



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

October 5, 2021

Mr. Greg Lambert
Cooke Aquaculture USA Inc.
P.O. Box 528
Bingham, ME 04920

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0110086
Maine Waste Discharge License (WDL) Application #W007149-6F-K-R
Final Permit/License

Dear Mr. Lambert,

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 287-1298.

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,

Breanne Blaisdell
Division of Water Quality Management
Bureau of Water Quality

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

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

Enc.

cc:

Cindy Dionne, MDEP
Kayleigh Burda, MDEP
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Sandy Mojica, USEPA
Nathan Chien, USEPA
Richard Carvalho, 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, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

COOKE AQUACULTURE USA INC.)	MAINE POLLUTANT DISCHARGE
GARDNER LAKE FISH HATCHERY)	ELIMINATION SYSTEM PERMIT
EAST MACHIAS, WASHINGTON CTY., MAINE)		AND
ME0110086)	WASTE DISCHARGE LICENSE
W007149-6F-K-R)	RENEWAL
	APPROVAL	

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

APPLICATION SUMMARY

On March 16, 2020, the Department accepted as complete for processing, a renewal application from Cooke for Waste Discharge License (WDL) W007149-6F-J-R/Maine Pollutant Discharge Elimination System (MEPDES) permit ME0110086, which was issued on November 13, 2015 for a five-year term. The November 13, 2015 MEPDES permit authorized Cooke to discharge a monthly average of 10 million gallons per day (MGD) of treated fish hatchery wastewater via Outfall #001A from the Gardner Lake Fish Hatchery to Chase Mills Stream, Class B, in East Machias, Maine.

PERMIT SUMMARY

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

1. Establishing a requirement for documentation of all drug/pesticide/other compound use as described in Special Condition G, *Use of Drugs for Disease Control* and Special Condition H, *Pesticides and Other Compounds*. This is consistent with Department updates to MEPDES permit boilerplate language for land-based fish hatcheries;
2. Establishing *Wastewater Operations* criteria within Special Condition F, *Operation and Maintenance Plan*. This is consistent with Department updates to MEPDES permit boilerplate language for land-based fish hatcheries; and

PERMIT SUMMARY (cont'd)

3. Revising Special Condition H, *Pesticides and Other Compounds*, to include calcium chloride, magnesium chloride, sodium chloride, and sodium carbonate (soda ash).

CONCLUSIONS

BASED on the findings summarized in the attached and incorporated Fact Sheet dated OCTOBER 5, 2021, and subject to the special and standard 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, *Classification of Maine waters*, 38 M.R.S § 464(4)(F), will be met, in that:
 - a. Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - b. Where high quality waters of the State constitute an outstanding national 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 38 M.R.S. § 414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the above noted application of COOKE AQUACULTURE USA INC. to discharge a monthly average of 10 MGD of treated fish hatchery wastewater via Outfall #001A from the Gardner Lake Hatchery to Chase Mills Stream, Class B, in East Machias, Maine, SUBJECT TO ALL APPLICABLE STANDARDS AND REGULATIONS AND THE FOLLOWING CONDITIONS:

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) (amended June 9, 2018)].

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS 5 DAY OF October, 2021.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: 

For Melanie Loyzim, Commissioner

FILED

OCT 5, 2021

**State of Maine
Board of Environmental Protection**

Date filed with Board of Environmental Protection _____

Date of initial receipt of application: 3/9/2020

Date of application acceptance : 3/16/2020

This Order prepared by Breanne Blaisdell, BUREAU OF WATER QUALITY

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge **treated fish hatchery wastewater** from **Outfall #001A** to Chase Mills Stream. Such discharges are limited and must be monitored by the permittee as specified below⁽¹⁾:

Effluent Characteristic	Discharge Limitations					Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Daily Minimum	Measurement Frequency	Sample Type
Flow [50050]	10 MGD [03]	---	---	---	---	Daily [01/01]	Measured [MS]
TSS [00530]	167 lbs./day [26]	834 lbs./day [26]	6 mg/L [19]	10 mg/L [19]	---	1/Month [01/30]	Composite ⁽²⁾ [CP]
Fish on Hand [45604]	---	Report lbs./day [26]	---	---	---	1/Month [01/30]	Calculate [CA]
Formalin ⁽³⁾ [51064]	Report lbs./day [26]	100 lbs./day [26]	---	---	---	1/Occurrence [01/OC]	Calculate [CA]

The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports

FOOTNOTES: See Page 5-6 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

FOOTNOTES

1. **Sampling**-All effluent monitoring must be conducted at a location following the last treatment unit in the treatment process, as to be representative of end-of-pipe effluent characteristics. Any change in sampling location must be approved by the Department in writing. The permittee must conduct sampling and analysis in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis must be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services for wastewater. Samples that are sent to a publicly owned treatment works (POTW) licensed pursuant to Waste discharge licenses, 38 M.R.S. § 413 are subject to the provisions and restrictions of Maine Comprehensive and Limited Environmental Laboratory Certification Rules, 10-144 CMR 263 (effective date December 19, 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** – Samples must consist of 24-hour composites collected with an automatic composite sampler. Alternatively, when weather conditions and/or equipment prevents automatic compositing and upon notification to the Department's compliance inspector, the permittee may manually composite a minimum of four grab samples collected at two-hour intervals during the working day at the facility.
3. **Formalin** – Formalin monitoring must be conducted when in use at the facility and must consist of a calculated effluent mass value. Therefore, the following calculation must be applied to assess the total mass of formalin discharged per occurrence (lbs./day):

Formalin applied (gallons) x 9.03¹ (lbs./gallon) = Total formalin in effluent (lbs./day)

The permittee must provide this information and calculations to the Department in a document accompanying the monthly DMR. The formalin limit corresponds to two types of treatments:

1. One hour per day treatment typical of hatchery and rearing facility discharges; and
2. Maximum of up to 24 hours of treatment and discharge for addressing emergency conditions at the facility.

¹ Per Material Safety Data Sheet, Parasite-S has a specific gravity of 1.0775-1.0865 giving it an average density of 9.03 lbs./gallon.

SPECIAL CONDITIONS

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

FOOTNOTES

Formalin treatments lasting longer than 1-hour in duration must be conducted no more frequently than once every four days. The permittee must provide a list of dates on which treatments greater than 1-hour were performed, and the length of time of each such treatment, with each monthly DMR.

For instances when a permittee has not used formalin for an entire reporting period, the permittee must report "N9" for this parameter on the monthly DMR.

B. NARRATIVE EFFLUENT LIMITATIONS

1. The permittee must not discharge effluent that contains a visible oil sheen, foam or floating solids at any time which would impair the uses designated for the classification of the receiving waters.
2. The permittee must not discharge effluent that contains materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the uses designated for the classification of the receiving waters.
3. The permittee must not discharge effluent that causes visible discoloration or turbidity in the receiving waters that causes those waters to be unsuitable for the designated uses and characteristics ascribed to their class.
4. The permittee must not discharge effluent that lowers the quality of any classified body of water below such classification, or lowers 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 16, 2020; 2) the terms and conditions of this permit; and 3) only from Outfall #001A (treated fish hatchery wastewater). 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.

