STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

May 3, 2006

Mr. Kenneth Plaisted
Environmental Division
Portsmouth Naval Shipyard
Code 106.3, Building 44/2
Portsmouth, NH 03804-5000

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0000868
Maine Waste Discharge License (WDL) Application #W003445-5R-E-R
FINAL MEPDES Permit

Dear Mr. Plaisted:

Enclosed, please find a copy of your **final** MEPDES permit and Maine WDL which was approved by the Department of Environmental Protection. This permit/license for your facility replaces National Pollutant Discharge Elimination System (NPDES) permit #ME0000868 last issued by the U.S. Environmental Protection Agency on September 29, 1992. Please read the 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 call me at 287-7659.

Sincerely,

Bill Hinkel
Division of Water Quality Management
Bureau of Land and Water Quality

Enc.
cc: Matt Hight, DEP [redacted] File 3445

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
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 04769-2094
(207) 764-0477 FAX: (207) 760-3143

web site: www.maine.gov/dep

printed on recycled paper

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

DEPARTMENT ORDER

IN THE MATTER OF

PORTSMOUTH NAVAL SHIPYARD	) MAINE POLLUTANT DISCHARGE
SHIP REPAIR FACILITY	) ELIMINATION SYSTEM PERMIT
KITTERY, YORK COUNTY	) AND
#ME0000868	) WASTE DISCHARGE LICENSE
#W003445-5R-E-R **APPROVAL**	) **RENEWAL**

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

APPLICATION SUMMARY

The Portsmouth Naval Shipyard has applied to the Department for renewal of Waste Discharge License (WDL) #W003445-5R-D-R issued on December 8, 2000, and one subsequent administrative modification issued on April 23, 2002. The 12/8/00 WDL authorized the discharge of an unspecified quantity of wastewater from normal dry dock operations from three outfall points, dry dock dewatering waste water from three outfall points, non-contact condenser, compressor, and cooling waters from a gas-fired turbine power plant from one outfall point, and molluscicide and detoxifying agent from one outfall point to the Piscataqua River, Class SC, in Kittery, Maine. The 12/8/00 WDL expired on December 8, 2005. All terms and conditions of the 12/8/00 WDL remained in effect through the issuance date of this permit in accordance with Department rule, 06-096 CMR Chapter 2(21)(A). In this permitting action, the applicant seeks to eliminate authorization to discharge via Outfalls #004A and #004B, as PNS has eliminated the sources of wastewater previously conveyed to this outfall.

On 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) permit program, and permit #ME0000868 (same as NPDES permit number) will be utilized as the primary reference number.

PERMIT SUMMARY

This permitting action is similar to the 12/8/00 licensing action and one subsequent administrative modification thereof in that it is:

1. Carrying forward the monthly average and daily maximum discharge flow reporting requirements for Outfalls #001A, #002A, and #003A;

2. Carrying forward the daily maximum oil and grease effluent limitation of 15 mg/L for Outfalls #001A, #002A, and #003A; and

3. Carrying forward authorization to discharge an unspecified quantity of dry dock dewatering waters via Outfalls #001B, #002B, and #003B; and

4. Carrying forward the pH range limitation of 6.0 to 8.5 standard units for Outfalls #001A, #002A, and #003A.

This permitting action is different from the 12/8/00 licensing action and one subsequent administrative modification thereof in that it is:

1. Eliminating authorization to discharge via Outfall #004A (power plant non-contact cooling waters) and Outfall #004B (molluscicide and detoxifying agent) at the request of the permittee and based on process changes at the facility;

2. Eliminating all effluent limitations, monitoring, and reporting requirements for Outfalls #001B, #002B, and #003B (dry dock dewatering);

3. Revising the daily maximum concentration limit for total suspended solids (TSS) by establishing monthly average and daily maximum concentration limits of 50 mg/L and 100 mg/L, respectively, for Outfalls #001A, #002A, and #003A;

