STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

March 7, 2007

Mr. John Viechnicki
Stinson Seafood
P.O. Box 69
Prospect Harbor, Maine 04669

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0000710
Maine Waste Discharge License (WDL) Application #W-000791-5P-I-R
Final MEPDES permit and Maine WDL

Dear Mr. Viechnicki:

Enclosed, please find a copy of your **final** MEPDES permit and Maine WDL which was approved by the Department of Environmental Protection. 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

Enclosure

cc: Jim Sohns, DEP
Lori Mitchell, DEP
Sandy Lao, USEPA
File 0791

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

BANGOR
106 HOGAN ROAD
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PORTLAND, MAINE 04103
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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
GOULDSBORO, HANCOCK COUNTY, MAINE	)	AND
#ME0000710	)	WASTE DISCHARGE LICENSE
#W000791-5P-I-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 (Department) has considered the application of STINSON SEAFOOD (STINSON), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The applicant has applied to the Department for renewal of Waste Discharge License (WDL) #W000791-5P-F-R/Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0000710 issued on December 28, 2001, and Global WDL Transfer #W000791-5P-H-T issued on June 24, 2004. The 12/28/01 WDL authorized the daily maximum discharge of up to 664,800 gallons per day (GPD) of treated process waste waters clean-up waste waters from a sardine/herring steak processing facility to the tidewaters of Gouldsboro, Class SB, in Gouldsboro, Maine. The 12/28/01 WDL/MEPDES Permit and 6/24/04 WDL Transfer expired on December 28, 2006.

PERMIT SUMMARY

This permitting action is establishing a single set of effluent limitations and monitoring requirements for all process waste waters, including clean up water. The previous permit established separate effluent limitations for sardine/steak cutting and packing for less than 12 hours per day (designated Outfall #001A in the previous permitting action), herring fillet processing waste waters (designated Outfall #001C in the previous permitting action), facility clean up waste water (designated Outfall #001D in the previous permitting action) sardine/steak cutting and packing for more than 12 hours per day (designated Outfall #001E in the previous permitting action). For purposes of Permit System Compliance (PCS) data management, all effluent waste water data associated with this permitting action shall be maintained under Outfall ID #001A.

PERMIT SUMMARY (cont'd)

This permitting action is carrying forward the following terms and conditions from the previous permitting action, but is applying these terms and conditions to all waste water discharged either from an individual processing activity or as a combined waste stream from multiple processing activities:

1. The minimum monitoring frequency requirements for all monitored parameters; and

2. The pH range limitation of 6.0 – 9.0 standard units.

The terms and conditions established in this permitting action are different than those established in the previous permitting action in that this permitting action is:

1. Revising the daily maximum discharge flow limitation to 608,000 gallons per day (gpd) and establishing a monthly average discharge flow limitation of 272,000 gpd;

2. Changing the reporting units for production from tons/day to lbs./day;

3. Establishing monthly average and daily maximum technology-based concentration limits for biochemical oxygen demand (BOD_5), total suspended solids (TSS) and oil & grease (O&G);

4. Changing the mass limitation units for TSS and O&G from lbs./1,000 lbs. of production to lbs./day;

5. Revising the monthly average and daily maximum mass limitations for TSS and O&G and establishing mass limits for BOD_5;

6. Eliminating the daily maximum concentration limit for total residual chlorine (TRC) based on changes in source waters and facility operations; and

7. Establishing a requirement for the permittee to develop and maintain an Operations and Maintenance (O&M) plan.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated March 5, 2007, 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 discharge 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 application of STINSON SEAFOOD to discharge up to a monthly average flow of 272,000 gallons per day (gpd) and up to a daily maximum flow of 608,000 gpd of treated process waste waters from a herring processing facility to the tidewaters of Gouldsboro, Class SB, in Gouldsboro, Maine. 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. The expiration date of this permit is five (5) years from the date of signature below.

DONE AND DATED AT AUGUSTA, MAINE, THIS 9TH DAY OF March, 2007.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
DAVID P. LITTELL, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: January 29, 2007
Date of application acceptance: January 31, 2007

FILED
MAR 12 2007
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
#ME0000710/#W000791-5P-I-R March 5, 2007

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge **treated process waste waters** from **Outfall #001A** to the tidewaters of Gouldsboro (Prospect Harbor). Such treated waste water discharges shall be limited and monitored by the permittee as specified below[1]:

