) and Maine Department of Marine Resources (MeDMR) Rules (Chapter 24.21) state that *"the transfer and/or introduction of organisms fall within the jurisdiction of the Department of Marine Resources (12 MRSA, §6071) into coastal waters within the State of Maine and the Department of Inland Fisheries and Wildlife (12 MRSA, §§7011, 7035 and 7201, 7202) into public and/or private waters within the State of Maine. These rules are intended to protect wild and farmed salmonid fish populations and shall be applicable to all individuals involved in the culture and movement of live salmonids and gametes."* Further, both agencies' rules define Diseases of Regulatory Concern as *"…infectious agents that have been demonstrated to cause a significant increase in the risk of mortality among salmonid populations in the State of Maine. Diseases of Regulatory Concern are classified by the Commissioner into three (3) disease categories: exotic, endemic (limited distribution) and endemic based on an annual review and analysis of epidemiological data."*

6. DISEASE AND PATHOGEN CONTROL AND REPORTING (cont'd)

This permit establishes requirements that the permittee must comply with MDIFW and MeDMR salmonid fish health rules (12 MRSA, §6071; 12 MRSA, §§7011, 7035, 7201, and 7202, or revised rules). The cited rules include requirements for notification to the appropriate agency within 24-hours of pathogen detection. In the event of a catastrophic pathogen occurrence, in addition to the requirements of the rules, the permittee shall notify the Department in writing within 24-hours of detection, with information on necessary control measures and the veterinarian involved. The permittee shall submit to the Department for review and approval, information on the proposed treatment including materials/chemicals to be used, material/chemical toxicity to aquatic life, the mass and concentrations of materials/chemicals as administered, and the concentrations to be expected in the effluent. If, upon review of information regarding a treatment pursuant to this section, the Department determines that significant adverse effects are likely to occur, it may restrict or limit such use.

7. THERAPEUTIC AGENTS

In the June 30, 2004, USEPA Effluent Limitations Guidelines and New Source Performance Standards for the Concentrated Aquatic Animal Production Point Source Category (National Effluent Guidelines), EPA requires proper storage of drugs, pesticides and feed and requires facilities to report use of any investigational new animal drug (INAD), extra-label drug use, and spills of drugs, pesticides or feed that results in a discharge to waters of the U.S. This permit requirements that all medicated fish feeds, drugs, and other fish health therapeutants must be approved by the US Food and Drug Administration (USFDA) and applied according to USFDA accepted guidelines and manufacturer's label instructions and that therapeutic agents must also be registered with USEPA, as appropriate. Further, records of all such materials used must be maintained at the facility for five years.

This permitting action does not authorize routine off-label or extra-label drug use. Such uses shall only be permitted in emergency situations when they are the only feasible treatments available and only under the authority of a veterinarian. The permittee shall notify the Department in writing within 24-hours of such use. This notification must be provided by the veterinarian involved and must include the agent(s) used, the concentration and mass applied, a description of how the use constitutes off-label or extra-label use, the necessity for the use in terms of the condition to be treated and the inability to utilize accepted drugs or approved methods, the duration of the use, the likely need of repeat treatments, and information on aquatic toxicity. If, upon review of information regarding the use of a drug pursuant to this section, the Department determines that significant adverse effects are likely to occur, it may restrict or limit such use.

7. THERAPEUTIC AGENTS (cont'd)

This permitting action does not authorize the discharge of drugs authorized by the USFDA pursuant to the Investigational New Animal Drug (INAD) program. As the INAD program typically involves the long-term study of drugs, their benefits and effects, the permittee is anticipated to be able to notify the Department of its intent to conduct, and provide information related to, such study. The permittee is required to provide notification to the Department for review and approval prior to the use and discharge of any drug pursuant to the INAD program. This notification must include information to demonstrate that the minimum amount of drug necessary to evaluate its safety, efficacy, and possible environmental impacts will be used. Notifications must also include an environmental monitoring and evaluation program that at a minimum describes sampling strategies, analytical procedures, evaluation techniques and a timetable for completion of the program. The program must consider the possible effects on the water column, benthic conditions and organisms in or uses of the surrounding waters. INAD related uses and discharges will be subject to Department review and approval.

The use and discharge of the materials described above or incorporated in the future are subject to the conditions described in permit Special Condition C, *Authorized Discharges* of this permit.

8. DISINFECTING/SANITIZING AGENTS

In this permitting action, the Department carries forward the requirement that the permittee must maintain records of all sanitizing agents and/or disinfectants used that have the potential to enter the waste-stream or receiving water, their volumes and concentrations as used and concentrations at the point of discharge, at the facility for a period of five years. This permitting action only authorizes the discharge of those materials applied for, evaluated by the Department, and either regulated or determined to be *deminimus* in this permitting action or in subsequent Department actions. The discharges of any other agents or waste products not specifically included in this permitting action are considered unauthorized discharges pursuant to permit Special Condition C of this permit.

9. ANTI-DEGREDATION - IMPACT ON RECEIVING WATER QUALITY

Maine's anti-degradation policy is included in 38 M.R.S., Section 464(4)(F) and addressed in the *Conclusions* section of this permit. Pursuant to the policy, where a new or increased discharge is proposed, the Department shall determine whether the discharge will result in a significant lowering of existing water quality. Increased discharge means a discharge that would add one or more new pollutants to an existing effluent, increase existing levels of pollutants in an effluent, or cause an effluent to exceed one or more of its current licensed discharge flow or effluent limits, after the application of applicable best practicable treatment technology.

Based on the information provided in the referenced section, the Department has made the determination that the discharge approved by this permit will not result in a significant lowering of water quality. As permitted, the Department has determined the existing and designated water uses will be maintained and protected and the discharge will not cause or contribute to the failure of the Sand Cove to meet standards for Class SB classification.

