STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

Mr. Barry Justason
Environmental Officer
Stinson Seafood
669 Main Street
Blacks Harbour, New Brunswick
Province of Canada

February 24, 2006

RE: Maine Waste Discharge License (WDL) Application #W000798-5P-D-R
Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0000949
Final Permit/License

Dear Mr. Justason:

Enclosed please find a copy of your **final** MEPDES permit/WDL which was approved by the Department of Environmental Protection. You must follow the conditions in the permit 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.*"

We would like to make you aware of the fact that your monthly Discharge Monitoring Reports (DMR) may not reflect the revisions in this permitting action for several months. However, you are required to report applicable test results for parameters required by this permitting action that do not appear on the DMR. Please see the attached April 2003 O&M Newsletter article regarding this matter.

If you have any questions regarding the matter, please feel free to call me at (207) 287-7693.

Sincerely,

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

Enc.
cc: Stuart Rose, DEP/SMRO
~~David Webster~~, USEPA
Sandy LAO

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

DEPARTMENT ORDER

IN THE MATTER OF

STINSON SEAFOOD	)	MAINE POLLUTANT DISCHARGE
FISH PROCESSING FACILITY	)	ELIMINATION SYSTEM PERMIT
BATH, KENNEBEC COUNTY, MAINE	)	AND
ME0000949	)	WASTE DISCHARGE LICENSE
W000798-5P-D-R **APPROVAL**	)	**RENEWAL**

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, Section 1251, et. seq. and Maine Law 38 M.R.S.A., Section 414-A et seq., and applicable regulations, the Department of Environmental Protection (the Department hereinafter) has considered the application of STINSON SEAFOOD (Stinson hereinafter), with its supportive data, agency review comments, and other related material on file and finds the following facts:

APPLICATION SUMMARY

The applicant has applied to the Department for renewal of Waste Discharge License (WDL) #W000798-5P-B-R/#W000798-5P-C-T which was issued on October 2, 2000 and expired on October 2, 2005. The 10/2/00 WDL authorized the discharge of an unspecified monthly average and daily maximum flow of treated process waste waters from a sardine/herring steak processing facility to the Kennebec River, Class SB, in Bath, Maine.

It is noted Stinson Seafood terminated production at the Bath facility in March of 2005. As of the date of this permitting action, Stinson has no plans for resuming operations. Stinson has requested the Department renew the permit for a two-year period to assist in their effort to sell the facility as a seafood processing operation with a current (unexpired) waste water discharge permit.

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. On October 30, 2003, after consultation with the U.S. Department of Justice, the USEPA extended Maine's NPDES program delegation to all but two tribally-owned discharges. The extent of Maine's delegated authority is under appeal at the time of this permitting action. The program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) permit program and permit #ME0000949 (same as the NPDES permit number) will be utilized as the primary reference number for Stinson Seafood's MEPDES permit. Upon issuance of the MEPDES permit, all terms and conditions of the NPDES permit last issued by the EPA on May 1, 1980 to Stinson Canning Company (subsequently transferred to Stinson Seafood Company, L.P. on April 4, 1994) are null and void.

PERMIT SUMMARY (cont'd)

b. Terms and conditions - This permitting action is carrying forward the following terms and conditions of the previous licensing action:

1) The daily maximum water quality based concentration limitation for total residual chlorine.

2) The technology based pH range limitations.

This permitting action is different than the previous licensing action in that it is:

3) Establishing numeric monthly average and daily maximum flow limitations of 60,000 gallons per day (gpd) and 150,000 gpd, respectively.

4) Establishing monthly average and daily maximum technology based concentration limits for biochemical oxygen demand (BOD), total suspended solids (TSS) and oil & grease.

5) Modifying the units of the monthly average and daily maximum technology based mass limitations for TSS and oil & grease. The units of lbs/1,000 lbs of production are being modified to lbs/day.

6) Changing the units for the monthly average and daily maximum production reporting requirements from tons/day to lbs/day.

7) Increasing the monitoring frequency for total residual chlorine from 1/Week to 1/Day when elemental chlorine or chlorine based compounds are being utilized.

8) Establishing a requirement for the permittee to develop and maintain an Operations and Maintenance (O&M) plan for all components of the facility relating to waste water treatment and equipment utilized to comply with limitations and monitoring requirements of this permit.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated January 20, 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 MRSA Section 464(4)(F), will be met, in that:

   a. Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;

   b. Where high quality waters of the State constitute an outstanding natural resource, that water quality will be maintained and protected;

   c. 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 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 (BPT).