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirement	
	Monthly Average as specified	Daily Maximum as specified	Monthly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Production[2] *[00145]*	Report lbs/day *[26]*	Report lbs/day *[26]*	---	---	1/Day *[01/01]*	Measured *[MS]*
Flow *[50050]*	272,000 gpd *[07]*	608,000 gpd *[07]*	---	---	Continuous *[99/99]*	Metered *[MT]*
Biochemical Oxygen Demand (BOD_5) *[00310]*	8,597 lbs/Day *[26]*	12,167 lbs/Day *[26]*	3,790mg/L *[19]*	5,364 mg/L *[19]*	2/Month *[02/30]*	Composite[3] *[CP]*
Total Suspended Solids (TSS) *[00530]*	8,597 lbs/Day *[26]*	12,167 lbs/Day *[26]*	3,790mg/L *[19]*	5,364 mg/L *[19]*	2/Month *[02/30]*	Composite[3] *[CP]*
Oil & Grease *[03582]*	2,222 lbs/Day *[26]*	4,999 lbs/Day *[26]*	980 mg/L *[19]*	2,204 mg/L *[19]*	2/Month *[02/30]*	Grab *[GR]*
pH *[00400]*	---	---	---	6.0-9.0 SU *[12]*	2/Month *[02/30]*	Grab *[GR]*

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 6 of this permit for applicable footnotes.**

SPECIAL CONDITIONS

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

FOOTNOTES:

1. **Sampling** – 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.

   All detectable analytical test results shall be reported to the Department including results which are detected below the respective reporting limits (RLs) specified by the Department or as specified by other approved test methods. If a non-detect analytical test result is below the respective RL, the concentration result shall be reported as <Y where Y is the detection limit achieved by the laboratory for each respective parameter. Reporting a value of <Y that is greater than an established RL is not acceptable and will be rejected by the Department. For mass, if the analytical result is reported as <Y or if a detectable result is less than a RL, report a <X lbs/day, where X is the parameter specific limitation established in the permit.

2. **Production** – Gross weight of raw product prior to processing.

3. **Composite sampling** – Composite samples for BOD_5 and TSS shall consist of a minimum of four flow-proportioned grab samples collected at equally spaced intervals over the course of an entire processing day (one shift or two shifts) that are combined prior to analysis, or another sample type approved by the Department in writing prior to implementation.

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. AUTHORIZED DISCHARGES

The permittee is authorized to discharge to the tidewaters of Gouldsboro (Prospect Harbor) via Outfall #001A 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. 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
Eastern Maine Regional Office
Bureau of Land & Water Quality
Division of Water Quality Management
106 Hogan Road
Bangor, Maine 04401

SPECIAL CONDITIONS

F. OPERATION & MAINTENANCE (O&M) PLAN

On or before June 1, 2007, the permittee shall submit to the Department a current written comprehensive Operation & Maintenance (O&M) Plan ***[PCS Code 09699]***. 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 wastewater 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 Department and USEPA personnel upon request.

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

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 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.

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 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: **MARCH 5, 2007**

PERMIT NUMBER: **ME0000710**
LICENSE NUMBER: **W000791-5P-I-R**

NAME AND ADDRESS OF APPLICANT:

BUMBLE BEE FOODS LLC
d/b/a STINSON SEAFOOD
P.O. BOX 69
PROSPECT HARBOR, MAINE 04669

COUNTY: **HANCOCK COUNTY**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

STINSON SEAFOOD
200 MAIN STREET
PROSPECT HARBOR, MAINE 04669

RECEIVING WATER/CLASSIFICATION: **TIDEWATERS OF GOULDSBORO/CLASS SB**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **MR. JOHN VIECHNICKI**
(207) 963-7331 x1015

1. APPLICATION SUMMARY

Stinson Seafood (Stinson) has applied to the Department of Environmental Protection (Department) for renewal of Waste Discharge License (WDL) #W000791-5P-F-R/Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0000710 issued on December 28, 2001, and Global WDL Transfer #W000791-5P-H-T issued on June 24, 2004. The 12/28/01 WDL authorized the daily maximum discharge of up to 664,800 gallons per day (GPD) of treated process waste waters clean-up waste waters from a sardine/herring steak processing facility to the tidewaters of Gouldsboro, Class SB, in Gouldsboro, Maine. The 12/28/01 WDL/MEPDES Permit and 6/24/04 WDL Transfer expired on December 28, 2006.

2. PERMIT SUMMARY

a. Terms and conditions – This permitting action is establishing a single set of effluent limitations and monitoring requirements for all process waste waters, including clean up water. The previous permit established separate effluent limitations for sardine/steak cutting and packing for less than 12 hours per day (designated Outfall #001A in the previous permitting action), herring fillet processing waste waters (designated Outfall #001C in the previous permitting action), facility clean up waste water (designated Outfall #001D in the previous permitting action), and sardine/steak cutting and packing for more than 12 hours per day (designated Outfall #001E in the previous permitting action). For purposes of Permit System Compliance (PCS) data management, all effluent waste water data associated with this permitting action shall be maintained under Outfall ID #001A.