SPECIAL CONDITIONS

D. NOTIFICATION REQUIREMENT

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 wastewater collection and treatment system.
2. For the purposes of this section, adequate notice must include information on:
 - a. The quality and quantity of wastewater introduced to the wastewater collection and treatment system; and
 - b. Any anticipated impact of the change in the quality and quantity of the wastewater to be discharged from the treatment system.

E. MONITORING AND REPORTING

Electronic Reporting

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

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

1. Submitted by a facility authorized signatory; and
2. Submitted no later than **midnight on the 15th day of the month** following the completed reporting period.

Documentation submitted in support of the electronic DMR may be attached to the electronic DMR. Toxics reporting must be done using the DEP Toxsheet reporting form. An electronic copy of the Toxsheet reporting document must be submitted to your Department compliance inspector as an attachment to an email. In addition, a hardcopy form of this sheet must be signed and submitted to your compliance inspector, or a copy attached to your NetDMR submittal will suffice.

Documentation submitted electronically to the Department in support of the electronic DMR must be submitted no later than midnight on the 15th day of the month following the completed reporting period.

SPECIAL CONDITIONS

F. OPERATION & MAINTENANCE PLAN

The permittee must have a current written Operation & Maintenance (O&M) Plan for the facility. The plan must provide a systematic approach by which the permittee must at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit.

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 settling basin, settling tanks, and production systems, identify and implement procedures for routine cleaning of rearing units and 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 to prevent discharge to waters of the State.
2. Materials Storage
 - a. Ensure proper storage of drugs², pesticides³, feed, 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.

² **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].

³ **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. OPERATION & MAINTENANCE PLAN (cont'd)

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 made to ensure the proper operation of the treatment system.
- c. Maintain records that document drug/pesticide/other compound use as indicated under Special Condition G, Use of Drugs for Disease Control and Special Condition H, Pesticides and Other Compounds.
- d. Carry out all necessary MEPDES Licensing and Compliance related activities, and maintain associated documentation for a minimum of 3 years.

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.

6. Wastewater Operations

- a. Provide a flow chart for the wastewater treatment process, the sludge and solids dewatering and removal process, and effluent discharge system.
- b. Identify and develop operational and maintenance standard operating procedures for the treatment system components used to treat clean water, sludge water from cleaning mechanical filters, sludge water from backflushing biological treatment filters, and other wastewaters, as applicable:

(1) Belt/drum filters and thickeners;

(2) Use of flocculants/coagulants;

(3) Clarifiers/settling tanks;

(4) Fish exclusion barriers;

SPECIAL CONDITIONS

F. OPERATION & MAINTENANCE PLAN (cont'd)

- (5) Centrifuges;
- (6) UV disinfection/sterilization;
- (7) Chemical storage and disposal;
- (8) Intake/outfall maintenance;
- (9) Other

Define each of the following operator responsibilities:

- (1) Operations Manager qualifications and duties;
- (2) Staff duties;
- (3) Sample collection and analysis;
- (4) Regulatory reporting:
 - a. Discharge monitoring reports
 - b. Spill/release reports;
- (5) Any other operator responsibilities not listed.

By December 31 of each year, or within 90 days of any process changes or minor equipment upgrades, the permittee must evaluate and modify the O&M Plan including site plan(s) and schematic(s) for the wastewater treatment facility to ensure that it is up-to-date. The O&M Plan must be kept on-site at all times and made available to Department and USEPA personnel upon request.

Within 90 days of completion of new and or substantial upgrades of the wastewater treatment facility, the permittee must submit the updated O&M Plan to their Department inspector for review and comment.

G. USE OF DRUGS FOR DISEASE CONTROL

- 1. General requirements.** All medicated feeds, drugs and other fish or mammal therapeutants must be registered with US Environmental Protection Agency (USEPA) as appropriate, approved by the US Food and Drug Administration (USFDA), and applied according to USFDA accepted guidelines. Further, records of all such materials used must be maintained at the facility for a period of five years. Records must contain the date applied, concentration, and mass of therapeutic agents applied each day.

SPECIAL CONDITIONS

G. USE OF DRUGS FOR DISEASE CONTROL (cont'd)

- 2. USFDA-approved drugs.** Drugs approved by the USFDA for fish culture purposes must be used in accordance with label instructions.
- a. 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 USFDA, and the treatment and route of administration must be consistent with the drug's intended use. Discharges may occur through direct application of a drug or indirectly through feed, injection, ingestion, or immersion at the facility.
 - b. Drugs identified in the permittee's application: A list of drugs, pesticides and other compounds proposed for use at Cooke Aquaculture USA Inc.'s Gardner Lake Fish Hatchery during the term of the permit, which was provided by the permittee on Form DEPLW1999-18 included with its March 3, 2020, General Application for Waste Discharge Permit, is included as **Attachment A** of this permit.

Name	Concentration	Qty. Used/Year
Parasite-S	200 ppm, 37.5% Formaldehyde	250 gallons/year
Perox-Aid	35% Hydrogen Peroxide	100 gallons/year
Aquaflor	10 mg/kg/day for 10 consecutive days	< once/year
Oxytetracycline	3.75g/100 lbs./day for 10 days	< once/year
Romet 30 or Romet TC	50 mg/kg/day for 5 days	< once/year
Chloramine-T		Has never been used
Tricaine		7 kg/year

- c. Drugs not identified in the permittee's application: When the need to treat or control diseases requires the use of an USFDA-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.

SPECIAL CONDITIONS

G. USE OF DRUGS FOR DISEASE CONTROL (cont'd)

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 G(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 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.
- 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 USFDA 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 G(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.
- 4. Investigational New Animal Drug (INAD).** The discharge of drugs authorized by the USFDA 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.

SPECIAL CONDITIONS

G. USE OF DRUGS FOR DISEASE CONTROL (cont'd)

- 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.
- d. The following INADs were identified by the permittee and are authorized to be used in accordance with the INAD program:

Name	Concentration	Qty. Used/Year
SLICE INAD 11-370	0.00005g/kg biomass for 7 consecutive days	Used twice, once in 2006 and 2009
Florfenicol, Aquaflor INAD 10-697	10 or 15 mg active florfenicol/kg fish/day for 10 consecutive days	
Oxytetracycline dihydrate INAD 9332		
Chloramine-T INAD 9321	1-h static-bath or flow through treatment at a dose of 10, 15, or 20 mg/L CLT, 1 to 3 times on alternate or consecutive days.	
Aqui-S20E INAD 11-741	10-100 mg/L for up to 15 minutes.	

SPECIAL CONDITIONS

H. PESTICIDES AND OTHER COMPOUNDS

- 1. General requirements.** All pesticides 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). Chemicals or compounds not registered as pesticides and proposed for use at the facility must be identified in the permittee's application and may only be discharged to waters of the State with express approval in this permitting action. 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.

