



STATE OF MAINE
Department of Environmental Protection

PAUL R. LEPAGE
GOVERNOR

Patricia W. Aho
COMMISSIONER

June 26, 2012

Mr. Robert Marsh
Pine Tree Trout
2190 Main Street
Sanford, Maine 04073

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0110493
Maine Waste Discharge License (WDL) Application # W-008245-5Q-D-M
Minor Revision – Monitoring Requirements

Dear Mr. Marsh:

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

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

If you have any questions regarding the matter, please feel free to contact me at (207) 287-7693 or gregg.wood@maine.gov.

Sincerely,

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

Enc.

cc: Stuart Rose, DEP/SMRO
Lori Mitchell, DEP/CMRO
Sandy Mojica USEPA

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

DEPARTMENT ORDER

IN THE MATTER OF

PINE TREE TROUT FISH HATCHERY)	MAINE POLLUTANT DISCHARGE
SANFORD, YORK COUNTY, MAINE)	ELIMINATION SYSTEM PERMIT
FISH HATCHERY)	AND
ME0110493)	WASTE DISCHARGE LICENSE
W-008245-5Q-D-M)	MINOR REVISION
APPROVAL)	

Pursuant to the provisions of Maine Law 38 M.R.S.A., Section 414-A et seq., and applicable regulations, the Department of Environmental Protection (Department, MEDEP) has considered a request by PINE TREE TROUT (permittee), to modify Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0110493 issued by the Department on December 22, 2006, and subsequently modified on June 15, 2007, November 19, 2007 and March 16, 2009. With its supportive data, agency review comments, and other related materials on file the Department FINDS THE FOLLOWING FACTS:

MINOR REVISION SUMMARY

Based on the limited mass of fish currently at the Pine Tree Trout facility (less than 125 lbs), the Department is making a best professional judgement (BPJ) determination to eliminate all effluent and ambient water quality monitoring requirements upon issuance of this minor revision. This action is being taken pursuant to Permit Special Condition P of the MEPDES permit. If the mass of fish at the facility becomes equal to or greater than 125 pounds, the terms and conditions of the minor revision issued on March 16, 2009, shall automatically be re-instated and enforceable.

CONCLUSIONS

Subject to the Conditions listed below, the Department makes the following conclusions:

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

ACTION

THEREFORE, the Department APPROVES the request by the permittee to modify MEPDES Permit ME0110493 issued by the Department on December 22, 2006, and subsequently modified on June 15, 2007, November 19, 2007 and March 16, 2009, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

1. "Maine Pollutant Discharge Elimination System Permit Standard Conditions applicable To All Permits," revised July 1, 2002, copy attached to the 12/22/06 MEPDES Permit cited above.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. All other terms and conditions in the 12/22/06 MEPDES Permit and subsequent revisions issued on 6/15/07, 11/19/07 and 3/16/2009 not modified by this minor revision remain in effect and enforceable.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS 27th DAY OF June, 2012
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhns
For Patricia W. Aho, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: June 22, 2012.

Date of application acceptance: June 25, 2012.

Date filed with Board of Environmental Protection _____.

This Order prepared by Gregg Wood, BUREAU OF LAND & WATER QUALITY

ME0110493 MR 2012