ACTION

THEREFORE, the Department APPROVES the application of STINSON SEAFOOD to discharge up to a monthly average flow of 60,000 gallons per day (gpd) and up to a daily maximum flow of 150,000 gpd of treated process waste waters from a sardine/herring steak processing facility to the Kennebec River, Class SB, in Bath. The discharges shall be subject to the attached conditions and all applicable standards and regulations including:

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

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

3. **This permit expires at midnight on December 31, 2007.**

DONE AND DATED AT AUGUSTA, MAINE, THIS 27TH DAY OF FEBRUARY 2006.

COMMISSIONER OF ENVIRONMENTAL PROTECTION

BY: _____ FOR
David P. Littell, COMMISSIONER

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application August 8, 2005.

Date of application acceptance August 8, 2005.

FILED
FEB 28 2006
BOARD OF ENVIRONMENTAL PROT.
STATE OF MAINE

Date filed with Board of Environmental Protection _____

This Order prepared by GREGG WOOD, BUREAU OF LAND & WATER QUALITY

W007985PD 2/24/06

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning the effective date of the permit and lasting through permit expiration, the permittee is authorized to discharge **treated process waste waters** from Outfall #001 to the Kennebec River. Such treated waste water discharges shall be limited and monitored by the permittee as specified below.

OUTFALL #001

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average as specified	Weekly Average as specified	Daily Maximum as specified	Monthly Average as specified	Weekly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Sardine Production(1) *[00145]*	Report lbs/day *[26]*	---	Report lbs/day *[26]*	---	---	---	1/Day *[01/01]*	Measured *[MS]*
Flow *[50050]*	60,000 gpd *[07]*	---	150,000 gpd *[07]*	---	---	---	Continuous *[99/99]*	Metered *[MT]*
Biochemical Oxygen Demand (BOD_5) *[00310]*	748 lbs/Day *[26]*	---	1,010 lbs/Day *[26]*	1,493 mg/L *[19]*	---	2,020 mg/L *[19]*	2/Month *[02/30]*	8-Hr. Composite(2) *[08]*
Total Suspended Solids (TSS) *[00530]*	748 lbs/Day *[26]*	---	1,010 lbs/Day *[26]*	1,493 mg/L *[19]*	---	2,020 mg/L *[19]*	2/Month *[02/30]*	8-Hr. Composite(2) *[08]*
Oil & Grease *[03582]*	587 lbs/Day *[26]*	---	759 lbs/Day *[26]*	1,173 mg/L *[19]*	---	1,520 mg/L *[19]*	2/Month *[02/30]*	Grab *[GR]*
Total Residual Chlorine *[50060]*	---	---	---	---	---	0.2 mg/L *[19]*	1/Day(3) *[01/01]*	Grab *[GR]*
pH *[00400]*	---	---	---	---	---	6.0-8.5 SU *[12]*	2/Month *[02/30]*	Grab *[GR]*

SPECIAL CONDITIONS

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

Footnotes:

Sampling Locations - Effluent sampling shall be conducted for all parameters after the last treatment process. Any change in sampling location(s) must be reviewed and approved by the Department in writing.

Sampling methods – 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 Human Services.

(1) **Production** – Gross weight of herring prior to processing.

(2) **Composite sampling -** Eight-hour composite samples for BOD_5 and TSS shall consist of a minimum of four flow-proportioned grab samples collected at equally spaced intervals over an eight-hour period which are combined prior to analysis. Other compositing scenarios may be acceptable but must be reviewed and approved by the Department in writing prior to implementation.

(3) **Total residual chlorine (TRC)** – TRC limitations are applicable anytime of year in which elemental chlorine or chlorine based compounds are utilized as disinfectants. TRC shall be tested using Amperometric Titration or the DPD Spectrophotometric Method. The EPA approved methods are found in Standard Methods for the Examination of Water and Waste Water, (most current approved edition), Method 4500-CL-E and Method 4500-CL-G or U.S.E.P.A. Manual of Methods of Analysis of Water and Wastes.

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.