This permitting action is carrying forward the following terms and conditions from the previous permitting action, but is applying these terms and conditions to all waste water discharged either from an individual processing activity or as a combined waste stream from multiple processing activities:

1. The minimum monitoring frequency requirements for all monitored parameters; and

2. The pH range limitation of 6.0 – 9.0 standard units.

The terms and conditions established in this permitting action are different than those established in the previous permitting action in that this permitting action is:

1. Revising the daily maximum discharge flow limitation to 608,000 gallons per day (gpd) and establishing a monthly average discharge flow limitation of 272,000 gpd;

2. Changing the reporting units for production from tons/day to lbs./day;

3. Establishing monthly average and daily maximum technology-based concentration limits for biochemical oxygen demand (BOD_5), total suspended solids (TSS) and oil & grease (O&G);

4. Changing the mass limitation units for TSS and O&G from lbs./1,000 lbs. of production to lbs./day;

5. Revising the monthly average and daily maximum mass limitations for TSS and O&G and establishing mass limits for BOD_5;

6. Eliminating the daily maximum concentration limit for total residual chlorine (TRC) based on changes in source waters and facility operations; and

7. Establishing a requirement for the permittee to develop and maintain an Operations and Maintenance (O&M) plan.

2. PERMIT SUMMARY (cont'd)

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

May 1, 1980 – The U.S. Environmental Protection Agency (USEPA) issued a National Pollutant Discharge Elimination System (NPDES) permit to Stinson Canning Company for this facility to discharge seafood processing waste water to the tidewaters of Prospect Harbor, Gouldsboro, Maine. The permit expired on March 31, 1981.

On December 20, 1991 – The DEP transferred a WDL issued to Stinson Canning Co. on September 3, 1987 to Stinson Seafood Co. L.P.

On April 25, 2000 – The DEP transferred a WDL issued to Stinson Seafood Co. L.P. on October 23, 1995 to Stinson Seafood (2000), Inc.

January 12, 2001 – The Department received authorization from the USEPA to administer the 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, USEPA extended Maine's NPDES program delegation to all but tribally owned lands. In those areas, the Department maintains the authority to issue WDLs pursuant to Maine law. The extent of Maine's delegated authority is under appeal at the time of this permitting action. From that point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) program and permit #ME0000710 will be utilized as the primary reference number for this facility.

December 28, 2001 – The Department issued WDL #W000791-5P-F-R /MEPDES permit #ME0000710 to Stinson Seafood (2000), Inc. for the discharge of process waste waters from its facility in Prospect Harbor (Gouldsboro), Maine. The 12/28/01 WDL/MEPDES permit superseded previous WDLs issued on October 23, 1995, September 3, 1987, and September 12, 1984.

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

January 29, 2007 – Stinson Seafood submitted General Application to the Department for renewal of the 12/28/01 MEPDES permit (and 6/24/04 permit transfer). The application was accepted for processing on January 31, 2007 and assigned WDL #W000791-5P-I-R/MEPDES permit #ME0000710.

c. Sources Description: Bumble Bee Foods LLC owns and operates the Stinson Seafood fish processing facility located on Main Street in Prospect Harbor, Maine. A map created by the Department showing the location of the facility and receiving waters is included as Fact Sheet Attachment A. Process waste waters at the facility are generated by the processing of whole fish (herring) into sardines, steaks and fillets. Processed fish are flumed throughout the plant into either the byproduct area or the canning plant. Sea water is used to thaw and store whole and cut fish.

2. PERMIT SUMMARY (cont'd)

In describing the processing operation for each product, Stinson reported that whole herring are cut to remove the tail and head. The 3-inch hind quarter sections are processed as sardines, the middle section of the fish is eviscerated and processed as steaks, frozen fillets are cooked and sold as food products. The remaining portions of the fish are discarded as byproduct.

Stinson utilizes *untreated* sea water from Prospect Harbor and *untreated* fresh water from ground water wells for food processing activities. The sea water pump has the capacity to pump at a maximum rate of 400 gallons per minute. Sea water is used for cutting, fluming, storage and clean-up of the cutting and tank room. The facility utilizes a maximum of 32,000 gallons per day (gpd) of fresh water (obtained from two 230-foot deep ground water wells) in the retort process, for boilers, wash-down water, high pressure lines, and to prevent ice accumulation. The combined maximum discharge flow rate is the sum of sea water (576,000 gpd) and fresh water (32,000 gpd), or 608,000 gpd. On average (and based on one working shift), the facility pumps sea water for 10 hours per day at 400 gpm (240,000 gpd). Thus, the average discharge is the sum of sea water used (240,000 gpd) plus 32,000 gallons of fresh water, or 272,000 gpd. A water system flowchart created by Stinson is included as Fact Sheet Attachment B. It is noted that at the time the previous permit was issued for this facility, Stinson obtained fresh water from a surface water source and treated both the fresh and sea intake waters with chlorine for disinfection. Stinson no longer disinfects intake waters.

d. Wastewater Treatment: All process waste waters receive treatment by means of an oil skimmer and twin rotary hydrosieve screen, which provides treatment equivalent to a 40-mesh screen. Treated process waste waters are discharged to the tidewaters of Gouldsboro via an 18-inch diameter outfall pipe situated approximately 20 feet below the water surface at mean low tide.