4. Eliminating the requirement to monitor and report influent TSS values for Outfalls #001A, #002A, #003A;

5. Establishing a minimum monitoring frequency requirement of once per month for pH for Outfalls #001A, #002A, #003A; and

6. Establishing a requirement (Special Condition F) to maintain current a written Dry Dock Best Management Practices Plan for all dry docks at the facility.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet, dated May 3, 2006, and subject to the Conditions listed below, the Department makes the following conclusions:

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

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

3. The provisions of the State's antidegradation policy, 38 M.R.S.A. §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) 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 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 discharges will be subject to effluent limitations that require application of best practicable treatment as defined in Maine law, 38 M.R.S.A. §414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the above noted application of the PORTSMOUTH NAVAL SHIPYARD to discharge an unspecified quantity of normal dry dock operations (non-process) wastewater from three outfall points and an unspecified quantity of dry dock dewatering (river) water from three dry docks to the Piscataqua River, Class SC, in Kittery, Maine, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

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

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

3. The expiration date of this permit is five (5) years from the date of signature below.

DONE AND DATED AT AUGUSTA, MAINE, THIS 5TH DAY OF MAY, 2006.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____, For
DAVID P. LITTELL, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: November 9, 2005
Date of application acceptance: November 29, 2005

FILED
MAY - 8 2006
BOARD OF ENVIRONMENTAL PROT.
STATE OF MAINE

Date filed with Board of Environmental Protection: _____.

This Order prepared by William F. Hinkel, BUREAU OF LAND & WATER QUALITY
#ME0000868 / #W003445-5R-E-R May 3, 2006

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge **dry dock normal waste waters** (dry dock drainage pumps, river seepage, ground water infiltration, storm water runoff, submarine non-contact cooling water, steam condensate, fresh water freeze protection, salt water and fresh water used for ballast tank flushing, and initial dry dock wash down after dewatering dry dock) from **Outfalls #001A, #002A, and #003A** to the Piscataqua River. Such discharges shall be limited and monitored by the permittee as specified below[1]:

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	Monthly Average	**Daily Maximum**	**Measurement Frequency**	**Sample Type**
	as specified	**as specified**	**as specified**	**as specified**
Flow *[50050]*	Report MGD *[03]*	Report MGD *[03]*	1/Month *[01/30]*	Estimate *[ES]*
TSS *[00530]*	50 mg/L *[19]*	100 mg/L *[19]*	1/Month *[01/30]*	Grab *[GR]*
Oil and Grease *[00552]*	---	15 mg/L *[19]*	1/Month *[01/30]*	Grab *[GR]*
pH *[00400]*	---	6.0 – 8.5 SU *[12]*	1/Month *[01/30]*	Grab *[GR]*

2. The permittee is authorized to discharge an unspecified quantity of **dry dock dewatering water (Piscataqua River water)** from **three dry docks (Dry Docks #1, #2 and #3)** as described in Section 2.d., Table 2 of the Fact Sheet accompanying this permit to the Piscataqua River.

[1] **Monitoring** – All effluent monitoring shall be conducted at a location following the last treatment unit in the treatment process as to be representative of end-of-pipe effluent characteristics. Sampling and analysis must be conducted 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 shall be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services.

SPECIAL CONDITIONS

B. NARRATIVE EFFLUENT LIMITATIONS

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

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

3. The discharges shall not cause visible discoloration or turbidity in the receiving waters which would impair the usages designated by the classification of the receiving waters.

4. Notwithstanding specific conditions of this permit the effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

C. MONITORING AND REPORTING

Monitoring results obtained during the previous month shall be summarized for each month and reported on separate Discharge Monitoring Report (DMR) forms provided by the Department and **postmarked on or before the thirteenth (13th) day of the month or hand-delivered to the Department's Regional Office** such that the DMR's are received by the Department on or before the fifteenth (15th) day of the month following the completed reporting period. A signed copy of the DMR and all other reports required herein shall be submitted to the facility inspector (unless otherwise specified by the Department) at following address:

Department of Environmental Protection
Southern Maine Regional Office
Bureau of Land and Water Quality
Division of Water Quality Management
312 Canco Road
Portland, ME 04103

D. NOTIFICATION REQUIREMENT

In accordance with Standard Condition D, the permittee shall notify the Department of any substantial change (increase or decrease) in the volume or character of pollutants being introduced into the wastewater collection and treatment system. For the purposes of this section, notice regarding substantial change shall include information on:

1. the quality and quantity of wastewater introduced to the wastewater collection and treatment system; and

2. any anticipated impact caused by the change in the quantity or quality of the wastewater to be discharged from the treatment system.