SPECIAL CONDITIONS

C. NOTIFICATION REQUIREMENT

In accordance with Standard Condition D, the permittee shall notify the Department of any substantial change in the volume or character of pollutants being introduced into the waste water collection and treatment system. For the purposes of this section, notice regarding substantial change shall include information the quality and quantity of waste water introduced to the waste water collection and treatment system and any anticipated impact caused by the change in the quantity or quality of the waste water to be discharged from the treatment system.

D. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge to the Kennebec River via Outfall #001 in accordance with the terms and conditions of this permit. Discharges of waste water from any other point source are not authorized under this permit, but shall be reported in accordance with Standard Condition B(5) (*Bypass*) of this permit.

E. OPERATION & MAINTENANCE (O&M) PLAN

Prior to the commencement of operations at the facility, the permittee shall submit to the Department's compliance inspector assigned to the Bath facility for review and comment an updated O&M Plan. The plan shall provide a systematic approach by which 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. **By December 31 of each year or within 90 days of any process changes or minor equipment upgrades,** the permittee shall evaluate and modify the O&M Plan including site plan(s) and schematic(s) for the waste water treatment facility to ensure that it is up-to-date. The O&M Plan shall be kept on-site at all times and made available to State and federal regulatory personnel upon request.

F. COMMENCMENT OF OPERATIONS/TRANSFER OF THE PERMIT

Any new owner/operator seeking authorization to discharge under the terms and conditions of this permit, must meet with the Department's permitting and compliance inspection staff **at a minimum of forty five (45) days prior to commencing production/operations** to review applicability of the permit limitations, monitoring requirements and reporting requirements. Should the Department determine the proposed production/operations are significantly different than what has been presented in the 8/8/05 application materials, the Department may require an application to modify the permit or to file an application for a new permit. In addition, pursuant to Department Rule Chapter 2, *Rules Concerning the Processing of Applications and Other Administrative Matters,* Section 21, *License Renewals, Amendments and Transfers*, sub-section C, *Transfers*, a transferee must make application to

SPECIAL CONDITIONS

F. COMMENCMENT OF OPERATIONS/TRANSFER OF THE PERMIT (cont'd)

the Department no later than two (2) weeks after transfer of ownership or entering into a lease agreement to conduct business on said property. Pending determination on the application for approval of transfer, the transferee shall abide by all of the conditions of this permit, and is jointly or severally liable with Stinson Seafood for any violation of the terms and conditions thereof.

G. MONITORING AND REPORTING

Monitoring results obtained during the previous monthly 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 a Department Regional Office such that the DMR's are received by the Department on or before the fifteenth (15th) day of the month** following the completed reporting period. A signed copy of the DMR and all other reports required herein shall be submitted to the Department's compliance inspector (unless otherwise specified) at the following addresses:

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

Being the facility is currently shutdown with no plans for resuming operations as of the date of this permit, the permittee will not be receiving DMRs. See Special Condition F, *Commencement of Operations/Transfer of the Permit*, of this permit.

H. 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 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 effluent or ambient water quality monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

SPECIAL CONDITIONS

I. SEVERABILITY

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

AND

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: **January 20, 2006**

PERMIT NUMBER: **ME0000949**
LICENSE NUMBER: **W000798-5P-D-R**

NAME AND ADDRESS OF APPLICANT:

Stinson Seafood
Division of Bumble Bee Seafoods
Route 186
Gouldsboro, Maine 04669

COUNTY: **Kennebec County**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

101 Bowery Street
Bath, Maine 04530

RECEIVING WATER/CLASSIFICATION: **Kennebec River/Class SB**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Barry Justason**
(506) 456-3391 Ext. 715
Email: barry.justason@connors.ca

1. APPLICATION SUMMARY

The applicant has applied to the Department for renewal of Waste Discharge License (WDL) #W000798-5P-B-R/#W000798-5P-C-T which was issued on October 2, 2000 and expired on October 2, 2005. The 10/2/00 WDL authorized the discharge of an unspecified monthly average and daily maximum flow of treated process waste waters from a sardine/herring steak processing facility to the Kennebec River, Class SB, in Bath, Maine.

1. APPLICATION SUMMARY (cont'd)

It is noted Stinson Seafood terminated production at the Bath facility in March of 2005. As of the date of this permitting action, Stinson has no plans for resuming operations. Stinson has requested the Department renew the permit for a two-year period to assist in their effort to sell the facility as a seafood processing operation with a current (unexpired) waste water discharge permit.