Sanitary waste waters generated by the facility are treated by and discharged via overboard discharge systems regulated by the Department in WDL #W007935-5C-A-R (scheduled to expire on May 20, 2009) and #W007934-5C-A-R (scheduled to expire on June 30, 2008 (and subsequent transfers).

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 tidewaters of Gouldsboro at the point of discharge as Class SB waters. Maine law, 38 M.R.S.A., Section 465-B subsection 2 describes the classification standards for Class SB waters.

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2004 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 the estuarine and marine waters at Prospect Harbor and Corea Harbor at Gouldsboro as, *"Category 2: Estuarine and Marine Waters Attaining Some Designated Uses – Insufficient Information for Other Uses"* (Waterbody ID#706-1).

In addition, the Report all estuarine and marine waters of the State as, *"Category 4-B-3: Estuarine and Marine Waters Impaired by Atmospheric Deposition of Mercury"* and as *"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 Maine Department of Marine Resources (DMR) assesses information on shellfish growing areas to ensure that shellfish harvested are safe for consumption. The DMR has authority to close shellfish harvesting areas wherever there is a pollution source, a potential pollution threat, or poor water quality. The DMR traditionally closes shellfish harvesting areas if there are known sources of discharges with unacceptable bacteria levels (instream thresholds established in the National Shellfish Sanitation Program) or maintains shellfish harvesting closure areas due to lack of updated information regarding ambient water quality conditions. In addition, the DMR prohibits shellfish harvesting in the immediate vicinity of all wastewater treatment outfall pipes as a precautionary measure in the event of a failure in the treatment plant's disinfection system. Thus, shellfish harvesting area #C52 is closed to the harvesting of shellfish due to insufficient or limited ambient water quality data to determine that the area meets the standards in the National Shellfish Sanitation Program. The shellfish closure area is identified on the map included as Fact Sheet Attachment A.

The Department has no information that the discharge of process waste waters from the Stinson facility causes or contributes to non-attainment of the standards of classification for Class SB waters.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

a. Consolidation of Effluent Limitations: The previous permitting action established separate effluent limitations, monitoring and reporting requirements for sardine/steak cutting and packing for less than 12 hours per day (designated Outfall #001A in the previous permitting action), herring fillet processing waste waters (designated Outfall #001C in the previous permitting action), facility clean up waste water (designated Outfall #001D in the previous permitting action), and sardine/steak cutting and packing for more than 12 hours per day (designated Outfall #001E in the previous permitting action). This permitting action is establishing a single set of effluent limitations and monitoring requirements for all process waste waters, including clean up water. This change is anticipated to improve efficiency in monitoring and reporting by the facility and in evaluating compliance with the terms and conditions of this permit. For purposes of Permit System Compliance (PCS) data management, all effluent waste water data associated with this permitting action shall be maintained under a PCS Outfall ID number of 001A. It is noted that the previously established outfall designations were created for administrative purposes, and the consolidation of effluent limits does not result in the elimination or creation of any outfall points.

b. Production: The previous permitting action did not establish numeric values for sardine production but did require the permittee to report monthly average and daily maximum sardine production rates expressed in tons/day. This permitting action is carrying forward the monthly average and daily maximum production rate reporting requirements, but is revising the reporting units from tons per day to pounds per day for consistency with the units established for other parameters regulated in this permit. This permitting action is carrying forward the minimum monitoring frequency requirement for production reporting of once per day.

Stinson reported that an average day of processing is based on six 20-metric ton truckloads (total of approximately 264,500 pounds) of raw fish which can be packed in eight hours (one working shift). A maximum day of production is based on a double working shift, or approximately 529,000 pounds (twelve 20-metric ton truckloads) of raw fish. Stinson Seafood entered into a Consent Decree with the State of Maine (Superior Court Civil Action Docket No. CV-00-63), which requires the facility to produce a minimum of 450,000 cases of sardines and steaks per year. In order to achieve this production level, Stinson must operate the facility routinely with two eight-hour shifts. Department rule 06-096 CMR Chapter 523 Section 6 allows the Department to establish production-based effluent limitations based upon anticipated increased (not to exceed maximum production capability) or decreased production levels. Production levels at the Stinson facility are limited by the number of employees and shifts the company can employ and by the availability of raw herring for processing. Steak and sardine production values were higher in calendar year 2006 than any other year during the most recent three-year period, and the company is required by the consent decree to continue to increase production to achieve the 450,000-case per year goal. Stinson reported that herring availability is highly variable from month to month and that the company intends to realize the production level specified by the consent decree. Therefore, this permitting action is utilizing Stinson's maximum production capability of 529,000 pounds per day to calculate appropriate effluent limitations for the discharge.