SPECIAL CONDITIONS

E. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from Outfalls #001A, #002A, #003A, (normal dry dock waste waters) and dry dock dewatering water (river water) from Dry Docks #1, #2, and #3. Discharges of wastewater from any other point source that are not otherwise licensed/permitted by the Department are not authorized under this permit and shall be reported in accordance with Standard Condition B(5), *Bypasses,* of this permit.

F. DRY DOCK BEST MANAGEMENT PLAN

The permittee shall develop, maintain and periodically update a Dry Dock Best Management Plan (BMP) for all work performed in all shipyard dry docks at the facility, including shipboard work, dry dock operations and maintenance, and dry dock refurbishment. The Plan shall address, but need not be limited to, dry dock solid waste management and housekeeping, industrial wastewater control and disposition, hydroblast and high pressure water spray operations, abrasive blast and spray paint operations, ground/river water infiltration and storm water runoff, spills within the dry dock, and dry dock inspections.

As the site or any operations conducted on it have changed or are expected to change materially or substantially, the permittee shall modify its Dry Dock BMP Plan as necessary to include such changes. The permittee shall maintain a copy of its Dry Dock BMP and any subsequent revisions at the shipyard and shall make the plan available to any Department or USEPA representative upon request.

G. REOPENING OF PERMIT FOR MODIFICATIONS

Upon evaluation of the tests results or monitoring requirements specified in Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at anytime and with notice to the permittee, modify this permit to: (1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded; (2) require additional effluent or ambient water quality monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

H. SEVERABILITY

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
WASTE DISCHARGE LICENSE

FACT SHEET

DATE: **MAY 3, 2006**

MEPDES PERMIT: **#ME0000868**
WASTE DISCHARGE LICENSE: **#W003445-5R-E-R**

NAME AND ADDRESS OF APPLICANT:

PORTSMOUTH NAVAL SHIPYARD
CODE 106.3, BUILDING 44/2
PORTSMOUTH, NH 03804-5000

COUNTY: **YORK**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

PORTSMOUTH NAVAL SHIPYARD
SEAVEY ISLAND
KITTERY, ME 03904

RECEIVING WATER / CLASSIFICATION: **PISCATAQUA RIVER/CLASS SC**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **MR. KENNETH PLAISTED**
(207) 438-3830

1. APPLICTION SUMMARY

Application: The Portsmouth Naval Shipyard (PNS) has applied to the Department of Environmental Protection (Department) for renewal of Waste Discharge License (WDL) #W003445-5R-D-R issued on December 8, 2000, and one subsequent administrative modification issued on April 23, 2002. The 12/8/00 WDL authorized the discharge of an unspecified quantity of wastewater from normal dry dock operations from three outfall points, dry dock dewatering waste water from three outfall points, non-contact condenser, compressor, and cooling waters from a gas-fired turbine power plant from one outfall point, and molluscicide and detoxifying agent from one outfall point to the Piscataqua River, Class SC, in Kittery, Maine. The 12/8/00 WDL expired on December 8, 2005. All terms and conditions of the 12/8/00 WDL remained in effect through the issuance date of this permit in accordance with Department rule, 06-096 CMR Chapter 2(21)(A). In this permitting action, the applicant seeks to eliminate authorization to discharge via Outfalls #004A and #004B, as PNS has eliminated the sources of wastewater previously conveyed to this outfall.