- a. Pesticides identified in the permittee's application. The following pesticides were identified in the permittee's application as currently being or potentially being in use:

<u>Name</u>	<u>Concentration</u>	<u>Qty. Used/Year</u>
Vikron Aquatic	2% solution	40-80 lbs./year

- b. Other compounds identified in the permittee's application. The following compounds were identified in the permittee's application as currently being or potentially being in use. The permittee is authorized to discharge the following compounds. It is the Department's Best Professional Judgment (BPJ) that the incidental discharge of these chemicals will not cause or contribute to non-attainment of applicable water quality standards.

<u>Name</u>	<u>Concentration</u>	<u>Qty. Used/Year</u>
Ovadine	100 ppm on eggs 200 ppm on equipment 10% polyvinylpyrrolidinone iodine	15 gallons/year
Aqualife Multi-Purpose Cleaner	Diluted to 50%	8 gallons/year
Sodium Hydroxide Caustic Beads	5%	75 lbs./year
Citrus Blast		50 gallons/year
Gen Coag. S2 Coagulant		200 gallons/year
Calcium Chloride		40,000 lbs./year
Magnesium Chloride		8,000 lbs./year

SPECIAL CONDITIONS

H. PESTICIDES AND OTHER COMPOUNDS (cont'd)

<u>Name</u>	<u>Concentration</u>	<u>Qty. Used/Year</u>
Sodium Carbonate		24,000 lbs./year
Sodium Chloride		24,000 lbs./year

I. PROTECTION OF ATLANTIC SALMON

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, predator control, escape response; unusual event management, and severe weather;
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. 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*].

SPECIAL CONDITIONS

I. PROTECTION OF ATLANTIC SALMON (cont'd)

The permittee must submit the CMS plan to the Department for review and approval on or before six months following the effective date of this permit *[ICIS code 53799]* and must maintain a current copy of the plan at the facility.

The CMS must be audited at least once per year and within 30 days of a reportable escape (a reportable escape is more than 50 fish) 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.

Escape reporting. The permittee must notify by electronic mail (e-mail) the Escape Reporting Contact List (provided below, in this subsection) of any known or suspected escape of more than 50 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.

SPECIAL CONDITIONS

I. PROTECTION OF ATLANTIC SALMON (cont'd)

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

Commissioner, Melanie Loyzim; Melanie.Loyzim@maine.gov, or current Commissioner

Maine Department of Marine Resources

Secretary to the Commissioner, Amy Sinclair; Amy.Sinclair@maine.gov

Sea-Run Fisheries and Habitat Division Director, Sean Ledwin; Sean.M.Ledwin@maine.gov

Maine Department of Inland Fisheries and Wildlife

Commissioner, Judy Camuso; Judy.Camuso@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; Anna Harris; Anna_Harris@fws.gov

Personnel from the Department, the MeDMR, the USEPA, and the Services, may inspect the facility during normal operation hours. Upon request by the permittee, government officials will provide credentials attesting to their position and will follow the facility's biosecurity procedures. Operational records regarding compliance with this condition must be made available to personnel from the Department, the MeDMR, the USEPA, and the Services or inspection upon request.

J. REOPENING OF PERMIT FOR MODIFICATION

In accordance with 38 M.R.S. § 414-A(5) and 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 any time and with notice to the permittee, modify this permit to: (1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded; (2) require additional monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

SPECIAL CONDITIONS

K. 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 must remain in full force and effect, and must be construed and enforced in all aspects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court.

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ATTACHMENT A

10. Disinfectants

Ovadine-used in the disinfection of salmonid eggs and equipment. 100ppm on eggs and up to 200ppm on equipment. This product is used on eggs in February/March and throughout the year on equipment. A total of approximately 15 gallons are used each year. The active ingredient is 10% polyvinylpyrrolidinone iodine and 90% inert ingredients.

Virkon Aquatic- is used as a primary footbath disinfectant and general disinfectant for equipment. Virkon is used in concentrations up to 2% solution. Between 40-80 lbs of powder are used each year. Ingredients include potassium peroxymonosulfate, sodium chloride and other inert ingredients.

Aqualife Multi-Purpose Cleaner- would be used as a general cleanser to clean drum filter screens to keep them from clogging and tanks between cohorts. Product is diluted to 50% and applied with a sprayer. Filters are cleaned monthly in fall and less often during lower feeding periods. Active ingredient is Sodium Hydroxide. Quantity to be used is estimated at under 8 gallons/year.

Sodium Hydroxide Caustic Beads- would be used as a cleaner during backflushing of heat exchangers. Product mixed in at 5% concentration which is approximately 12lbs every 2 weeks during use of the heat exchanger. Annual usage expected to peak at 75lbs/year. Active ingredient is Sodium Hydroxide.

Citrus Blast- used for the cleaning and disinfection of tanks. Approximately 50 gallons has been utilized in past years on a yearly basis and generally during the months of May-June and October-November. Active ingredient is Sodium metasilicate.

I2R- has been used as a vehicle disinfectant in past years. Approximately 15 gallons/year has been used in past years and used at a dosage of 100ppm. It can be used throughout the year on any incoming vehicle. Active ingredients include iodine and phosphoric acid.

Gen Coag S2 coagulant- used as an additive before the belt filter by peristaltic pump to increase filtering efficiency of suspended particles. Approximately 200gallons/year are used. Active ingredient is poly aluminum chloride.

11. Therapeutics-only approved drugs under the guidance of a veterinarian as required and/or INAD are/would be used at Gardner Lake Hatchery.

Parasite-S- used a fungicide on eggs and live fish. Concentrations up to 200ppm are used. Recently use of formalin products have been limited by MEPDES permits and as such are used according to allowed quantities. Parasite-S is a 37.5% formaldehyde product used mostly on eggs in Feb/March but also during high stress handling events such as grading and vaccination to help keep gill and skin parasites to a minimum. A total of approximately 250 gallons/year are used at Gardner Lake.

Perox-Aid is a 35% Hydrogen Peroxide product used in the control of fungus on eggs and bacterial gill disease on fish. Usage is approximately 100gallons/year.

Aquaflor- an antibiotic used for the control of cold water disease or furunculosis would be used if needed. The general prescribed inclusion rate is 10mg/kg/day and fed for 10 consecutive days. The active ingredient in this product is Florfenicol. Used on average less than once/year.

Oxytetracycline-an antibiotic used for the control of enteric red mouth and furunculosis would be used as needed. The active ingredient is Oxytetracycline dihydrate and issued at a rate of 3.75g/100lb/day for 10 days. Used on average less than once/year.

Romet-30 or Romet TC- is an antibiotic used in the control of furunculosis, enteric red mouth and cold water disease. The inclusion rate is 50mg/kg/day for 5 days. Used on average less than once/year.

SLICE- is an in feed mixture used to combat sea lice in salt water. Slice has been used twice at Gardner Lake, in 2006 and 2009. SLICE is utilized at the hatchery 7 days prior to shipment to saltwater at a feeding rate of .00005g/kg biomass for 7 consecutive days. The active ingredient in SLICE premix is Emamectin Benzoate.