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

c. Flow: The previous permitting action established separate monthly average discharge flow reporting requirements and separate daily maximum discharge flow limitations of 318,000 gallons per day (gpd) for: 1) sardine/steak cutting and packing for less than 12 hours per day; and 2) for more than 12 hours per day; and 3) for herring fillet processing waste waters. The previous permitting action established a monthly average discharge flow reporting requirement and a daily maximum flow limit of 28,800 gpd for facility clean up waste waters. The maximum discharge flow permitted by the previous permitting action for all processing activities is the sum of Outfall #001A (318,000 gpd) and Outfall #001C (318,000 gpd) and Outfall #001D (28,800 gpd), or 664,800 gpd.

This permitting action is establishing monthly average and daily maximum discharge flow limits of 272,000 gpd and 608,000 gpd, respectively, for all waste waters discharged from this facility (either from an individual processing activity or from all combined activities, including clean up water) via Outfall #001A. These limits are based on actual or anticipated water use at the facility as reported by Stinson. This permitting action is carrying forward the continuous, metered monitoring requirement for discharge flow reporting.

d. Dilution Factors: Department rule, 06-096 CMR Chapter 530 Section 4 paragraph A.2.a, *Surface Water Toxics Control Program*, 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."* Based on the configuration of Outfall #001A and monthly average and daily maximum discharge flow limits as established above, dilution factors associated with the discharge are as follows:

Acute = 19.3:1 Chronic = 67.6:1 Harmonic mean[1] = 202.8:1

e. Total Suspended Solids (TSS) and Biochemical Oxygen Demand (BOD_5): The previous permitting action established monthly average and daily maximum effluent TSS limits expressed as 13.0 lbs./1000 lbs. product processed and 18.4 lbs./1000 lbs. product processed, respectively, based on Department best professional judgment in consideration of facility performance. The previous permit also established a combined total daily maximum TSS limit of 8,093.4 lbs./day for all discharges resulting from herring processing. The previous permit states, *"The limitations in this permit, except for the monthly average oil and grease limitations for herring fillets, are BPJ and are based on a review of the past discharge monitoring data reported by the facility and also the Stinson Seafood (2000), Inc. canning facilities in Belfast, Bath and Lubec for the period February 1,1996 through March 31, 2001."*

[1] The harmonic mean dilution factor is approximated by multiplying the chronic dilution factor by three (3). This multiplying factor is based on guidelines for estimation of human health dilution presented in the U.S. EPA publication, *"Technical Support Document for Water Quality-Based Toxics Control"* (Office of Water; EPA/505/2-90-001, page 88), and represents an estimation of harmonic mean flow on which human health dilutions are based in a riverine 7Q10 flow situation.

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

The USEPA has promulgated effluent guidelines at 40 Code of Federal Regulation (CFR) Part 408, *Canned and Preserved Seafood Processing Point Source Category*, Subpart AB – *Sardine Processing Subcategory*. 40 CFR Part 408.280 specifies, *"The provisions of this subpart are applicable to discharges resulting from the canning of sardines or sea herring for sardines. These provisions, however, do not cover the relatively new steaking operation in which cutting machines are used for preparing fish steaks."* Stinson identified to the Department that it typically processes approximately 50% of the herring into sardines and the other 50% into steaks using the same machinery on the same day. The USEPA has not promulgated effluent guidelines for the steaking process. Therefore, the Department must utilize best professional judgment to determine appropriate effluent limitations for the portion of the herring process involving the cutting of steaks.

40 CFR Part 408.282(b) specifies the effluent limitation guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT) for any sardine processing facility which does not utilize dry transportation systems from the fish storage area to the fish processing area. Stinson transports raw fish to the facility by way of tanker truck filled with sea water. Therefore, the Department concludes that the BPT guidelines at 40 CFR Part 408.282(b) are applicable to the portion of the discharge resulting from sardine production, and these guidelines are being used to calculate loading limits for the sardine process.

For TSS, the federal code limits the discharge to 48 pounds per 1000 pounds product processed as a daily maximum and 16 pounds per 1000 pounds product processed as a monthly average.