10. PUBLIC COMMENTS

Public notice of this application was made in the Ellsworth American newspaper on or about January 25, 2018. 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 shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

11. DEPARTMENT CONTACTS

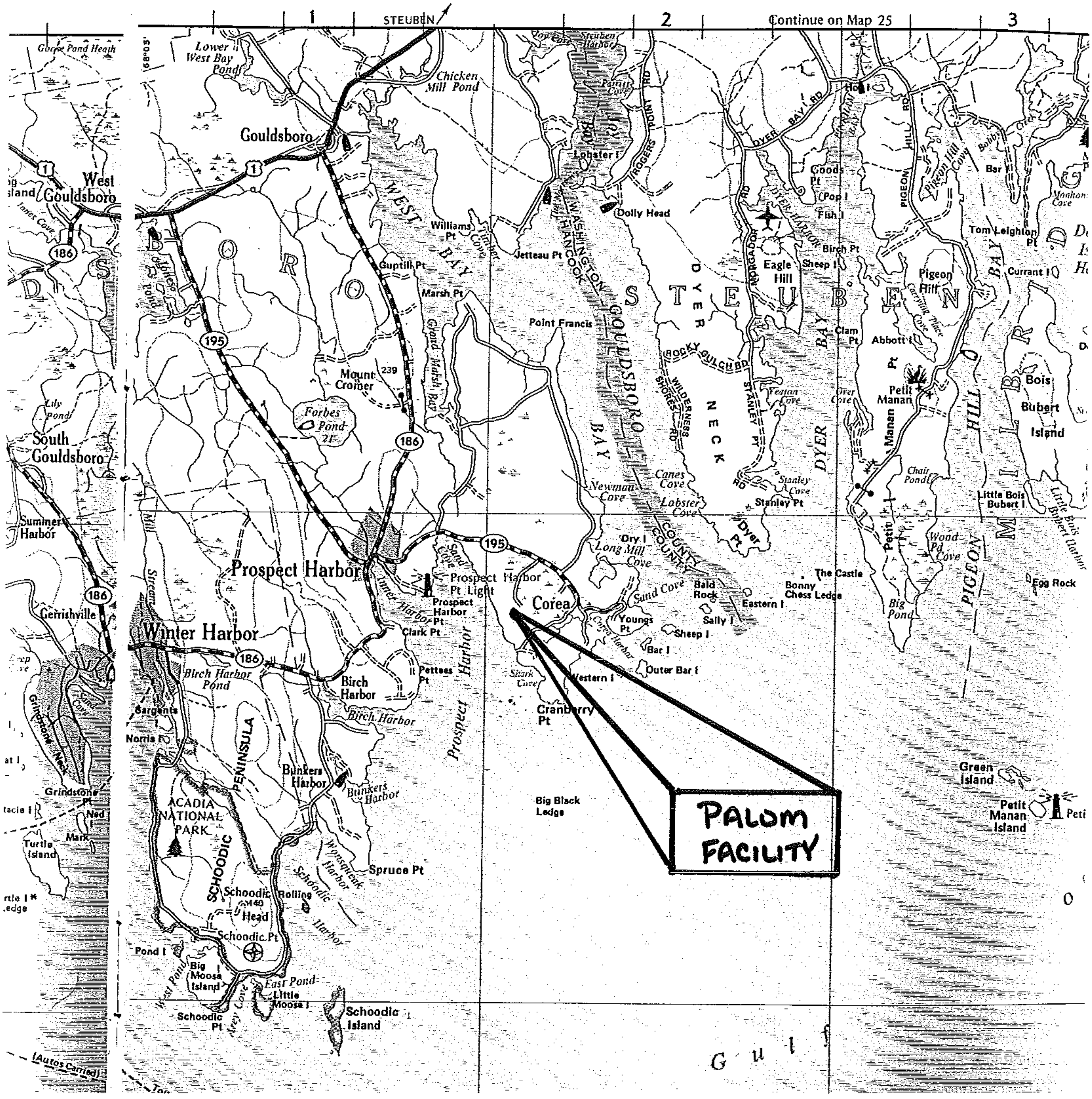
Additional information concerning this permitting action may be obtained from, and written comments sent to:

Gregg Wood
Division of Water Quality Management
Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 287-7693 Fax: (207) 287-3435
e-mail: gregg.wood@maine.gov

12. RESPONSE TO COMMENTS

During the period of March 26, 2018, through the issuance date of the permit/license, the Department solicited comments on the proposed draft permit/license to be issued for the discharge(s) from the permittee's facility. The Department received written comments from Acadia Harvest, Inc. (AHI) on April 28, 2018. On March 3, 2020, AHI legal counsel submitted an electronic mail message to Gregg Wood of the Department indicating it was withdrawing its comments on the draft permit. No other comments were received on the draft permit. Therefore, no response to comments have been prepared.