2. PERMIT SUMMARY

a. Regulatory: On 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 permit #ME0000868 (same as previous NPDES individual permit number) will be utilized as the primary reference number for Portsmouth Naval Shipyard's MEPDES permit. NPDES permit #ME0000868, last issued by the USEPA on September 29, 1992, will be replaced by the final MEPDES permit upon issuance. Once the MEPDES permit has been issued, all terms and conditions of the NPDES become null and void.

b. Terms and Conditions: **This permitting action is similar to the 12/8/00 licensing action and one subsequent administrative modification thereof in that it is:**

1. Carrying forward the monthly average and daily maximum discharge flow reporting requirements for Outfalls #001A, #002A, and #003A;

2. Carrying forward the daily maximum oil and grease effluent limitation of 15 mg/L for Outfalls #001A, #002A, and #003A;

3. Carrying forward authorization to discharge an unspecified quantity of dry dock dewatering waters via Outfalls #001B, #002B, and #003B; and

4. Carrying forward the pH range limitation of 6.0 to 8.5 standard units for Outfalls #001A, #002A, and #003A.

This permitting action is different from the 12/8/00 licensing action and one subsequent administrative modification thereof in that it is:

1. Eliminating authorization to discharge via Outfall #004A (power plant non-contact cooling waters) and Outfall #004B (molluscicide and detoxifying agent) at the request of the permittee and based on process changes at the facility;

2. Eliminating all effluent limitations, monitoring, and reporting requirements for Outfalls #001B, #002B, and #003B (dry dock dewatering);

3. Revising the daily maximum concentration limit for total suspended solids (TSS) by establishing (twelve month rolling average) monthly average and daily maximum concentration limits of 50 mg/L and 100 mg/L, respectively, for Outfalls #001A, #002A, and #003A;

4. Eliminating the requirement to monitor and report influent TSS values for Outfalls #001A, #002A, #003A;

2. PERMIT SUMMARY (cont'd)

5. Establishing a minimum monitoring frequency requirement of once per month for pH for Outfalls #001A, #002A, #003A; and

6. Establishing a requirement (Special Condition F) to maintain current a written Dry Dock Best Management Practices Plan for all dry docks at the facility.

c. Facility History: This section provides a summary of significant licensing/permitting actions and milestones that have been completed for the PNS facility.

September 29, 1992 – The USEPA issued NPDES permit #ME0000868 to the PNS. On January 17, 1997, the USEPA issued a NPDES permit modification to PNS. The permit modification and authorization to discharge under the NPDES permit expired on October 29, 1997.

July 17, 2000 – The PNS updated its Best Management Practices Plan for Shipyard Dry Docks.

December 8, 2000 – The Department issued WDL #W003445-5R-D-R to the PNS for the discharge of dry dock normal operation (non-process) wastewater; non-contact condenser, compressor and gas-fired turbine cooling water; dry dock dewatering wastewater; and molluscide and detoxifying agent wastewater to the Piscataqua River in Kittery, Maine. The 12/8/00 WDL superseded WDL #W003445-42-B-R issued on May 31, 1994, WDL #W003445-5R-A-R issued on December 4, 1986, and WDL #3445 issued on May 27, 1981 (earliest Order on file with the Department).

April 23, 2002 – The Department issued a letter to PNS thereby administratively modifying the 12/8/00 WDL, by authorizing the operation of chlorination/dechlorination units for boats pier-side at the facility.

November 3, 2003 – The PNS revised its Storm Water Management Plan.

April 29, 2005 – The PNS revised its Storm Water Pollution Prevention Plan (SWPPP).

November 4, 2005 – The Department accepted the PNS's Notice of Intent (NOI) to Comply with Maine Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity. The NOI was assigned number MER05B441 by the Department.

November 9, 2005 – The PNS submitted a timely and complete General Application to the Department for renewal of WDL #W003445-5R-D-R. The application was accepted for processing on November 29, 2005 and was assigned WDL #W003445-5R-E-R / MEPDES permit #ME0000868.