The "anti-backsliding" provisions found in Department rule Chapter 523 Section 5 paragraph (l)(2) state that a permit may not be renewed, reissued, or modified on the basis of effluent guidelines promulgated under the Clean Water Act, subsequent to the original issuance of such permit, to contain effluent limitations which are less stringent than the comparable effluent limitations in the previous permit, with certain exceptions. One exception is that the renewed permit may contain less stringent limits when material and substantial alterations or additions to the permitted facility occurred after permit issuance which justify the application of a less stringent effluent limitation. The previous permit limits were developed based on a review of effluent data from Stinson's Belfast, Bath and Lubec facilities. Moreover, Stinson's anticipated production figures are significantly higher than in 2001 when the previous permit was issued. Therefore, the Department is making a best professional judgment determination that the anti-backsliding provisions of Chapter 523 allow for the development of less stringent effluent limitations based on Stinson's anticipated production goals and application of appropriate effluent guidelines.

The previous permitting action did not establish effluent limitations or monitoring requirements for BOD_5. The USEPA has not established effluent guidelines for BOD_5 for the Sardine Processing Subcategory. Large quantities of BOD_5 can cause or contribute to localized dissolved oxygen deficiencies or depressions in the receiving water. Therefore, the Department is regulating the discharge of BOD_5 for the facility based on best professional judgment. Stinson does not have effluent BOD_5 data to characterize the discharge levels of

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

this pollutant. Therefore, the Department is utilizing the same technology-based values for BOD_5 as it did for TSS to calculate effluent BOD_5 limitations.

The previous limit of 13.0 lbs./1000 lbs. product processed is more stringent than the national effluent guideline of 16 lbs./1000 lbs. and is therefore being used to calculate the monthly average effluent TSS and BOD_5 loading limitation for the sardine process.

The previous limit of 18.4 lbs./1000 lbs. product processed is more stringent than the national effluent guideline of 48 lbs./1000 lbs. and is therefore being used to calculate the daily maximum effluent TSS and BOD_5 loading limitation for the sardine process.

The steaking process involves more cuts of the herring and results in a higher level of pollutants in the effluent. Based on Department best professional judgment, this permitting action is applying a factor of 1.5 to the guidelines used to calculate the TSS and BOD_5 loading limits for sardines to calculate TSS and BOD_5 loading limits for the steaking process.

With an average production figure of 264,500 lbs./day for sardines and 264,500 lbs./day for steaks, and using the following technology-based guidelines, monthly average and daily maximum effluent TSS and BOD_5 mass limits were derived as follows:

Guidelines for limit development.

Product	Monthly Average	Daily Maximum
Sardines	13.0 lbs./1000 lbs.	18.4 lbs./1000 lbs.
Steaks	19.5 lbs./1000 lbs.	27.6 lbs./1000 lbs.

Monthly Average TSS and BOD_5 Mass Limit

Sardine:	(264,500 lbs.)(13 lbs./1000 lbs.)	= 3,439 lbs./day
Steak	(264,500 lbs.)(19.5 lbs./1000 lbs.)	= 5,158 lbs./day
		= **8,597 lbs./day**

Daily Maximum TSS and BOD_5 Mass Limit

Sardine:	(264,500 lbs.)(18.4 lbs./1000 lbs.)	= 4,867 lbs./day
Steak	(264,500 lbs.)(27.6 lbs./1000 lbs.)	= 7,300 lbs./day
		= **12,167 lbs./day**

Department rule Chapter 523 Section 6 paragraph (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 technology-based concentrations limits for TSS and BOD_5 is appropriate. Effluent concentration limits were derived by back-calculating values from the applicable mass limits calculated above and the monthly average flow limit of 0.272 MGD as follows:

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

Monthly Average TSS and BOD_5: $\frac{8,597 \text{ lbs/day}}{(8.34)(0.272 \text{ MGD})}$ = **3,790 mg/L**

Daily Maximum TSS and BOD_5: $\frac{12,167 \text{ lbs/day}}{(8.34)(0.272 \text{ MGD})}$ = **5,364 mg/L**

This permitting action is carrying forward for TSS and establishing for BOD_5, a minimum monitoring frequency requirement of twice per month.