ATTACHMENT A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Lower West Bay Pond
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Summer Harbor
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Winter Harbor
Birch Harbor Pond
Birch Harbor
Bunkers Harbor
Sargents
Norris I
SCHOODIC PENINSULA
ACADIA NATIONAL PARK
Schoodic Head
Schoodic Pt
Big Moose Island
Little Moose I
East Pond
West Pond
Arey Cove
Pond I
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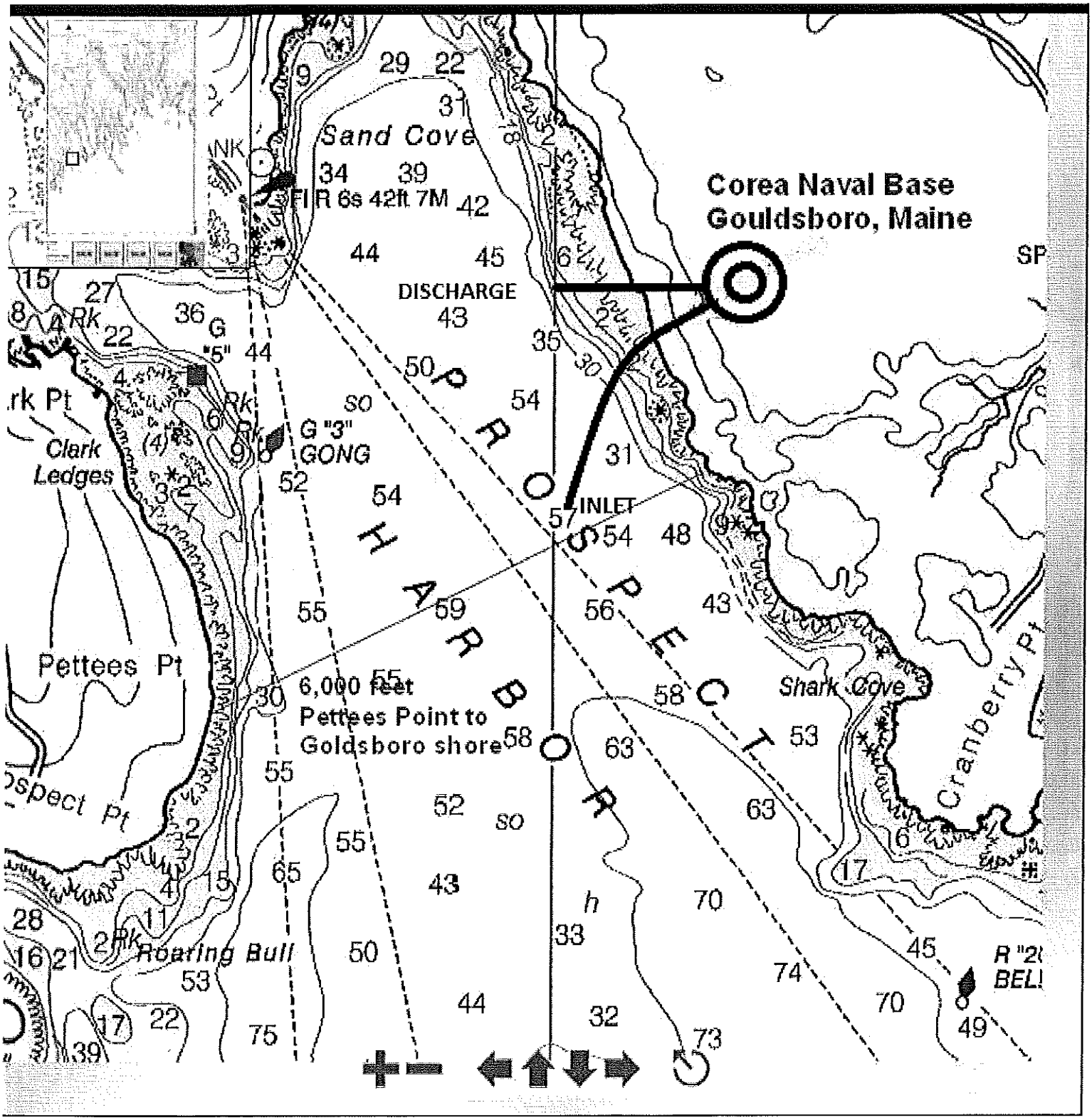
Spruce Pt
Rolling
Schoodic Harbor
Wonsqueak Harbor
Grindstone Neck
Grindstone Pt
Turtle Island
Mark I
Ned I
WEST BAY
Williams Pt
Guptill Pt
Marsh Pt
Grand Marsh Bay
Mount Cromer
Forbes Pond
Jones Pond
Lily Pond
Jetteau Pt
Point Francis
Newman Cove
Canes Cove
Lobster Cove
Long Mill Cove
Dry I
Sand Cove
Prospect Harbor Pt Light
Prospect Harbor Pt
Inner Harbor
Clark Pt
Pettees Pt
Prospect Harbor
Corea
Corea Harbor
Youngs Pt
Bald Rock
Sally I
Sheep I
Bar I
Outer Bar I
Western I
Eastern I
Cranberry Pt
Shark Cove
Big Black Ledge
The Castle
Bonny Chess Ledge
GOULDSBORO BAY
WASHINGTON
HANCOCK
COUNTY
Joy Bay
Lobster I
Dolly Head
ROGERS PT RD
DYER NECK
ROCKY GULCH RD
WILDERNESS SHORES RD
STANLEY PT RD
Stanley Pt
Stanley Cove
Dyer Pt
Yeaton Cove
DYER BAY
DYER BAY RD
MORGADO RD
Eagle Hill
Goods Pt
Pop I
Fish I
Birch Pt
Sheep I
Clam Pt
Pigeon Hill
Pigeon Hill Cove
PIGEON HILL RD
Abbott I
Petit Manan Pt
Chair Pond
Big Pond
Wood Pd Cove
Tom Leighton Pt
Currant I
Bois Bubert Island
Little Bois Bubert I
Egg Rock
Green Island
Petit Manan Island
PIGEON HILL BAY
STEUBEN
GOULDSBORO
MILBRIDGE
Gulf
(Autos Carried)
PALOM FACILITY