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. On October 30, 2003, after consultation with the U.S. Department of Justice, the USEPA extended Maine's NPDES program delegation to all but two tribally-owned discharges. The extent of Maine's delegated authority is under appeal at the time of this permitting action. The program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) permit program and permit #ME0000949 (same as the NPDES permit number) will be utilized as the primary reference number for Stinson Seafood's MEPDES permit. Upon issuance of the MEPDES permit, all terms and conditions of the NPDES permit last issued by the EPA on May 1, 1980 to Stinson Canning Company (subsequently transferred to Stinson Seafood Company, L.P. on April 4, 1994) are null and void.

b. Terms and conditions - This permitting action is carrying forward the following terms and conditions of the previous licensing action:

1) The daily maximum water quality based concentration limitation for total residual chlorine.

2) The technology based pH range limitations.

This permitting action is different than the previous licensing action in that it is:

3) Establishing numeric monthly average and daily maximum flow limitations of 60,000 gallons per day (gpd) and 150,000 gpd, respectively.

4) Establishing monthly average and daily maximum technology based concentration limits for biochemical oxygen demand (BOD), total suspended solids (TSS) and oil & grease.

5) Modifying the units of the monthly average and daily maximum technology based mass limitations for TSS and oil & grease. The units of lbs/1,000 lbs of production are being modified to lbs/day.

2. PERMIT SUMMARY (cont'd)

6) Changing the units for the monthly average and daily maximum production reporting requirements from tons/day to lbs/day.
7) Increasing the monitoring frequency for total residual chlorine from 1/Week to 1/Day when elemental chlorine or chlorine based compounds are being utilized.

8) Establishing a requirement for the permittee to develop and maintain an Operations and Maintenance (O&M) plan for all components of the facility relating to waste water treatment and equipment utilized to comply with limitations and monitoring requirements of this permit.

c. History – A summary of the relevant regulatory actions include the following:

May 1, 1980 – The EPA issued NPDES permit #ME0000949 to Stinson Canning Company for a five-year term.

September 12, 1984 – The Department issued WDL #W000798-42-A-R to Stinson Canning Company for a five-year term.

April 4, 1994 – The EPA transferred NPDES permit #ME0000949 from Stinson Canning Company to Stinson Seafood Company, L.P.

February 17, 1995 – The Department issued a letter to Stinson Canning notifying the company it was exempt from testing under the then new Surface Water Toxics Control Program (Chapter 530.5) adopted on October 12, 1994.

October 2, 2000 – The Department issued #W000798-5P-B-R/#W000798-5P-C-T to Stinson Seafood (2000) Inc. (a subsidiary of Connors Brothers) for a five-year term.

March 13, 2002 – All permits and licenses issued by the Department to Stinson Seafood (2000) Inc. were transferred to Stinson Seafood (2001) Inc.

June 24, 2004 - All permits and licenses issued by the Department to Stinson Seafood (2001) Inc. were transferred to Bumble Bee Seafoods LLC.

August 8, 2005 – Stinson Seafood (a subsidiary of Bumble Bee Seafoods LLC) submitted a timely and complete application to the Department to renew the WDL for the Bath facility.

2. PERMIT SUMMARY (cont'd)

d. Sources Description: Process waste waters at the facility are generated by the cutting and canning of sardines. The August 2005 application for renewal indicates the facility estimates production of herring at a monthly average of 50,000 lbs/day with a daily maximum of 125,000 lbs/day. Processing occurs 40 weeks/year between the months of January and December of each year with an annual production of 5,000 tons/year or 10 million pounds per year.

All waters utilized in the process and clean-up operations are purchased from the Bath Water District. The August 2005 application for renewal indicates water usage ranges from 60,000 gpd as a monthly average to 150,000 gpd as a daily maximum. Sodium hypochlorite is added to the retort cool-down water at concentrations ranging from 0.5 mg/L – 1.0 mg/L.

e. Waste Water Treatment: All process waste waters receive treatment by means of a number 40 mesh screen prior to discharge. An oil/water separator is utilized to treat oil bearing cooling waters generated from steam boxes.

All waste waters are discharged to the Kennebec River via a pipe measuring 14 inches in diameter (without a diffuser) with 14 feet of water over the crown of the pipe at mean low water.

Sanitary waste waters generated by the employees at the facility are conveyed to the City of Bath's waste water treatment which is regulated by the Department via MEPDES permit #ME0100021.