Chloramine-T-is a chemical used in the control of bacterial gill disease in salmonids. While we have never use CT before at Gardner Lake, the product would be used on an as needed basis should the need arise. The active ingredients in CT are N-chloro-toluenesulfonamide and sodium salt tri hydrate.

Tricaine- is a fish anesthetic used for the sedation of fish to allow close examination and events such as vaccination to occur. The active ingredient in Tricaine is ethyl m-amino benzoate and approximately 7 kg/year are used at the hatchery with the largest amount being used in November to sedate the fish during vaccination.

In addition to the items listed above, any newly approved product by the United States Food and Drug Administration would be considered for use upon approval.

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

FACT SHEET

DATE: **OCTOBER 5, 2021**

MEPDES PERMIT: **ME0110086**
WASTE DISCHARGE LICENSE: **W007149-6F-K-R**

NAME AND ADDRESS OF APPLICANT:
**COOKE AQUACULTURE USA INC.
P.O. BOX 528
BINGHAM, ME 04920**

COUNTY: **WASHINGTON**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:
**COOKE AQUACULTURE USA INC.
GARDNER LAKE HATCHERY
144 CHASE MILLS ROAD
EAST MACHIAS, ME 04630**

RECEIVING WATER / CLASSIFICATION:
CHASE MILLS STREAM, CLASS B

COGNIZANT OFFICIAL AND TELEPHONE NUMBER:
**GREG LAMBERT
207-446-6295
greg.lambert@cookeaqua.com**

1. APPLICATION SUMMARY

Application: On March 16, 2020, the Department of Environmental Protection (Department) accepted as complete for processing, a renewal application from Cooke Aquaculture USA Inc. (Cooke) for Waste Discharge License (WDL) W007149-6F-J-R/Maine Pollutant Discharge Elimination System (MEPDES) permit ME0110086, which was issued on November 13, 2015 for a five-year term. The November 13, 2015 MEPDES permit authorized Cooke to discharge a monthly average of 10 million gallons per day (MGD) of fish hatchery wastewater via Outfall #001A from the Gardner Lake Fish Hatchery to Chase Mills Stream, Class B, in East Machias, Maine.

2. PERMIT SUMMARY

- a. Terms and Conditions: This permitting action is carrying forward all the terms and conditions of the previous permitting action except that this permitting action is:
 1. Establishing a requirement for documentation of all drug/pesticide/other compound use as described in Special Condition G, Use of Drugs for Disease Control and Special Condition H, Pesticides and Other Compounds. This is consistent with Department updates to MEPDES permit boilerplate language for land-based fish hatcheries.
 2. Establishing *Wastewater Operations* criteria within Special Condition F, Operation and Maintenance Plan. This is consistent with Department updates to MEPDES permit boilerplate language for land-based fish hatcheries.
 3. Revising Special Condition H, Pesticides and Other Compounds, to include calcium chloride, magnesium chloride, sodium chloride, and sodium carbonate (soda ash).
- b. History: This section provides a summary of significant licensing actions and milestones that have been completed for the Gardner Lake Fish Hatchery.

November 25, 1986 – The Department issued WDL#W007149-41-A-N to Ocean Products, Inc. (OPI) for the discharge of a maximum of 11.2 MGD of treated fish hatchery wastewater from the Gardner Lake Hatchery/smolt production facility to Chase Mills Stream, Class B, in East Machias. The term of the WDL was 5-years from the date of issuance.

February 12, 1987 – The Department issued a certification under Section 401 of the Federal Water Pollution Control Act (WPCA) certifying that the discharge proposed in a pending National Pollutant Discharge Elimination System (NPDES) permit was in compliance with applicable sections of the WPCA and State law.

March 3 1987 – The U.S. Environmental Protection Agency (USEPA) issued NPDES permit #ME0110086 to OPI for the discharge of a maximum of 11.2 MGD of treated fish hatchery wastewater from the Gardner Lake Hatchery to Chase Mills Stream. The term of the NPDES permit was 5-years from the date of issuance.

September 4, 1990 – The Department issued WDL#W007149-WA-B-T, transferring the Gardner Lake Hatchery WDL (#W-007149-41-A-N) from OPI to Conners Aquaculture, Inc., reflecting a change in ownership.

2. PERMIT SUMMARY (cont'd)

July 30, 1992-The Department issues WDL #W007149-WA-C-R to Connors Aquaculture, Inc. for the discharge of a maximum of 10.08 MGD of treated fish hatchery wastewater from the Gardner Lake Hatchery to Chase Mills Stream. The WDL application summary indicated it was a renewal of WDL #W007149-41-A-N, and attributed a discharge of 10.08 MGD to the original WDL, which actually approved the discharge of 11.2 MGD. The WDL cited water quality problems in the receiving water caused by the facility discharge. The term of the WDL was 5-years from the date of issuance.

August 24, 1999 – The Department issued WDL #W007149-5Q-D-R to Connors Aquaculture, Inc. for the discharge of a maximum of 10.08 MGD of treated fish hatchery wastewater from the Gardner Lake Hatchery to Chase Mills Stream. The term of the WDL was 2-years from the date of issuance. Connors requested a discharge flow increase to 13 MGD. The most recent ambient monitoring data (1989) indicated that Chase Mills Stream was not attaining Class B standards and that the Gardner Lake Hatchery discharge was causing or contributing to this condition. Pursuant to Maine law, no increase in pollutant discharges could be authorized.

January 2001 – Connors Aquaculture, Inc. submitted to the Department a report entitled, “2000 Biomonitoring Study, Chase Mills Stream,” prepared by Acheron Engineering, Inc.

January 12, 2001 – The Department received authorization from the U.S. Environmental Protection Agency (USEPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine, excluding areas of special interest to Maine Indian Tribes. From that point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) program, and MEPDES permit #ME0110086 has been utilized for this facility.

August 2001- Weston Foods Limited sold one of its subsidiaries, Connor Brothers, Inc., but retained ownership of Connors Aquaculture, Inc., the owner and license holder of the Gardner Lake facility. Subsequently, Weston Foods Ltd changed the name of Connors Aquaculture to Heritage Salmon, Inc., which entails the historical market name of its products.

October 15, 2004 – The Department issued WDL # W007149-5Q-E-R/MEPDES Permit #ME0110086 to Heritage Salmon, Inc. for the discharge of up to a monthly average of 10 MGD of fish hatchery and rearing facility wastewater to Chase Mills Stream, Class B from a commercial Atlantic salmon facility in East Machias, Maine. The permit/WDL incorporated the terms and conditions of the MEPDES permit program and was issued for a five-year term.