Corea Naval Base
Gouldsboro, Maine
Sand Cove
FIR 6s 42ft 7M
DISCHARGE
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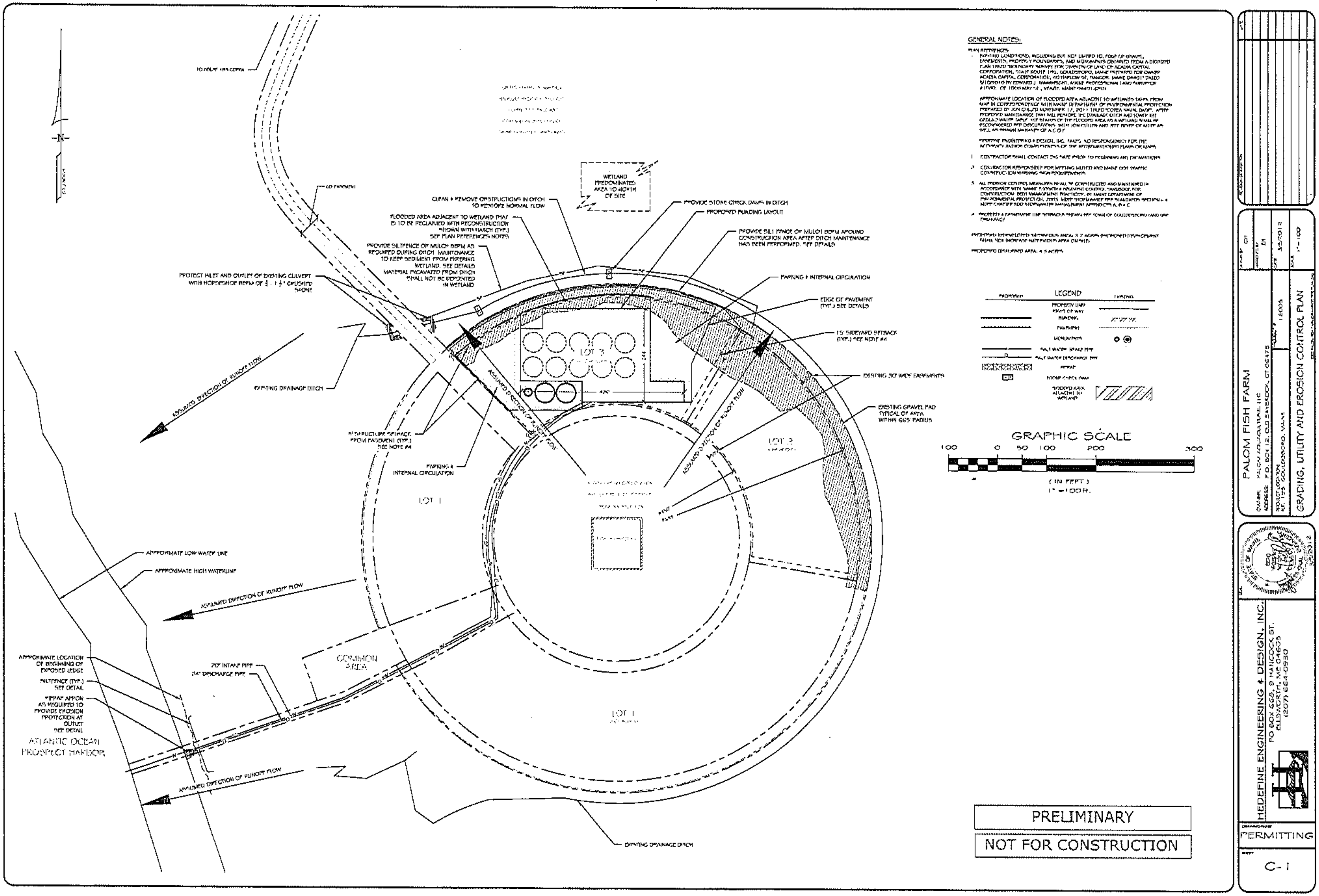
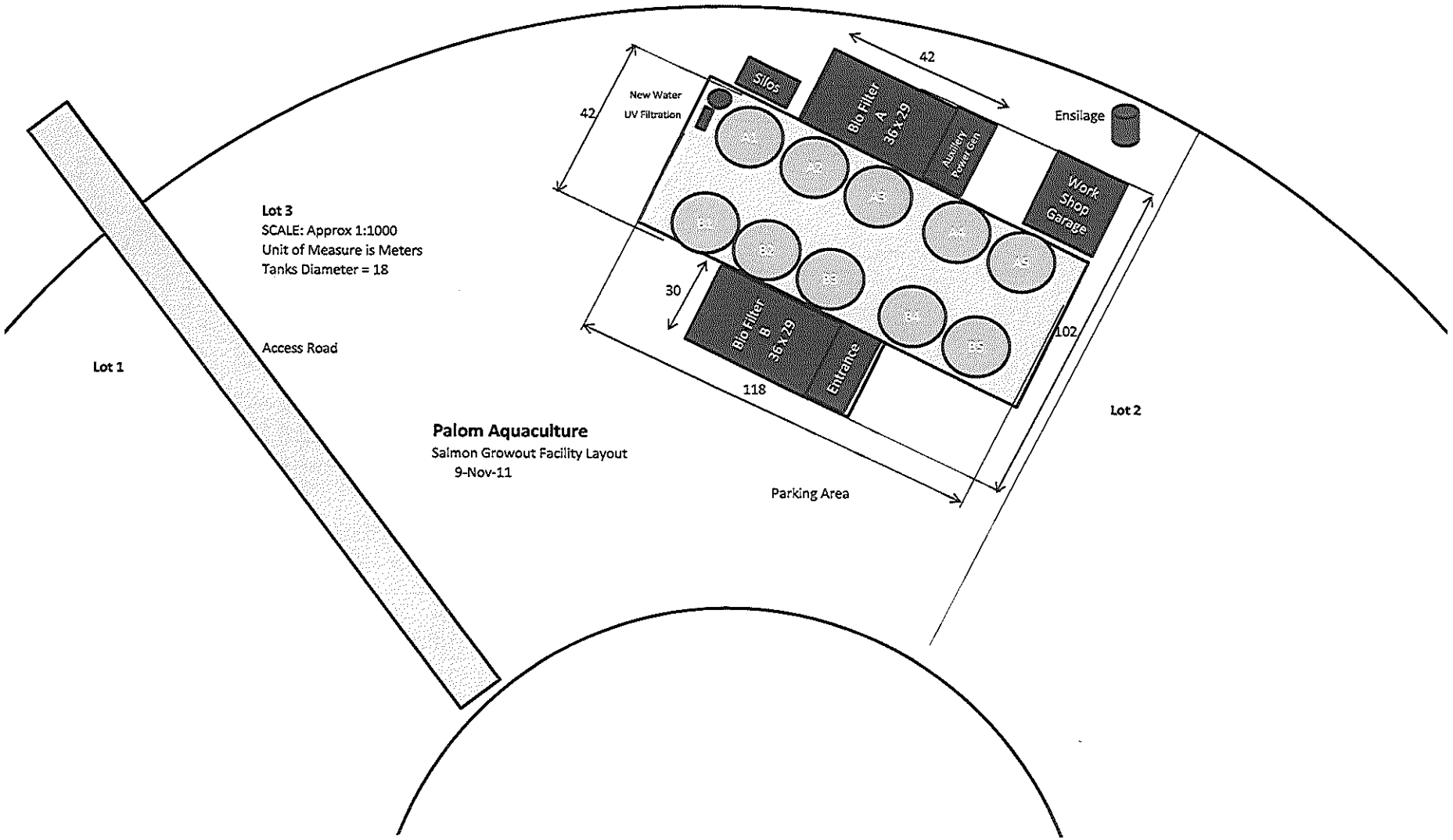
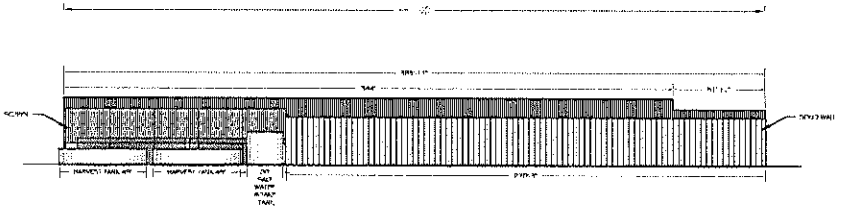
G "3"
GONG
INLET
PROSPECT HARBOR
6,000 feet
Pettees Point to
Goldsboro shore
Clark Ledges
Pettees Pt
Roaring Bull
Shark Cove
Cranberry Pt

ATTACHMENT B

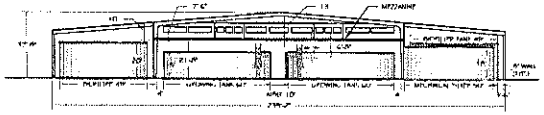

GENERAL NOTES:
CLEAN & REMOVE OBSTRUCTIONS IN DITCH TO RESTORE NORMAL FLOW
FLOODED AREA ADJACENT TO WETLAND THAT IS TO BE RECLAIMED WITH RECONSTRUCTION SHOWN WITH HATCH (TYP.) SEE PLAN REFERENCES NOTES
PROVIDE SILTFENCE OR MULCH BERM AS REQUIRED DURING DITCH MAINTENANCE TO KEEP SEDIMENT FROM ENTERING WETLAND. SEE DETAILS MATERIAL EXCAVATED FROM DITCH SHALL NOT BE DEPOSITED IN WETLAND
PROTECT INLET AND OUTLET OF EXISTING CULVERT WITH HORSESHOE BERM OF 3/4 - 1 1/2" CRUSHED STONE
WETLAND PREDOMINATES AREA TO NORTH OF DITC
PROVIDE STONE CHECK DAMS IN DITCH
PROPOSED BUILDING LAYOUT
PROVIDE SILT FENCE OR MULCH BERM AROUND CONSTRUCTION AREA AFTER DITCH MAINTENANCE HAS BEEN PERFORMED. SEE DETAILS
PARKING & INTERNAL CIRCULATION
EDGE OF PAVEMENT (TYP.) SEE DETAILS
15' SIDEYARD SETBACK (TYP.) SEE NOTE #4
EXISTING 30' WIDE EASEMENTS
EXISTING GRAVEL PAD TYPICAL OF AREA WITHIN 665' RADIUS
EXISTING DRAINAGE DITCH
ASSUMED DIRECTION OF RUNOFF FLOW
LOT 3
LOT 2
LOT 1
PARKING & INTERNAL CIRCULATION
APPROXIMATE LOW WATER LINE
APPROXIMATE HIGH WATERLINE
APPROXIMATE LOCATION OF BEGINNING OF EXPOSED LEDGE
SILTFENCE (TYP.) SEE DETAIL
RIPRAP APRON AS REQUIRED TO PROVIDE EROSION PROTECTION AT OUTLET SEE DETAIL
ATLANTIC OCEAN
PROSPECT HARBOR
20" INTAKE PIPE
24" DISCHARGE PIPE
COMMON AREA
LEGEND
PROPOSED
EXISTING
GRAPHIC SCALE
100 0 50 100 200 300
(IN FEET)
1" = 100 ft.
PRELIMINARY
NOT FOR CONSTRUCTION
PALOM FISH FARM
GRADING, UTILITY AND EROSION CONTROL PLAN
HEDEFINE ENGINEERING & DESIGN, INC.
PO BOX 668, 9 HANCOCK ST.
ELLSWORTH, ME 04605
(207) 664-0930
PERMITTING
C-1