3. CONDITIONS OF PERMITS

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., Section 469, classifies the Kennebec River at the point of discharge as a Class SB waters. Maine Law, 38 M.R.S.A., Section 465-B(2) describes the classification standards for Class SB waters.

5. RECEIVING WATER QUALITY CONDITIONS

A table entitled, *Category 4-B-2: Estuarine and Marine Waters Impaired by Bacteria from Combined Sewer Overflows (TMDL Required Only if Control Plans are Insufficient)*, in a document entitled 2004 Integrated Water Quality Monitoring And Assessment Report, (referred to as the 305b Report) published by the Department states that Waterbody ID 710-03 (Bath) is impaired by discharges of untreated waste water from the City of Bath's four (4) combined sewer overflows (CSOs). In addition Waterbody ID 71—2, DMR Area 20-H, (1,858 acres) is listed in a table entitled, *Category 5-B-1: Estuarine and Marine Waters Impaired Only by Bacteria (TMDL Required)* in the 305 b Report. The report indicates impairment is being caused by overboard discharges (OBDs) and non-point source runoff.

All fresh water bodies in Maine carry a fish advisory for mercury due to atmospheric transport and deposition. Maine law 38 M.R.S.A., §420 and Department Rule, Chapter 519, *Interim Effluent Limitations and Controls For the Discharge of Mercury*, establishes controls of mercury to surface waters of the State and United States through interim effluent limitations and implementation of pollution prevention plans. It is noted no interim limitations for mercury were established for Stinson based on Department rule Chapter 530, *Surface Water Toxics Control Program*, §2(A) that states:

> *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. For the purposes of this rule, industrial process wastewater is that which comes in contact with or results from a manufactured product, except for those processes that involve only washing and/or packing a raw material without addition of chemicals to the product.* [emphasis added]

Being that all sanitary waste waters generated at Stinson's Bath facility are conveyed to the City of Bath's waste water treatment facility (regulated by the Department via MEPDES permit #ME0100021) the Department has made the determination that the discharge of process waste water from the facility will not cause or contribute the impairments cited in the 2004 305b report. In addition, the Department is not aware of any information nor does it suspect mercury has been or will be discharged from the Stinson facility.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

a. Production – The previous licensing action did not establish numeric values for sardine production but did require the permittee to report monthly average and daily maximum sardine production expressed in tons/day. This permitting action is establishing a monthly average limit of 50,000 lbs/day and a daily maximum limit of 125,000 lbs/day. These numeric values were contained in the 8/8/05 application as being representative of past and future production at the facility if operations are resumed. A review of the Discharge Monitoring Report (DMR) data for the period 3/02 – 3/05 (operations shutdown) indicates the monthly average production has ranged from 4,400 lbs/day to 146,000 lbs/day with an arithmetic mean of 87,400 lbs/day. The daily maximum production has ranged from 32,000 lbs/day to 206,000/day with an arithmetic mean of 146,400 lbs/day.

b. Flow - The previous licensing action did not establish numeric values for flow but did require the permittee to report monthly average and daily maximum flow expressed in gallons per day (gpd). This permitting action is establishing a monthly average limit of 60,000 gpd and a daily maximum limit of 150,000 gpd. These numeric values were contained in the 8/8/05 application as being representative of past and future flows at the facility if operations are resumed. A review of the DMR data for the period 3/02 – 3/05 (operations shutdown) indicates the monthly average flow has ranged from 20,000 gpd to 115,000 gpd with an arithmetic mean of 67,600 gpd. The daily maximum flow has ranged from 47,000 gpd to 158,000 gpd with an arithmetic mean of 131,300 gpd.

c. Total suspended solids (TSS) – The previous licensing action a monthly average limitation of 14.97 lbs/1000 lbs of production and daily maximum limitations of 20.19 lbs/1,000 lbs of production and a daily maximum mass limit of 8,076 lbs/day (origin unknown). The previous licensing action contained the following text:

> *"The cutting operation is the major source of total suspended solids (TSS), 5-day biochemical oxygen demand (BOD5), and oil and grease (O&G). This license has effluent limits for combined "sardine and herring steak" processing based on a best professional judgment (BPJ) and past demonstrated performance. There are no effluent limits for "sardine processing" or "herring steak processing" as separate processing operations in this license because the same cutting machines are used in either case and the cutting operation is the significant source of pollutant loading to the waste stream.*
>
> *In developing the limits in this license for TSS and O&G, sixty one data points for TSS and O&G reported for the last 5 years (February 1995 through May 2000) were reviewed and the highest two sets of data points for TSS and the highest two sets of data points for O&G were eliminated from the data as being significantly different than the other 59 data points. Of the 59 remaining data points, the greatest value for the monthly averages was within the 95th percentile was chosen as the monthly*

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

average effluent limit and the greatest value for the daily maximum that was within the 98th percentile was chosen as the effluent limit for the daily maximum limit. The data points showing significant variability had values of 2½ to 8 times the value of the average for the particular parameter."

This permitting action is simplifying the limits by establishing technology based monthly average and daily maximum mass limits based on the corresponding lbs/1,000 lbs limitations established in the previous licensing action and the monthly average production figure of 50,000 lbs/day reported in the 8/8/05 application for license renewal. The mass limits were derived as follows:

Monthly Average: (14.97 lbs/1,000 lbs)(50,000 lbs/day) = 747 lbs/day

Daily Maximum: (20.19 lbs/1,000 lbs)(50,000 lbs/day) = 1,010 lbs/day

A review of the Discharge Monitoring Report (DMR) data for the period 3/02 – 3/05 (operations shutdown) indicates the monthly average TSS has ranged from 2 lbs/1,000 lbs to 17 lbs/1,000 lbs with an arithmetic mean of 7.8 lbs/1,000 lbs. The daily maximum production has ranged from 2 lbs/1,000 lbs to 20 lbs/1,000 lbs with an arithmetic mean of 9.5 lbs/1,000 lbs.

Department rule Chapter 523, *Waste Discharge License Conditions*, Section 6, *Calculating NPDES permit conditions*, sub-section f(2) states that "... *pollutants limited in terms of mass additionally may be limited in terms of other units of measurement and the permit shall require the permittee to comply with both limitations."* Due to the large fluctuations in daily production and to ensure best practicable treatment is being applied at all production levels, the Department has made a best professional judgment that establishing monthly average and daily maximum technology based concentrations limits for TSS is appropriate. The limits were derived by back-calculating values from the applicable mass limits calculated above and the monthly average flow limit established in Section 6(b) of this Fact Sheet. The calculations are as follows:

Monthly Average: $\frac{747 \text{ lbs/day}}{(8.34)(0.060 \text{ MGD})} = 1{,}493 \text{ mg/L}$

Daily Maximum: $\frac{1{,}010 \text{ lbs/day}}{(8.34)(0.060 \text{ MGD})} = 2{,}020 \text{ mg/L}$

d. Biochemical oxygen demand (BOD) – The previous licensing action did not establish any limitations for BOD. However, as indicated in the text of the previous licensing action, the cutting operation is a significant source of the BOD being discharged. Limiting the quantity of BOD being discharged is important in that large quantities of BOD can cause or contribute to localized dissolved oxygen deficiencies or depressions in the receiving water. Being that no limitations or monitoring requirements for BOD were established in

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

the previous licensing action, no BOD information is available to conduct a statistical analysis on to determine past performance. In addition, there are no National Effluent Guidelines (NEGs) that establish best practicable treatment (BPT) for BOD for sardine processing. Therefore, the Department is utilizing the same technology based values for BOD as it did for TSS and a monthly average production figure of 50,000 lbs/day. As a result, the monthly average and daily maximum mass limits for BOD and TSS are equivalent.

Monthly Average: (14.97 lbs/1,000 lbs)(50,000 lbs/day) = 747 lbs/day

Daily Maximum: (20.19 lbs/1,000 lbs)(50,000 lbs/day) = 1,010 lbs/day

As with TSS, this permit is establishing monthly average and daily maximum technology based concentration limits pursuant to Department rule Chapter 523(6)(f)(2) that were derived by back-calculating values from the applicable mass limits established above and the monthly average flow limit established in Section 6(b) of this Fact Sheet. The calculations are as follows:

Monthly Average: $\frac{747 \text{ lbs/day}}{(8.34)(0.060 \text{ MGD})} = 1{,}493 \text{ mg/L}$