October 17, 2005 – The Town of East Machias and Phoenix Salmon US entered into an agreement entitled, Agreement to Modify 1987 Agreement to Operate Structures And Dams At Gardner Lake Outlet. It is noted the Gardner Lake Outlet dam is currently owned by the Town of East Machias and a like agreement was established between Ocean Products and the Town of East Machias in a document entitled Agreement To Operate Structures And Dams At Gardner Lake Outlet, dated February 26, 1987. The

2. PERMIT SUMMARY (cont'd)

10/17/05 modified agreement established a minimum instantaneous stream flow of 25.3 cfs to Chase Mill Stream above the Phoenix Hatchery between June 1 and September 30 of each year. This minimum stream flow requirement is also consistent with the 1994 Gardner Lake Water Level Agreement.

March 24, 2006 – The Department issued an Order transferring the MEPDES Permit/Maine WDL for the Gardner Lake facility from Heritage Salmon Inc. to Phoenix Salmon US Inc.

April 6, 2006 – The Department approved a one-time use of the therapeutant SLICE (Emamectin) at the Gardner Lake facility, establishing use restrictions and requirements for Whole Effluent Toxicity (WET) testing and pursuant to a SLICE Testing Work Plan dated April 4, 2006.

May 22, 2006 – The Department issued Permit Modification #W-007149-5Q-G-M/ MEPDES Permit #ME01100886, which increased monthly average phosphorus mass and concentration limits; revised effluent dilution factors based on a revised seasonal minimum ambient flow; required seasonal reporting of ambient flows; and removed the requirement for annual macroinvertebrate biomonitoring.

October 26, 2006 – The Department issued an Administrative Modification of the MEPDES Permit / Maine WDL for Phoenix Salmon US to enable the Gardner Lake facility to use SLICE (Emamectin) on Atlantic salmon housed at the facility and ultimately discharge the therapeutant in its wastewater discharge to Chase Mills Stream. The use was conducted as part of the USFDA Federal Investigational New Animal Drug (INAD) program #10-418. The Administrative Modification established use restrictions within the Gardner Lake Facility based on use of the therapeutant in the spring 2006.

October 10, 2008 – The Department issued Minor Revision #W-007149-5Q-H-M / MEPDES Permit #ME0110086 to revise effluent formalin limitations based on newly obtained toxicity data and a revision of the Department's best professional judgement of ambient water quality criteria.

August 5, 2009 – Phoenix Salmon US, Inc. submitted a timely application for renewal of its WDL / MEPDES Permit. The application was assigned WDL # W-007149-6F-I-R / MEPDES Permit # ME0110086.

March 4, 2010 – The Department issued #ME0110086 / #W007149-6F-I-R for a five-year term.

May 7, 2014 – Cooke submitted a timely and complete General Application to the Department for renewal of the March 3, 2010 MEPDES permit. The application was accepted for processing on May 7, 2014 and was assigned MEPDES #ME0110086 / WDL #W007149-6F-J-R.

November 13, 2015 - The Department issued combination MEPDES Permit # ME0110086 / WDL #W007149-6F-J-R for a five-year term.

2. PERMIT SUMMARY (cont'd)

March 9, 2020 - Cooke submitted a timely and complete General Application to the Department for renewal of the November 13, 2015 MEPDES permit. The application was accepted for processing on March 16, 2020 and was assigned MEPDES #ME0110086 / WDL #W007149-6F-J-R.

- c. Source Description: Cooke's Gardner Lake Fish Hatchery obtains influent water from two intake pipes in Gardner Lake in East Machias. The deep water, 24-inch HDPE inlet is located 2,200-feet from shore at a depth of 55-feet. The shallow water, 36-inch HDPE inlet is located 900-feet from shore at a depth of 24-feet. Both inlets have coarse screens to minimize intake of large matter. A map showing the location of the facility and a site plan of the facility are included as Fact Sheet **Attachments A** and **B**, respectively.

Influent water enters the hatchery through a 6-foot x 6-foot x 14-foot deep concrete receiving tank (head tank) containing a control gate valve to ensure a steady water flow to the farm and screens to capture large debris. Water from the head tank flows by gravity to the fish rearing tanks in the hatch house and smolt field through PVC pipelines. The water supply to the smolt field is super saturated with oxygen using a mechanical (pressurized packed column) system. The hatch house has a separate oxygen system. February through June, a maximum of 0.75 MGD is heated to 4 – 14 degrees C for egg and alevin incubation. This water is combined with the rest of the flow prior to treatment and discharge.

- d. Fish on Station: In its 2020 renewal application, Cooke indicated a maximum quantity of fish on station of: 1,400,000 first year fish, weighing 220,000 lbs., and 1,000,000 second year fish weighing 250,000 lbs. The maximum amount of food used is 1600 lbs./day with maximum feeding occurring September and October. The average amount of food used is 800 lbs./day. The types of food utilized on station include dry commercial pellets, EWOS, Bio-Oregon and Skretting.
- e. Wastewater Treatment: All wastewater from the hatch house fish rearing tanks is collected in concrete trenches which drain into a concrete sump passing through a rotary drum filter. Solids removed by the filter are deposited in the facility sludge pit located in the filter building. The filtrate is pumped from the sump into the main wastewater drain pipe where it combines with the wastewater from the smolt field.

All wastewater from the smolt field rearing tanks flows into a concrete trench located in the center of the smolt field. The wastewater in the trench flows from the two ends to the middle, where it enters the main wastewater drain pipe. Two grates located on either side of the main drain pipe screen out any fish that escape the rearing tanks. The grates are checked daily. Any fish removed are destroyed and deposited in the sludge pit located in the filter building.

All of the wastewater flows through the main wastewater drain pipe (36-inch HDPE) to the drum filter array located in the filter building. The filter array consists of five self-cleaning rotary drum filters in parallel. The filter fabric is 60-microns on all filters. Each of the filters is located in a concrete sump. The filtered water flows over a weir into a common concrete drain channel and exits through a 36-inch concrete pipe located at one

2. PERMIT SUMMARY (cont'd)

end of the channel. Each of the weirs is screened with ½-inch vinyl coated wire mesh as a further escape preventative. The final concrete pipe is also covered with a steel grate. The discharge pipe outlets to a rip-rapped open ditch, approximately 6-8-foot wide by 95-feet long, which flows into Chase Mill Stream.

Solids removed from the wastewater are washed from the drum filter screens into collection troughs and flow into a belt filter for dewatering. Solids removed by the belt filter are pumped into a 7,000-gallon concrete tank ("sludge pit.") As needed, the sludge pit is emptied, and the contents are disposed of by land spreading by a local contractor.

The filtrate from the belt filter (approximately 10,000 gallons per day) is pumped to a series of two 1,500-gallon concrete septic tanks for settling. A coagulant is injected into the pipe from the filter to increase settling of suspended particles. From the settling tanks the supernatant wastewater flows through a 3-foot x 64-foot settling basin and then through an 80-foot limestone bed. The bed supports a variety of vegetation and is designed to act as an artificial wetland to remove some of the nutrient load from this portion of the wastewater. The wastewater enters a manifold of perforated plastic pipe and collects in a sump at the end of the bed opposite from the intake pipe whence it is pumped back into the main wastewater stream before the drum filters.