2. PERMIT SUMMARY (cont'd)

d. Source Description: The Portsmouth Naval Shipyard (PNS) is a United States Navy facility located on Seavey Island in Kittery, Maine. Major tasks performed at the PNS include the repair, overhaul, refueling, and maintenance of U.S. Navy ships, including nuclear-powered submarines. The facility's three dry docks require a waste discharge license for activities involving the repair and maintenance of Navy ships, primarily submarines. A map created by the Department showing the location of the PNS facility and receiving water is included as Fact Sheet Attachment A. The sources of wastewater generated by the facility are summarized in the following two tables.

Table 1. Normal Dry Dock Discharges.

Outfall Number	Average Flow	Operation Contributing Flow
#001A Dry Dock #1	0.40 MGD	NORMAL DRY DOCK DRAINAGE: Dry dock drainage pumps discharge; Piscataqua River seepage; ground water infiltration; storm water runoff; submarine non-contact cooling water; steam condensate; fresh water freeze protection; salt and fresh water used for ballast tank flushing; and initial dry dock wash down after dewatering dry dock.
#002A Dry Dock #2	0.44 MGD	
#003A Dry Dock #3	0.25 MGD	

Table 2. Dry Dock Dewatering (Evacuation) Discharges.

Outfall Number	Average Flow	Total Volume	Operation Contributing Flow	Months When Discharging	Days Per Month
Dry Dock #1	63,000 GPM	11.6 MG	Dry dock dewatering after being flooded. Dewatering typically completed in less than 24 hours following initial dry dock flooding.	Variable – depends on boat docking schedule.	Dewatering occurs approx. 2-3 times per year depending upon boat docking schedule.
Dry Dock #2	104,000 GPM	17.9 MG			
Dry Dock #3	50,000 GPM	13.3 MG			

The PNS proposes to eliminate authorization to discharge power plant non-contact cooling water via Outfall #004A. The PNS states that the power plant no longer discharges non-contact cooling water to the river as cooling is now provided by a cooling tower. The PNS stated that any discharges from the cooling tower are conveyed to the sanitary sewer. This proposal also includes elimination to discharge power plant mollusk eradication wastewater via Outfall #004B. Therefore, this permitting action is eliminating authorization to discharge via these two point sources and is changing the status of Outfall #004A and #004B as "inactive" for compliance, facility tracking, and data management purposes.

Sanitary wastewater and minor industrial waste waters, such as boiler blowdown, generated at the PNS facility are conveyed to the Kittery Wastewater Treatment Facility.

2. PERMIT SUMMARY (cont'd)

e. Wastewater Treatment: Wastewater treatment for dry dock normal operations and dewatering operations for dry dock discharges consist of best management practices (BMPs) to maintain a clean dry dock to prevent water that enters the dry dock from becoming contaminated. The PNS has developed and implemented a BMP plan for wastewater discharges and operations associated with dry docks, and is required by Special Condition F of this permit to maintain the plan as current. BMPs include such provisions as full containment for all spray painting and sandblasting performed in the dry dock to capture any debris, routine inspections of the dry dock, and elevating materials off the floor.

3. CONDITIONS OF PERMIT

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

4. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A. §469(8)(c)(1) classifies the Piscataqua River at the point of discharge as Class SC waters. Maine law, 38 M.R.S.A. §465-B(3) describes the standards for Class SC waters.

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2004 Integrated Water Quality Monitoring and Assessment Report, prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the waters of the Piscataqua River estuary (Waterbody ID #812) as, *"Category 2: Estuarine and Marine Waters Attaining Some Designated Uses – Insufficient Information for Other Uses."* The Report also lists all estuarine and marine waters of the State are listed as, *"Category 4-B-3: Estuarine and Marine Waters Impaired by Atmospheric Deposition of Mercury"* and *"Category 5-D: Estuarine and Maine Waters Impaired by Legacy Pollutants."* Impairment in this context refers to the estuarine and marine waters partially supporting the designated use of fishing and harvesting of shellfish due to elevated levels of mercury, PCBs, dioxin, and other persistent bioaccumulating substances in tissues of some fish and in lobster tomalley.