Daily Maximum: $\frac{1{,}010 \text{ lbs/day}}{(8.34)(0.060 \text{ MGD})} = 2{,}020 \text{ mg/L}$

e. Oil & grease – The previous licensing action established a monthly average limitation of 11.74 lbs/1000 lbs of production and daily maximum limitations of 15.19 lbs/1,000 lbs of production and a daily maximum limit of 6,076 lbs/day (origin unknown). As described in section 6(c) on the previous page of this Fact Sheet, the limitations were based on a statistical analysis of oil and grease data for a five-year period 2/95-5/00. As with TSS and BOD, to simplifying the limits, this permitting action is establishing technology based monthly average and daily maximum mass limits based on the corresponding lbs/1,000 lbs limitations established in the previous licensing action and the monthly average production figure of 50,000 lbs/day as reported in the 8/8/05 application for license renewal. The mass limits were derived as follows:

Monthly Average: (11.74 lbs/1,000 lbs)(50,000 lbs/day) = 587 lbs/day

Daily Maximum: (15.19 lbs/1,000 lbs)(50,000 lbs/day) = 760 lbs/day

A review of the Discharge Monitoring Report (DMR) data for the period 3/02 – 3/05 (operations shutdown) indicates the monthly average oil & grease has ranged from 1.2 lbs/1,000 lbs to 11.7 lbs/1,000 lbs with an arithmetic mean of 4.0 lbs/1,000 lbs. The daily maximum production has ranged from 1.0 lbs/1,000 lbs to 18.1 lbs/1,000 lbs with an arithmetic mean of 5.5 lbs/1,000 lbs.

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

As with BOD and TSS, this permit is establishing monthly average and daily maximum technology based concentration limits pursuant to Department rule Chapter 523(6)(f)(2) that were derived by back-calculating values from the applicable mass limits established on the previous page and the monthly average flow limit established in Section 6(b) of this Fact Sheet. The calculations are as follows:

Monthly Average: $\frac{587 \text{ lbs/day}}{(8.34)(0.060 \text{ MGD})} = 1{,}173 \text{ mg/L}$

Daily Maximum: $\frac{760 \text{ lbs/day}}{(8.34)(0.060 \text{ MGD})} = 1{,}520 \text{ mg/L}$

f. Total residual chlorine – The previous licensing action established a daily maximum water quality based limit of 0.2 mg/L that is being carried forward in this permitting action. The limit was based on a continuous maximum concentration (CMC) or acute ambient water quality criteria (AWQC) of 0.013 mg/L and an acute dilution factor of 16:1.

Department Regulation Chapter 530, "*Surface Water Toxics Control Program*", §4(A)(2)(a) states that for discharges to the ocean, dilution must be calculated as near-field or initial dilution, or that dilution available as the effluent plume rises from the point of discharge to its trapping level, at mean low water level and slack tide for the acute exposure analysis and at mean tide for the chronic exposure analysis using appropriate models determined by the Department such as MERGE, CORMIX or another predictive model determined by the Department to be appropriate for the site conditions."

Using information provided by the permittee and the CORMIX model, the Department has determined the dilution factors for the discharge are as follows:

Acute = 16:1 Chronic – 268:1 Harmonic Mean = 804:1[(1)]

Footnote:

(1) Pursuant to Department rule Chapter 530, "*Surface Water Toxics Control Program*", §4(2)(c), the harmonic mean dilution factor is approximated by multiplying the chronic dilution factor by a factor of three (3).

With an acute dilution factor of 16:1 and an acute AWQC of 0.013 mg/L, the daily maximum limitation is calculated as follows:

$$(0.013 \text{ mg/L})(16) = 0.2 \text{ mg/L}$$

g. pH – The previous licensing action established a technology based pH range limitation of 6.0 – 8.5 standard units that is being carried forward in this permitting action. The Department considers the pH range limitation as BPT.

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

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

8. PUBLIC COMMENTS

Public notice of this application was made in the Times Record newspaper on or about August 8, 2005. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or request a public hearing, pursuant to Chapter 522 of the Department's rules.