f. Oil and Grease (O&G): The previous permitting action established effluent limitations for O&G equivalent to the previously established TSS limits, including a combined total daily maximum mass limit of 8,093.4 lbs./day . The USEPA has established effluent guidelines for O&G for the Sardine Processing Subcategory in terms of a monthly average of 2.8 lbs./1000 lbs. production and a daily maximum of 6.3 lbs./1000 lbs. production. The previous limits of 13.0 lbs./1000 lbs. product processed and 18.4 lbs./1000 lbs. product processed are less stringent than the national effluent guidelines promulgated at 40 CFR Part 408.282(b). To satisfy the anti-backsliding provisions of Department rule, this permitting action is utilizing the promulgated effluent guidelines to calculate the portion of the O&G limitations resulting from sardine processing. Stinson stated that the steaking process contributes significantly higher levels of oil and grease in the final effluent than does the sardine process and that all cuts are performed in the same machine concurrently, such that there are not separate waste streams for the steaking and sardine processes. Stinson has evaluated and determined that it cannot consistently achieve compliance with O&G limitations based on the national effluent guidelines due to contributions from the steaking process for which effluent guidelines have not been promulgated. Therefore, this permitting action is establishing O&G limits based on the sum of allowable loadings for sardine processing and the allowable loadings for steak processing similar to that which was done for TSS and BOD_5. As discussed above, Stinson is obligated to produce 450,000 cases annually. Stinson must process as much herring as possible regardless of time of year. At certain times of the year, herring contain higher levels of fats and oils and the steaking process, in particular, affects effluent oil and grease levels. Therefore, this permitting action is applying a factor of 2.0 to the guidelines used to calculate the O&G loading limits for sardines to calculate O&G loading limits for the steaking process.

With an average production figure of 264,500 lbs./day for sardines and 264,500 lbs./day for steaks, and using the following technology-based guidelines, monthly average and daily maximum effluent O&G mass limits were derived as follows:

Guidelines for limit development.

Product	Monthly Average	Daily Maximum
Sardines	2.8 lbs./1000 lbs.	6.3 lbs./1000 lbs.
Steaks	5.6 lbs./1000 lbs.	12.6 lbs./1000 lbs.

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

Monthly Average O&G Mass Limit

Sardine:	(264,500 lbs.)(2.8 lbs./1000 lbs.)	= 741 lbs./day
Steak	(264,500 lbs.)(5.6 lbs./1000 lbs.)	= 1,481 lbs./day
		= **2,222 lbs./day**

Daily Maximum O&G Mass Limit

Sardine:	(264,500 lbs.)(6.3 lbs./1000 lbs.)	= 1,666 lbs./day
Steak	(264,500 lbs.)(12.6 lbs./1000 lbs.)	= 3,333 lbs./day
		= **4,999 lbs./day**

Effluent concentration limits were derived by back-calculating values from the applicable mass limits calculated above and the monthly average flow limit of 0.272 MGD as follows:

Monthly Average O&G: $\frac{2,222 \text{ lbs/day}}{(8.34)(0.272 \text{ MGD})}$ = **980 mg/L**

Daily Maximum O&G: $\frac{4,999 \text{ lbs/day}}{(8.34)(0.272 \text{ MGD})}$ = **2,204 mg/L**

This permitting action is carrying forward the minimum monitoring frequency requirement of twice per month for O&G.

g. Total Residual Chlorine (TRC): The previous permitting action established a daily maximum water quality-based limit of 0.4 mg/L for seafood process waste waters and a daily maximum technology-based limit of 1.0 mg/L for facility clean up water. Limitations on TRC are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. Stinson no longer chlorinates intake waters used for food processing operations. Therefore, the Department concludes that TRC is not a pollutant of concern to regulate in this permitting action and is eliminating the limitations and monitoring requirements for TRC.

h. pH – The previous permitting action established a technology-based pH range limitation of 6.0 – 9.0 standard units which is being carried forward in this permitting action. This pH range limitation is based on the BPT-based effluent guidelines promulgated at 40 CFR Part 408.282. This permitting action is carrying forward the minimum monitoring frequency requirement for pH of twice per month.

7. ANTIDEGRADATION

Maine law, 38 M.R.S.A. §464 sub§(4)(F) contains what is referred to as the State's antidegradation policy. The Department has determined that the actions of revising the effluent limitations for total suspended solids to levels that are less stringent than those established in the previous permit is appropriate and justified at this time based on significant changes on production data for this facility and will not cause or contribute to the failure of the receiving waterbody to meet the standards of its assigned water quality classification. Additionally, the permittee is required to achieve a minimum production level pursuant to a Consent Decree with the State of Maine that is higher than previous production levels for this facility. The Department concludes that this increase in production provides important economic or social benefits to the State.

8. 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.

9. PUBLIC COMMENTS

Public notice of this application was made in the *Ellsworth American* newspaper on or about November 6, 2006. 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.