Lot 3
SCALE: Approx 1:1000
Unit of Measure is Meters
Tanks Diameter = 18
Lot 1
Access Road
Palom Aquaculture
Salmon Growout Facility Layout
9-Nov-11
Parking Area
Lot 2
Ensilage
Silos
New Water
UV Filtration
Bio Filter
A
36 x 29
Ammeter
Relief Gen
Work
Shop
Garage
Bio Filter
B
36 x 29
Entrance
42
42
30
102
118

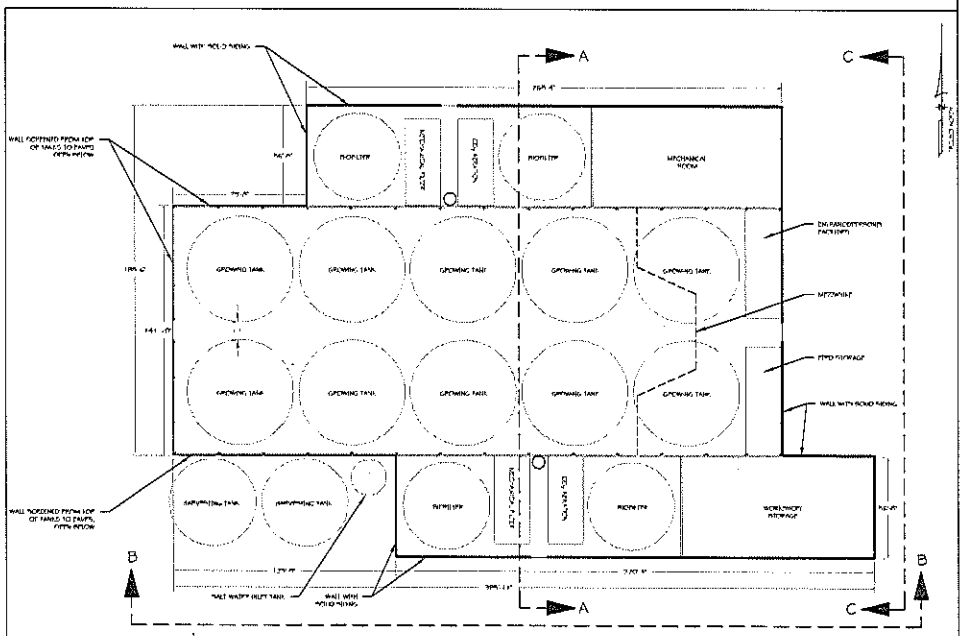
EAST ELEVATION
VIEW C-C



SOUTH ELEVATION
VIEW B-B



FLOOR SECTION A-A



FLOOR PLAN

GRAPHIC SCALE

NOT FOR CONSTRUCTION

PALOMA FISH FARM

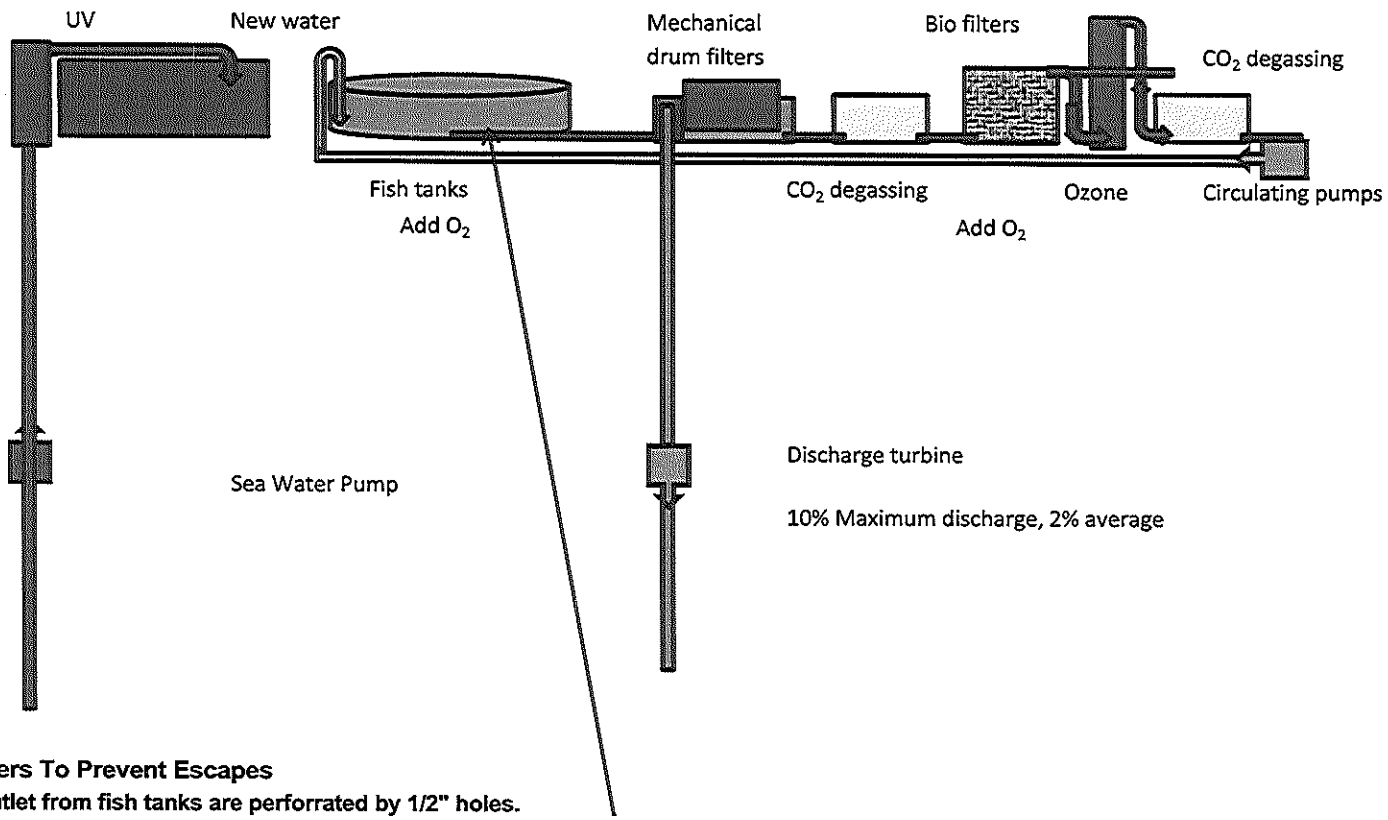
FLOOR PLAN, ELEVATIONS & SECTION

HEDEFINE ENGINEERING & DESIGN, INC.
PO BOX 668, 9 HANCOCK ST.
ELLSWORTH, ME 04605
(207) 664-0280

PERMITTING

A-1.0

Palom Aquaculture
Principle Flow Schema
November 1, 2011



Barriers To Prevent Escapes

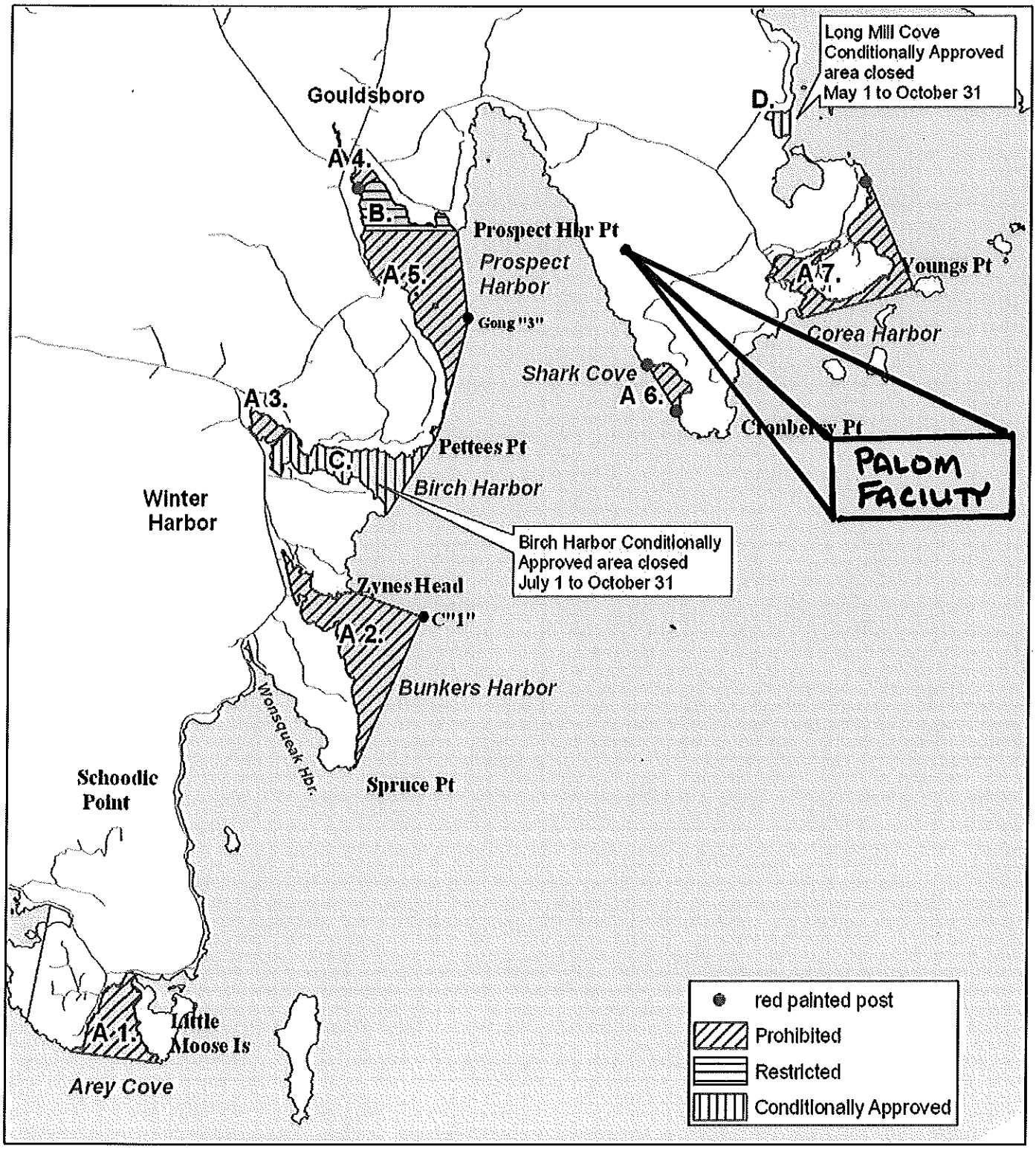
1.) Outlet from fish tanks are perforated by 1/2" holes.
2.) No fish can escape through those holes, as the smolt of 50 grams are over 3/4" dia
3.) Palom will most likely receive smolt of 100 g with belly measuring 1" in diameter.
4.) Smaller fish than 1/2" inch belly are not adapted to sea water (smoltified) and are never transferred to grow-out tanks.

ATTACHMENT C

Maine Department of Marine Resources

Pollution Area No. 52

Schoodic Point to Corea (Winter Harbor-Gouldsboro) 2/3/12



0 4,000 8,000 Feet

ATTACHMENT D

EPA United States Environmental Protection Agency

EPA 821-B-05-001
March 2006

Compliance Guide for the Concentrated Aquatic Animal Production Point Source Category

Appendix E1: BMP Plan Template

Full document available at
http://www.epa.gov/waterscience/guide/aquaculture

Engineering and Analysis Division
Office of Science and Technology
U.S. Environmental Protection Agency

BMP Plan Template

You may want to use the following BMP plan template when writing your BMP plan. Fill in the sections marked in blue and/or italics.