The Department has no information at this time that the discharges from the PNS causes or contributes to non-attainment of the designated uses for Class SC waters.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

a. Dry Dock Dewatering Outfalls: The previous licensing action authorized the discharge of an unspecified quantity of dry dock dewatering water from three dry docks (PNS Dry Dock Numbers 1, 2, and 3 via Outfalls #001B, #002B, and #003B, respectively) to the Piscataqua River. The dry docks are filled (flooded) using raw (untreated) Piscataqua River water. Once a ship has been secured in dry dock, the river water is drained to a wet well and pumped back into the river. The PNS stated that the entire process is typically completed within 24 hours of initial dry dock flooding. The PNS stated that they provide for the safe removal and return of fishes and other marine life that may enter the dry docks during filling. WDL #W003445-5R-D-R established monthly average and daily maximum discharge flow reporting requirements, a daily maximum total suspended solids (TSS) effluent limitation equivalent to the river water background (ambient) concentration plus 20 mg/L, a daily maximum oil and grease limit of 15 mg/L, and a daily maximum pH range limitation of 6.0 – 8.5 standard units. The license required reporting of the discharge flow once per discharge event, but did not require reporting of the effluent for TSS, oil and grease or pH. The PNS stated that no industrial activities occur within the dry dock area while it is filled and there are no discharges of wastewater to the dry dock waters. Additionally, the PNS ensures the cleanliness of the dry docks prior to filling in accordance with their Dry Dock Best Management Practices plan. Special Condition F of this permit requires the PNS to maintain a current Dry Dock BMP plan for the three dry docks.

In the best professional judgment of this Department and based on the flooding, dewatering, and best management practices described by the PNS to Department staff, the evacuation (discharge) of river water from dry docks at the PNS facility is not anticipated to contain toxics compounds in toxic amounts or violate any water quality standards, and the Department concludes that existing water uses will be maintained and protected and the discharge will not cause or contribute to the failure of the Piscataqua River to meet standards for Class SC classification. Therefore, this permitting action is eliminating all monitoring and reporting requirements for Dry Dock Dewatering Outfalls #001B, #002B, and #003B, but is carrying forward authorization to discharge an unspecified quantity of dry dock dewatering (river) water to the Piscataquis River. Changes in the frequency or quantity of discharges from those figures provided in Section 2.d., Table 2, *Dry Dock Dewatering (Evacuation) Discharges*, of this Fact Sheet or changes in the nature of wastewater discharged from the dry docks is subject to the notification requirements as specified in Special Condition D, *Notification Requirements*, of this permit.

b. Flow: The previous licensing action established, and this permitting action is carrying forward, monthly average and daily maximum discharge flow reporting requirements for Outfalls #001A, #002A, and #003A. This permitting action is carrying forward the minimum monitoring frequency requirement of once per month for Outfalls #001A, #002A, and #003A.

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

c. Total Suspended Solids (TSS): The previous licensing action established an effluent TSS concentration limit equivalent to 20 mg/L greater than the Piscataqua River influent water TSS concentration and required monitoring of influent river water TSS concentrations for Outfalls #001A, #002A, and #003A. This permitting action is establishing monthly average and daily maximum effluent TSS concentration limits of 50 mg/L and 100 mg/L, respectively, for Outfalls #001A, #002A, and #003A based on a Department best professional judgment determination (BPJ) of best practicable treatment (BPT) for the discharge of suspended solids associated with storm water runoff from this industrial site. This permitting action is carrying forward the minimum monitoring frequency requirement of once per month and grab sample type.

A review of the daily maximum TSS data as reported on the Discharge Monitoring Reports submitted to the Department for the period January 2003 – December 2005 for Outfalls #001A, #002A, and #003A indicates 100% compliance with the new daily maximum TSS limit of 100 mg/L.