Solid matter removed during the process described above is stored in a 7,000-gallon sludge storage tank. When full, the sludge storage tank contents are removed for land spreading by a local contractor. A *de minimis* amount of chlorine in the form of four disinfectant pucks per week is used to maintain the filter spray bars used in cleaning the drum filters. The spray enters and is diluted in the entire facility wastewater flow.

3. CONDITIONS OF PERMIT

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

4. RECEIVING WATER QUALITY STANDARDS

Classification of major river basins, 38 M.R.S. § 467(3)(B)(1) in relation to the East Machias River, main stem, classifies “all tributaries entering below the Route 191 bridge in Jacksonville” as Class B unless otherwise specified, which include Chase Mills Stream at the point of discharge. Standards for classification of fresh surface waters, 38 M.R.S §465(3) describes the standards for Class B waters as follows:

- A. Class B waters must be of such quality that they are suitable for the designated uses of drinking water supply after treatment; fishing; agriculture; recreation in and on the water; industrial process and cooling water supply; hydroelectric power generation, except as prohibited under Title 12, section 403; navigation; and as habitat for fish and other aquatic life. The habitat must be characterized as unimpaired.*
- B. The dissolved oxygen content of Class B waters may not be less than 7 parts per million or 75% of saturation, whichever is higher, except that for the period from October 1st to May 14th, in order to ensure spawning and egg incubation of indigenous fish species, the 7-day mean dissolved oxygen concentration may not be less than 9.5 parts per million and the one-day minimum dissolved oxygen concentration may not be less than 8.0 parts per million in identified fish spawning areas. Between April 15th and October 31st, the number of Escherichia coli bacteria in these waters may not exceed a geometric mean of 64 CFU per 100 milliliters over a 90-day interval or 236 CFU per 100 milliliters in more than 10% of the samples in any 90-day interval.*
- C. Discharges to Class B waters may not cause adverse impact to aquatic life in that the receiving waters must be of sufficient quality to support all aquatic species indigenous to the receiving water without detrimental changes in the resident biological community.*

(1-A) For the purpose of allowing the discharge of aquatic pesticides or chemicals approved by the department and conducted by the department, the Department of Inland Fisheries and Wildlife or an agent of either agency to restore resident biological communities affected by an invasive species, the department may find that the discharged effluent will not cause adverse impact to aquatic life as long as the materials and methods used do not cause a significant loss of any nontarget species and allow restoration of nontarget species. The department may find that an unavoidable, temporary loss of nontarget species does not constitute a significant loss of nontarget species.

(2) For the purpose of allowing the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety, the department may find that the discharged effluent will not cause adverse impact to aquatic life as long as the materials and methods used provide protection for nontarget species. When the department issues a license for the discharge of aquatic pesticides authorized under this subparagraph, the department shall notify the municipality in which the application is licensed to occur and post the notice on the department's publicly accessible website.

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2016 Integrated Water Quality Monitoring and Assessment Report (Report), prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists “Chase Mill Stream (East Machias)” (Integrated Report Assessment Unit ID ME0105000204_509R01) as “Category 2: Rivers and Streams Attaining Some Designated Uses – Insufficient Information for Other Uses.”

The Report lists all of Maine’s fresh waters as, “Category 4-A: Waters Impaired by Atmospheric Deposition of Mercury.” Impairment in this context refers to a statewide fish consumption advisory due to elevated levels of mercury in some fish tissues. The Report states, “All freshwaters are listed in Category 4A (Total Maximum Daily Load (TMDL) Completed) due to the USEPA approval of a Regional Mercury TMDL. Maine has a fish consumption advisory for fish taken from all freshwaters due to mercury. Many waters and many fish from any given water do not exceed the action level for mercury. However, because it is impossible for someone consuming a fish to know whether the mercury level exceeds the action level, the Maine Department of Health and Human Services decided to establish a statewide advisory for all freshwater fish that recommends limits on consumption. Maine has already instituted statewide programs for removal and reduction of mercury sources.”

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- a. Applicability of National Effluent Guideline: The USEPA has promulgated national effluent guidelines for the *Concentrated Aquatic Animal Production Point Source Category* at 40 CFR 451 Subpart A, *Flow-Through and Recirculating Systems Subcategory*. This subpart is applicable to discharges from a concentrated aquatic animal production facility that produces 100,000 pounds or more per year of aquatic animals in a flow-through or recirculating system. The Gardner Lake Fish Hatchery produces 100,000 pounds or more per year of aquatic animals in a flow-through or recirculating system and is therefore subject to regulation under this subpart.

40 CFR 451.11 states that any existing point source subject to the *Flow-Through and Recirculating Systems Subcategory* must meet the following requirements, expressed as practices, representing the application of best practicable control technology currently available (BPT): 1) solids control; 2) materials storage; 3) structural maintenance; 4) recordkeeping; and 5) training. While 40 CFR 451.11 does not establish numeric technology-based effluent limitation guidelines for this subcategory, it does provide that the permitting authority may require any modification to the BPT guidelines based on its exercise of its best professional judgement. The BPT requirement identified in #1-5 on this paragraph are incorporated into the permit as Special Condition F. The basis statement for all other effluent limitations and monitoring requirements is explained in this section of this fact sheet.

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

- b. Flow: The October 15, 2004 permitting action established a monthly average discharge flow limit of 10 MGD. Subsequent permits have carried this flow rate forward. This permitting action is also carrying the current flow limitation forward.

The Department reviewed 59 Discharge Monitoring Reports (DMRs) that were submitted for the period July 2016 – July 2021. A review of the data indicates the following:

Flow (DMRs = 59) Outfall #001A

Value	Limit MGD	Range MGD	Mean MGD
Monthly Average	10	3.0 -10	7.5

- c. Dilution Factors: The flow in Chase Mills Stream is affected by a dam on the outlet of Gardner Lake. The Town of East Machias owns the dam and has an October 17, 2005 agreement with the owners of the Gardner Lake Fish Hatchery to operate the dam at minimum flow of 25.3 cfs at all times, except during period of extended drought. Dilution factors associated with the permitted discharge flow of 10 MGD from the Gardner Lake Fish Hatchery were derived in accordance with 06-096 CMR 530(4)(A) and the regulated flow to Chase Mill Stream as stated above.

$$\text{Mod. Acute: } \frac{1}{4} 1Q10 = 6.3 \text{ cfs} \quad \Rightarrow \quad \frac{(6.3 \text{ cfs})(0.6464) + 10 \text{ MGD}}{10.0 \text{ MGD}} = 1.4:1$$

$$\text{Acute: } 1Q10 = 25.3 \text{ cfs} \quad \Rightarrow \quad \frac{(25.3 \text{ cfs})(0.6464) + 10 \text{ MGD}}{10.0 \text{ MGD}} = 2.63:1$$

$$\text{Chronic: } 7Q10 = 25.3 \text{ cfs} \quad \Rightarrow \quad \frac{(25.3 \text{ cfs})(0.6464) + 10 \text{ MGD}}{10.0 \text{ MGD}} = 2.63:1$$

$$\text{Harmonic Mean} = 76 \text{ cfs} \quad \Rightarrow \quad \frac{(76 \text{ cfs})(0.6464) + 10 \text{ MGD}}{10.0 \text{ MGD}} = 5.9:1$$

06-096 CMR 530(4)(B)(1) states,

Analysis using numerical acute criteria for aquatic life must be based on $\frac{1}{4}$ of the 1Q10 stream design flow to prevent substantial acute toxicity within any mixing zone and to ensure a zone of passage of at least $\frac{3}{4}$ of the cross-sectional area of any stream as required by Chapter 581. Where it can be demonstrated that a discharge achieves rapid and complete mixing with the receiving water by way of an efficient diffuser or other effective method, analyses may use a greater proportion of the stream design flow, up to and including all of it, as long as the required zone passage is maintained.