Aquaculture Facility Name
Prepared: *Date*
NPDES Number: *# for your facility*
Facility Manager: *name, phone number*

A. Description of Facility

Provide a description of your facility. This description may include the following types of information:

- *Type of fish produced*
- *Annual amount of fish produced*
- *When the facility was constructed*
- *What type of systems (e.g., flow-through) are used at the facility*
- *Information about the systems (12 feet long raceways, etc.)*
- *Number of discharge points*

B. Water Source

Include a description of the source of the water at your facility. This description may include the following information:

- *Type of source – stream, ground, spring, etc.*
- *Name of the source (e.g., Upper Spring)*
- *If available, information about the quality of the water source (e.g., low in TSS)*
- *How the water arrives at the facility (e.g., ditch)*
- *Anything your facility does to treat incoming water (e.g., an inflow trash rack screen is used to catch vegetation from the spring and ditch prior to entering the facility. The trash rack screen is cleaned at least daily to prevent vegetation from affecting the water flow to facility)*

C. Treatment System(s) Used

Describe the treatment systems used at your facility. This description may include the following information:

- *Type of treatment system*
- *Design flow*
- *Normal operation*

- *Cleaning procedures*
- *Maintenance procedures*

D. Other Information

Provide any other additional information that might be useful to your permitting authority (e.g., additional information about how water flows into your facility or about oxygen recharge). In the following sections, describe in detail how you will achieve the specific requirements of the CAAP ELGs. Where helpful, you might attach example logs/forms used at your facility to physically show your permitting authority how you are complying with the CAAP ELGs.

E. Solids Control

FLOW-THROUGH AND/OR RECIRCULATING SYSTEMS  

1. Efficient feed management (to limit feed input to the minimum amount reasonably necessary to achieve production goals and sustain targeted rates of aquatic animal growth).

   Describe the practices your facility uses to achieve efficient feed management. A form for tracking and calculating feed conversion ratios is available in Appendix N of the BMP Guidance.

2. Procedures for routine cleaning of rearing units and offline settling basins.

   Describe the cleaning procedures used. Also describe how your facility defines "routine." An example log to track cleaning is available in Appendix Q of the BMP Guidance.

3. Procedures for inventorying, grading, and harvesting aquatic animals (that minimize discharge of accumulated solids).

   Describe the procedures used.

4. Remove and dispose of aquatic animal mortalities properly on a regular basis to prevent discharge to waters of the United States (except where authorized by your permitting authority in order to benefit the aquatic environment).

   Describe the procedures for removal and disposal. A form for tracking carcass removal and disposal is available in Appendix T of the BMP Guidance.

F. Material Storage

FLOW-THROUGH, RECIRCULATING AND/OR NET PEN SYSTEMS 

A form for tracking spills and leaks at your facility is available in Appendix O of the BMP Guidance.

1. Proper storage of drugs, pesticides, and feed to prevent spills that may result in the discharge to waters of the United States.

   Describe the practices used.

2. Procedures for properly containing, cleaning, and disposing of any spilled materials.

   Describe the procedures used.

G. Maintenance

Forms for tracking inspection and maintenance are available in Appendix P of the BMP Guidance.

FLOW-THROUGH AND/OR RECIRCULATING SYSTEMS 

1. Routinely inspect production systems and wastewater treatment systems to identify and promptly repair damage.

   Describe the routine inspections performed. Also describe how your facility defines "routine."

2. Regularly conduct maintenance of production systems and wastewater treatment systems to ensure their proper function.

   Describe the regular maintenance performed. Also describe how your facility defines "regular."

NET PEN SYSTEMS 

1. Routinely inspect production systems to identify and promptly repair damage.

   Describe the routine inspections performed. Also describe how your facility defines "routine."

2. Regularly conduct maintenance of production systems to ensure their proper function.

   Describe the regular maintenance performed. Also describe how your facility defines "regular."

H. Record-keeping

Use the checklist in Appendix R of the BMP Guidance to ensure that you are meeting the record-keeping requirements of the CAAP ELGs.

FLOW-THROUGH AND/OR RECIRCULATING SYSTEMS 

1. Maintain records for aquatic animal rearing units documenting feed amounts and estimates of the numbers and weights of aquatic animals in order to calculate representative feed conversion ratios.

   Describe the records your facility keeps for documenting feed amounts and estimates of aquatic animals for calculating FCRs. A form for tracking and calculating FCRs is available in Appendix N of the BMP Guidance.

2. Keep records documenting frequency of cleaning, inspections, maintenance, and repairs.

   Describe the records your facility keeps to document this. Appendix P of the BMP Guidance contains forms for tracking inspection, maintenance, and repairs; Appendix Q of the BMP Guidance contains a form for tracking cleaning.

NET PEN SYSTEMS 

1. Maintain records for aquatic animal rearing units documenting feed amounts and estimates of the numbers and weights of aquatic animals in order to calculate representative feed conversion ratios.

   Describe the records your facility keeps for documenting feed amounts and estimates of aquatic animals for calculating FCRs. A form for tracking and calculating FCRs is available in Appendix N of the BMP Guidance.

2. Keep records documenting net pen changes, inspections, and repairs.

   Describe the records your facility keeps to document this. Appendix P of the BMP Guidance contains forms for tracking inspection, maintenance, and repairs.

I. Training

Appendix S of the BMP Guidance contains a log for tracking employee training.

FLOW-THROUGH AND/OR RECIRCULATING SYSTEMS 

1. Train all relevant personnel in spill prevention and how to respond in the event of a spill to ensure proper clean-up and disposal of spilled materials.

   Describe the procedures for training personnel in spill prevention and response.

2. Train personnel on proper operation and cleaning of production and wastewater treatment systems, including feeding procedures and proper use of equipment.

   Describe the procedures for training personnel on proper operation and cleaning.

NET PEN SYSTEMS 

1. Train all relevant personnel in spill prevention and how to respond in the event of a spill to ensure proper clean-up and disposal of spilled materials.

   Describe the procedures for training personnel in spill prevention and response.

2. Train personnel on proper operation and cleaning of production systems, including feeding procedures and equipment.

   Describe the procedures for training personnel on proper operation and cleaning.

J. Feed Monitoring

NET PEN SYSTEMS 

1. Employ efficient feed management and feeding strategies that limit feed input to the minimum amount reasonably necessary to achieve production goals and sustain targeted rates of aquatic animal growth.

   Describe the practices your facility uses to achieve efficient feed management. A form for tracking and calculating feed conversion ratios is available in Appendix N of the BMP Guidance.

2. Minimize accumulation of uneaten feed beneath the pens through active feed monitoring and management strategies approved by your permitting authority.

   Describe practices and management strategies to minimize uneaten feed beneath net pens.

K. Waste Collection and Disposal

NET PEN SYSTEMS 

1. Collect, return to shore, and properly dispose of all feed bags, packaging materials, waste rope, and netting.

   Describe practices to accomplish this.

L. Transport or Harvest Discharge

NET PEN SYSTEMS 

1. Minimize any discharge associated with the transport or harvesting of aquatic animals (including blood, viscera, aquatic animal carcasses, or transport water containing blood).