This permitting action is eliminating the requirement to monitor and report influent TSS values associated with the facility's source water, the Piscataqua River.

d. Oil and Grease: The previous licensing action established, and this permitting action is carrying forward, a daily maximum oil and grease concentration limit of 15 mg/L for Outfalls #001A, #002A, and #003A based on a Department best professional judgment (BPJ) determination of best practicable treatment (BPT), which is consistent with the limits established in permits issued by the Department for the discharge of storm water runoff from bulk fuel storage and transfer facilities located in Maine. This permitting action is carrying forward the oil and grease minimum monitoring frequency requirement of once per month for Outfalls #001A, #002A, and #003A.

A review of the daily maximum oil and grease data as reported on the Discharge Monitoring Reports submitted to the Department for the period January 2003 – December 2005 for Outfalls #001A, #002A, and #003A indicates 100% compliance with the daily maximum oil and grease limit of 15 mg/L.

e. pH: The previous licensing action established, and this permitting action is carrying forward, a pH range limit of 6.0 – 8.5 standard units (SU) for Outfalls #001A, #002A, and #003A based on Maine Board of Environmental Protection policy regarding the certification of NPDES permits and was considered by the Department as BPJ of BPT for these discharges. The previous licensing action did not establish effluent pH monitoring requirements. Section 5(i) of Department rule, 06-096 CMR Chapter 523, *Waste Discharge License Conditions*, requires reporting of all monitored parameters at least once per year. Therefore, this permitting action is establishing a minimum monitoring frequency requirement for pH of once per month for Outfalls #001A, #002A, and #003A.

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

f. Whole Effluent Toxicity (WET), Priority Pollutant, and Analytical Chemistry Testing: Maine law, 38 M.R.S.A., §414-A and §420, prohibit the discharge of effluents containing substances in amounts that would cause the surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the USEPA. Department rule, 06-096 CMR Chapter 530, *Surface Water Toxics Control Program* (toxics rule) sets forth effluent monitoring requirements and procedures to establish safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected and narrative and numeric water quality criteria are met. Department rule 06-096 CMR Chapter 584, Surface *Water Quality Criteria for Toxic Pollutants*, sets forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

The previous licensing action neither established nor addressed WET or priority pollutant testing requirements of the toxics rule. Chapter 530 Section (2)(A) specifies the dischargers subject to the rule as, *"all licensed dischargers of industrial process wastewater or domestic wastes discharging to surface waters of the State must meet the testing requirements of this section. Dischargers of other types of wastewater are subject to this subsection when and if the Department determines that toxicity of effluents may have reasonable potential to cause or contribute to exceedences of narrative or numerical water quality criteria."* PNS is not authorized to discharge industrial process wastewater or domestic wastes. The Department has no information at this time that pollutants present in the discharge from PNS have a reasonable potential to cause or contribute to exceedences of narrative or numerical water quality criteria. Therefore, this permitting action is not establishing WET, priority pollutant or analytical chemistry testing at this time. In accordance with Special Condition G of this permit, the Department reserves the right to reopen this permit at any time and with notice to the permittee to establish toxics testing requirements pursuant to Chapter 530 based on new information regarding the sources or characterization of wastewater discharged from the facility.

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 Piscataqua River to meet standards for Class SC classification.

8. PUBLIC COMMENTS

Public notice of this application was made in the *Portsmouth Herald* newspaper on November 2, 2005. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

9. DEPARTMENT CONTACTS

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

William F. Hinkel
Division of Water Quality Management
Bureau of Land & Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 287-7659 Fax: (207) 287-7826
e-mail: bill.hinkel@maine.gov

10. RESPONSE TO COMMENTS

During the period of April 3, 2006 through May 2, 2006, the Department solicited comments on the proposed draft Maine Pollutant Discharge Elimination System Permit to be issued to the Portsmouth Naval Shipyard. The Department received no significant comments on the proposed draft permit; therefore, a response to comments was not prepared.

ATTACHMENT A

0 0.15 0.3 0.6 Miles

Portsmouth Naval Shipyard at Kittery, Maine

Map created by Maine DEP
March 14, 2006