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

The Gardner Lake Fish Hatchery discharges to an approximately 6-8 foot wide by 95-foot long open ditch/conveyance system, which flows into the side of Chase Mills Stream. The Department is making a best professional judgement that this discharge does not achieve complete and rapid mixing of the effluent with the receiving waters. Therefore, the Department is utilizing the default stream flow of ¼ of the 1Q10 in acute evaluations pursuant to 06-096 CMR 530.

- d. Total Suspended Solids (TSS): The October 15, 2004 established monthly average and daily maximum concentration limitations of 6 mg/L and 10 mg/L, respectively, for TSS based on best professional judgement (BPJ) of best practicable treatment (BPT). The November 13, 2015 permitting action established a water-quality based monthly average mass limit of 167 lbs./day. This mass limit was based on a TSS concentration of 2 mg/L while the concentration limitation remained at 6 mg/L. This resulted from the Department concluding that the attainment of Class B standards in Chase Mills Stream was partially due to the low levels of TSS being discharged by the facility (< 2 mg/L). It was the BPJ of the Department that discharging at previously established limits would result in water quality standards not being met. The facility had also demonstrated that it could consistently reach this concentration of TSS. The monthly average mass limit was calculated as follows:

$$\text{Monthly Average} = (10 \text{ MGD})(8.34 \frac{\text{L} \cdot \text{lbs.}}{\text{MG} \cdot \text{mg}})(2 \text{ mg/L}) = 167 \text{ lbs./day}$$

The monthly average mass limit is being carried forward by this permitting action. The previously established technology-based daily maximum mass limit of 834 lbs./day is also being carried forward and was calculated as follows:

$$\text{Daily Maximum} = (10 \text{ MGD})(8.34 \frac{\text{L} \cdot \text{lbs.}}{\text{MG} \cdot \text{mg}})(10 \text{ mg/L}) = 834 \text{ lbs./day}$$

The once per month (1/month) monitoring requirement for TSS is being carried forward as well.

The Department reviewed 60 DMRs that were submitted for the period July 2016 – July 2021. A review of the data indicates the following:

TSS Mass (DMRs = 60)

Value	Limit (lbs./day)	Range (lbs./day)	Mean (lbs./day)
Monthly Average	167	0.00 - 109	11.8
Daily Maximum	834	9.00 - 109	66.9

TSS Concentration (DMRs = 60)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	6	1.00 - 2.00	1.02
Daily Maximum	10	1.00 - 2.00	1.02

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

- e. Fish on Hand: The once-per-month daily maximum fish on hand reporting requirement is being carried forward in this permitting action. The permittee is required to maintain records for fish rearing units documenting the feed amounts, and estimates of the numbers and weight of fish pursuant to Special Condition F of the permit. The Department considers direct reporting of fish on hand data on monthly DMRs valuable for purposes of assisting in the diagnosis of operational/effluent problems and ultimately to effectively and efficiently respond to compliance problems at fish hatcheries, when they occur.

The Department reviewed 60 DMRs that were submitted for the period July 2016 – July 2021. A review of the data indicates the following:

Fish on Hand (DMRs = 60)

Value	Limit (lbs.)	Range (lbs.)	Mean (lbs.)
Daily Maximum	Report	12,445 – 281,391	163,028

- f. Formalin: Formalin is a drug used to treat fungal infections and external parasites of finfish and finfish eggs. Neither the Department nor USEPA have promulgated ambient water quality criteria for formalin. Using best professional judgment, the Department has established water quality-based thresholds for formalin based on Whole Effluent Toxicity (WET) testing on the water flea (*Ceriodaphnia dubia*) for 48-hour acute toxicity. For one-hour treatments, which are typical of most hatchery and rearing facility operations, the Department has established an ambient water quality threshold of 45 mg/L. Rarely, certain circumstances require use of formalin to control disease on additional rearing structures which results in the discharge of formalin for periods longer than the typical one-hour period for normal disease treatment. To ensure water quality standards are met and that formalin is not discharged at levels that would be toxic to aquatic life in the receiving water, the Department has established an ambient water quality threshold of 25 mg/L based on best professional judgment for a maximum 24-hour treatment period.

Water quality-based effluent limitations for formalin are calculated as follows:

45 mg/L (1-hour acute criteria) x 1.4 (effluent dilution) = 63 mg/L formalin limit.

25 mg/L (24-hour acute criteria) x 1.4 (effluent dilution) = 35 mg/L formalin limit.

Mass limits derived from the updated concentration limits are calculated as such:

For 1 hr. treatments:

(10 MGD) / (24 hr./day) = 0.42 MG/hr.

(0.42 MG/hr.) x (63 mg/L) x (10⁶ gal./MG) x (3.785 L/gal.) x (1 lbs./453,592.37 mg) =

(0.42 MG/hr.) x (63 mg/L) x (8.34 L·lbs.) = **221 lbs./hr.**
MG·mg

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

For 24 hr. treatments:

$$(10 \text{ MGD}) \times (35 \text{ mg/L}) \times (8.34 \frac{\text{L} \cdot \text{lbs.}}{\text{MG} \cdot \text{mg}}) = \mathbf{2919 \text{ lbs./day}}$$

Based on the above mass calculations, the 1-hour and 24-hour treatment limits of 221 lbs./hour and 2919 lbs./day, respectively, are less stringent than the previously established limit of 100 lbs./day. Therefore, the mass limit established in the 2010 permit (and carried forward since that time) is being carried forward in this permitting action.

The fact sheet associated with the March 4, 2010 MEPDES permit issued for this facility provides the following basis statement for the daily maximum mass limitation:

Formalin mass limits in other facilities' permits issues after Gardner Lake's 2004 permit were based on the permittee's projected maximum amount of formalin used per day times the weight of formalin (9.13 lbs./gallon). This method was incorporated to provide for flexibility in management of necessary treatments and to ensure that formalin was not discharged in toxic amounts. In this permitting action, Gardner Lake's formalin mass limit is being revised accordingly. Phoenix Salmon reports that the projected maximum amount of formalin used per day corresponds to treatments twice per day at the current mass limit. This equates to 5.5 gallons of formalin times two treatments or 11 gallons per day times 9.13 lbs./gallon yielding 100 lbs./day.