   Describe practices used to accomplish this.

M. Carcass Removal

NET PEN SYSTEMS 

1. Remove and dispose of aquatic animal mortalities properly on a regular basis to prevent their discharge into waters of the United States.

   Describe procedures for removing and disposing of aquatic animal mortalities. Appendix T of the BMP Guidance contains a log for tracking carcass removal and disposal.

N. Diagram or Map

A diagram/map of the facility is helpful to illustrate the layout of the operation.

O. Review and Endorsement of the BMP Plan

We, the facility manager and the individuals responsible for implementing the BMP plan, have reviewed and endorsed this BMP plan.

(Facility Name)	(NPDES #)
(Facility Manager – Printed Name)	(Facility Manager – Signature)
(Other Individual – Printed Name & Title)	(Other Individual – Signature)
(Other Individual – Printed Name & Title)	(Other Individual – Signature)
(Other Individual – Printed Name & Title)	(Other Individual – Signature)

P. Certifying the BMP Plan with the Permitting Authority

Once your BMP plan has been developed and the facility manager and individuals responsible for implementing the BMP plan have reviewed and endorsed the plan, you must do the following:

1. Keep a copy of the BMP plan in your records. The plan must be made available to the permitting authority upon request.

2. Send a signed letter/form to your permitting authority stating that you have developed a BMP plan. The letter/form should include your name and title, name of the facility, NPDES number, and date the BMP plan was developed. An example certification form that may be submitted to your permitting authority is available in Appendix F of the BMP Guidance.

BMP Plan Checklist for Flow-Through and Recirculating Facilities

This checklist may be used to ensure that all required components are included in your BMP plan.

FACILITY DESCRIPTION

- ❑ A short description of your facility.

SOLIDS CONTROL

- ❑ Description of feed management/feeding strategies that limit feed input to achieve production goals and sustain targeted rates of aquatic animal growth, while minimizing potential discharges of uneaten feed/waste products to waters of the U.S.
- ❑ Description of procedures for routine* cleaning of rearing units and offline settling basins.
- ❑ Description of procedures for inventorying, grading, and harvesting aquatic animals that minimize discharge of accumulated solids.
- ❑ Description of the process for removing and disposing of aquatic animal mortalities on a regular basis to prevent discharge to waters of the United States, except where authorized by the permitting authority in order to benefit the aquatic environment.

MATERIAL STORAGE

- ❑ Description of procedures/practices to ensure proper storage of drugs, pesticides, and feed in a manner designed to prevent spills that may result in the discharge of drugs, pesticides, and feed to waters of the United States.
- ❑ Procedures for properly containing, cleaning, and disposing of any spilled materials.

STRUCTURAL MAINTENANCE

- ❑ Description of routine* procedures for inspecting production systems and wastewater treatment systems to identify and promptly repair damage.
- ❑ Description of regular* procedures for conducting maintenance of production systems and wastewater treatment systems to ensure their proper function.

RECORD-KEEPING

- ❑ Description of how you will maintain records for aquatic animal rearing units documenting feed amounts and estimates of the numbers and weights of aquatic animals to calculate FCRs.
- ❑ Description of how you will keep records documenting frequency of cleaning, inspections, maintenance, and repairs.

TRAINING

- ❑ Description of procedures for training all relevant personnel in spill prevention and how to respond to a spill to ensure proper clean-up and disposal of spilled materials.
- ❑ Description of procedures for training personnel on proper operation/cleaning of production and wastewater treatment systems (includes feeding procedures and proper equipment use).

CERTIFICATION

- ❑ Sent a letter to your permitting authority, certifying that a BMP Plan was developed for your facility. Refer to Appendix F for an example of a certification letter.

* Be sure to define "routine" and "regular" (which can vary during the year) in your BMP Plan.

BMP Plan Checklist for Net Pen Facilities

This checklist may be used to ensure all required components are included in your BMP plan.

FACILITY DESCRIPTION

- ❑ A short description of your facility.

FEED MANAGEMENT

- ❑ Description of feed management/feeding strategies that limit feed input to achieve production goals and sustain targeted rates of aquatic animal growth, while minimizing potential discharges of uneaten feed/waste products to waters of the U.S.
- ❑ Description of using active feed monitoring and management strategies (approved by the permitting authority) to minimize accumulation of uneaten feed beneath the pens.

WASTE COLLECTION AND DISPOSAL, TRANSPORT OR HARVEST DISCHARGE, CARCASS REMOVAL

- ❑ Description of how you will make sure to collect, return to shore, and properly dispose of all feed bags, packaging materials, waste rope, and netting.
- ❑ Description of practices to minimize discharge associated with transport or harvesting of aquatic animals (including blood, viscera, carcasses, or transport water containing blood).
- ❑ Description of procedures to ensure removal and disposal of aquatic animal mortalities properly on a regular basis to prevent their discharge into water of the U.S.

MATERIAL STORAGE

- ❑ Description of procedures/practices to ensure proper storage of drugs, pesticides, and feed to prevent spills that may result in discharge to waters of the U.S.
- ❑ Procedures for properly containing, cleaning, and disposing of any spilled materials.

MAINTENANCE

- ❑ Description of routine* procedures for inspecting production systems to identify/repair damage.
- ❑ Description of regular* procedures for conducting maintenance of production systems to ensure their proper function.

RECORD-KEEPING

- ❑ Description of how you will maintain records documenting feed amounts and estimates of numbers and weights of aquatic animals to calculate FCRs.
- ❑ Description of how you will document net changes, inspections, and repairs.

TRAINING

- ❑ Description of procedures for training all relevant personnel in spill prevention and how to respond to spills to ensure proper clean-up and disposal of spilled materials.
- ❑ Description of procedures for training personnel on proper operation and cleaning of production systems, including feeding procedures and proper use of equipment.

CERTIFICATION

- ❑ Sent a letter to your permitting authority, certifying that a BMP Plan was developed for your facility. Refer to Appendix F for an example of a certification letter.

* Be sure to define "routine" and "regular" (which can vary during the year) in your BMP Plan.

BMP Certification Form

Facility Name:_____ NPDES Permit Number:_____

Printed Name:_____

Title (owner, operator, etc.):_____

Date the BMP Plan was developed:_____

I certify that a BMP plan was developed for:_____
(name of facility)

A copy of the BMP plan is available for inspection at the following address:

_____

_____

_____

Signature:_____ Date:_____

* Note: This is only an example of what a certification form could look like.

ATTACHMENT E

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHAPTER 530.2(D)(4) CERTIFICATION

MEPDES#_____Facility Name_____

Since the effective date of your permit, have there been;		NO	YES Describe in comments section
1	Increases in the number, types, and flows of industrial, commercial, or domestic discharges to the facility that in the judgment of the Department may cause the receiving water to become toxic?	☐	☐
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.