9. DEPARTMENT CONTACTS

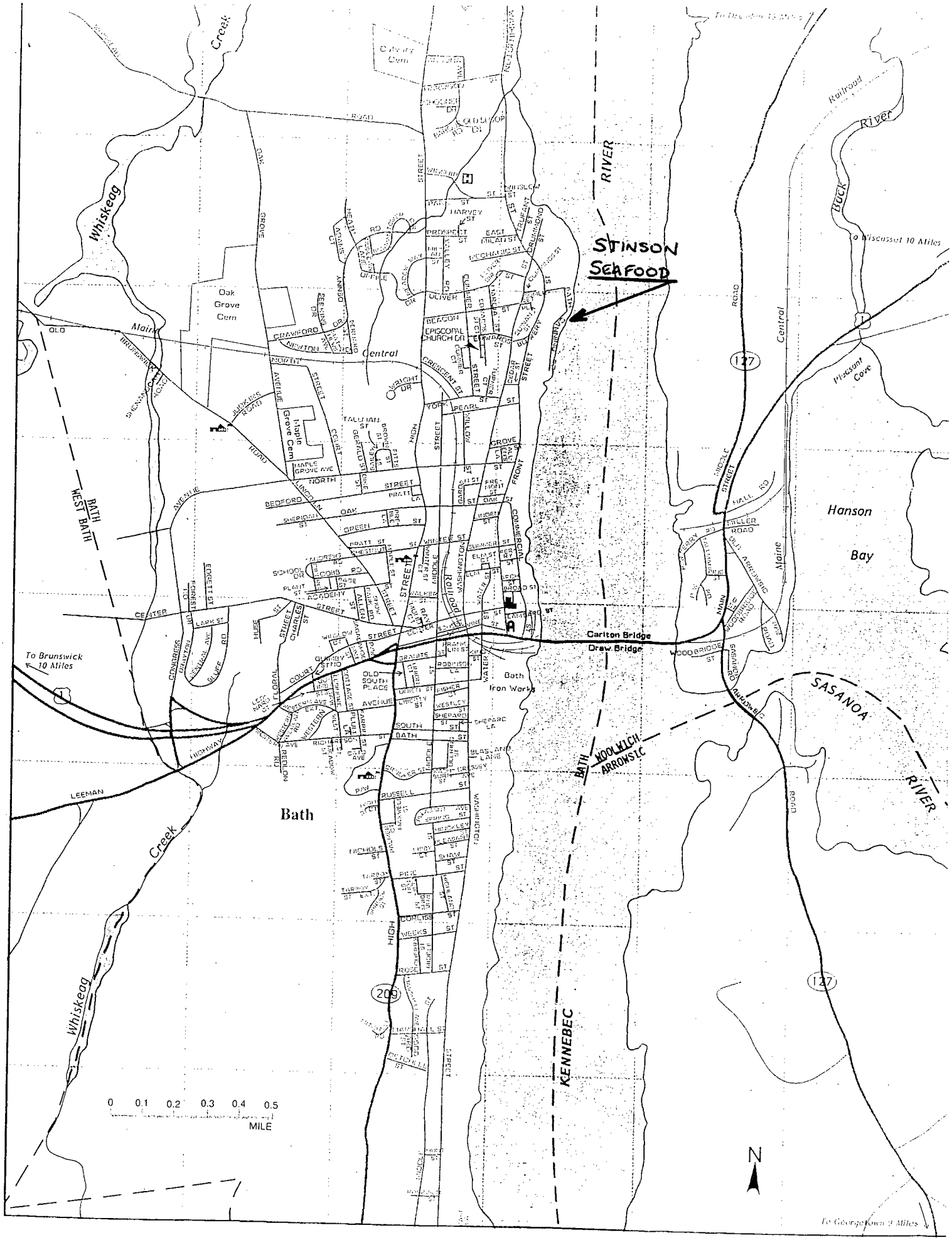
Additional information concerning this permitting action may be obtained from and written comments should be sent to:

Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone (207) 287-3901
e-mail: gregg.wood@maine.gov

10. RESPONSE TO COMMENTS

During the period of January 20, 2006, 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 Stinson 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


STINSON SEAFOOD
Whiskeag Creek
Oak Grove Cem
Maple Grove Cem
Calvary Cem
Maine Central
Railroad
Back River
To Wiscasset 10 Miles
Hanson Bay
Pleasant Cove
Carlton Bridge
Draw Bridge
Bath Iron Works
OLD SOUTH PLACE
BATH
WEST BATH
To Brunswick 10 Miles
LEEMAN HIGHWAY
Bath
BATH
WOOLWICH
ARROWSIC
SASANOA RIVER
KENNEBEC
127
209
0 0.1 0.2 0.3 0.4 0.5
MILE
N
To Georgetown 9 Miles

BATH