This permitting action is also carrying forward the minimum monitoring frequency requirement of once per occurrence (1/Occurrence) for formalin.

The Department reviewed 14 DMRs that were submitted for the period July 2016 – July 2021. A review of the data indicates the following:

Formalin (DMRs = 14)

Value	Limit (lbs./day)	Range (lbs./day)	Mean (lbs./day)
Monthly Average	Report	9.70 – 96.0	63.7
Daily Maximum	100	9.70 – 96.0	70.3

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

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

8. PUBLIC COMMENTS

Public notice of this application was made in the Bangor Daily News newspaper on or about March 3, 2020. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits must have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR 522 (effective January 12, 2001).

9. DEPARTMENT CONTACTS

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

Breanne Blaisdell
Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 287-1298
email: Breanne.Blaisdell@maine.gov

10. RESPONSE TO COMMENTS

During the period of August 3, 2021, 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 did not receive comments from the permittee, state or federal agencies or interested parties that resulted in any substantive change(s) in the terms and conditions of the permit. Therefore, the Department has not prepared a Response to Comments.

ATTACHMENT A

Gardner Lake Fish Hatchery, East Machias, Maine

Legend

- Chase Mills Stream
- East Machias

Chase Mills Stream

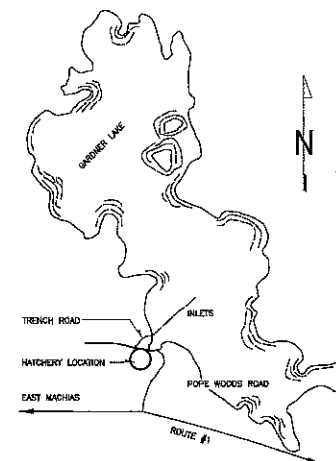
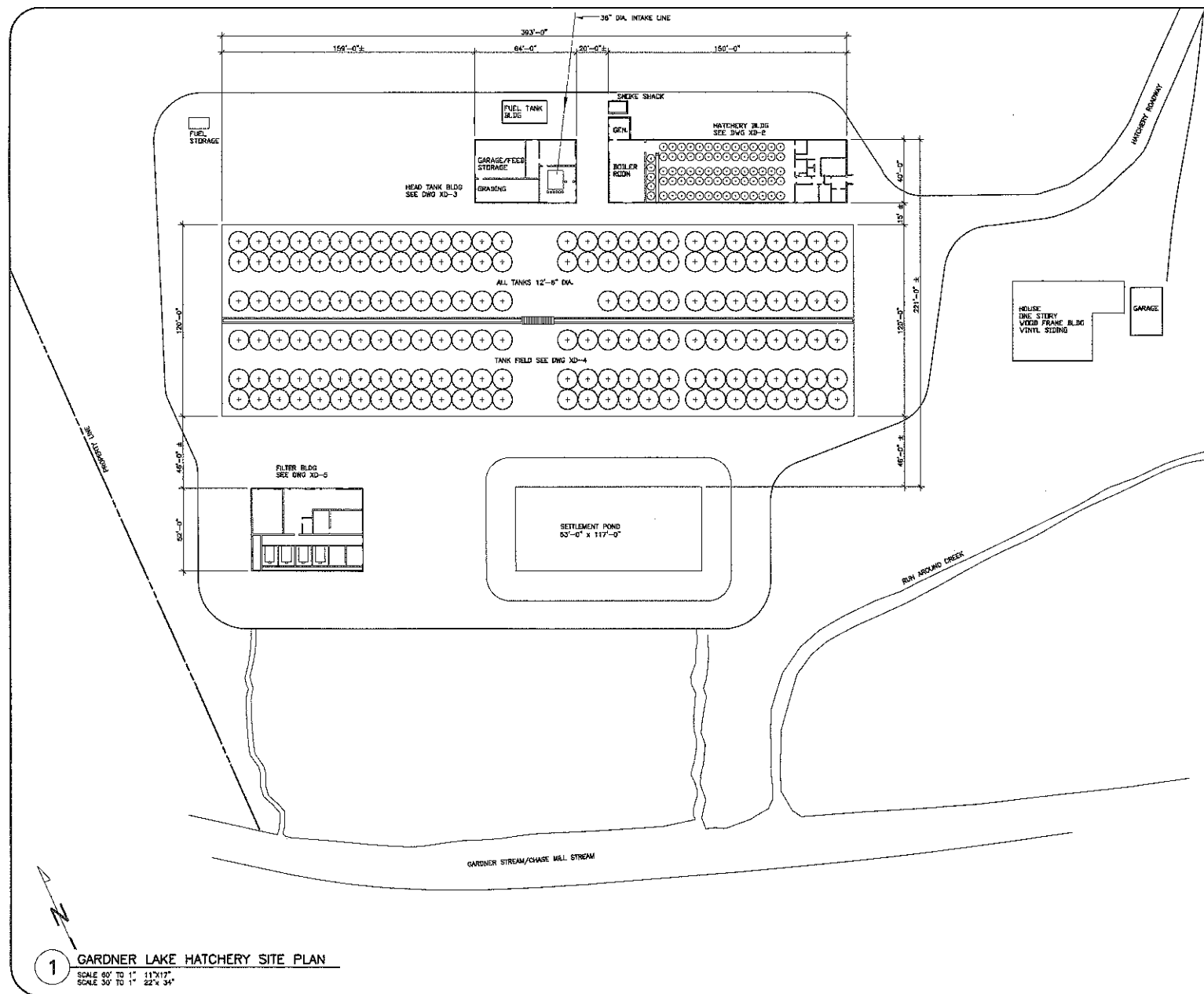
Google earth

© 2015 Google

2000 ft



ATTACHMENT B



2 LOCATION MAP

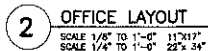
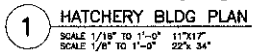
1 GARDNER LAKE HATCHERY SITE PLAN

SCALE 80' TO 1" 11 1/2" x 17"
SCALE 30' TO 1" 22" x 34"

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PROJECT	CB-04
CQS-ES CERTIFICATION	98/05/16
DATE	
COOKE AQUACULTURE	O.S.D.
TITLE	
GARDNER LAKE SITE PLAN	
NO.	
REVISED	
DATE	
BY	
FOR	
COSECO LIMITED	XD-1
25 South Street, South Burwick, Wiltshire, UK BA9 7JQ Tel: 01249 750111 Fax: 01249 750112	



PRINTED ON 08/06/02

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PROJECT	C8-04
CDS-ES CERTIFICATION	
DATE	08/05/16
CLIENT	FLZ
COOKE AQUACULTURE	BRAN O.S.D.
TITLE	ISSUED
GARDINER LAKE HATCHERY BLDG PLAN	REV. SHEET
	
10 Young Street, Suite 200, West Nyack, NY 10994 PHONE (845) 738-9175 FAX (845) 739-9175	

XD-2

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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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).

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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 of 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 MAINTENANCE 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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

- 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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

- (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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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.

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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

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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).

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- (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.

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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 contaminants 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.

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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.

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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.