10. 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) 287-3435
e-mail: bill.hinkel@maine.gov

11. RESPONSE TO COMMENTS

During the period of January 31, 2007 through March 2, 2007, the Department solicited comments on the proposed draft Maine Pollutant Discharge Elimination System Permit to be issued to Stinson for the proposed discharge. The Department received two significant comments on the proposed draft permit from the Department's Division of Water Quality Management, which is summarized and responded to as follows:

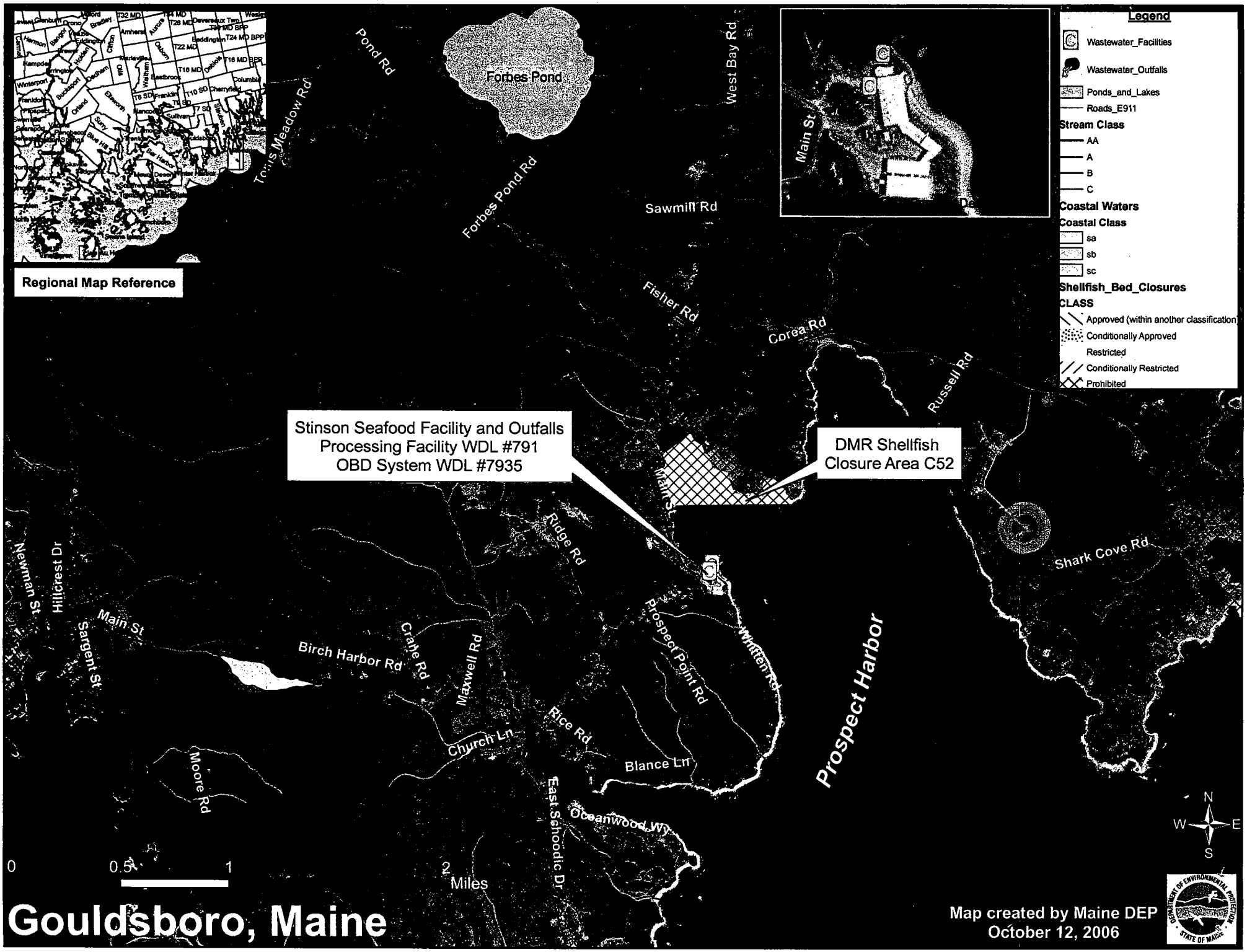
Comment #1: On page 9 of the proposed draft fact sheet, the technology-based guidelines/standards utilized to calculate the daily maximum effluent TSS and BOD_5 limitations were not applied correctly.

Response #1: The Department has corrected the draft permit to properly utilize the previous permit limit of 18.4 lbs./1000 lbs. (for sardines) and 27.6 lbs./1000 lbs. (for steaks) to calculate the daily maximum TSS and BOD_5 limitations. This change resulted in revising the draft daily maximum mass limit from 10,580 lbs/day to 12,167 lbs./day and the concentration limit from 4,664 mg/L to 5,364 mg/L. See pages 9 and 10 of this final fact sheet for revised daily maximum effluent limits.

Comment #2: Special Condition A, Footnote # 3 for composite samples does not consider representative sampling when processing at the facility for more than eight hours (*i.e.*, two shifts).

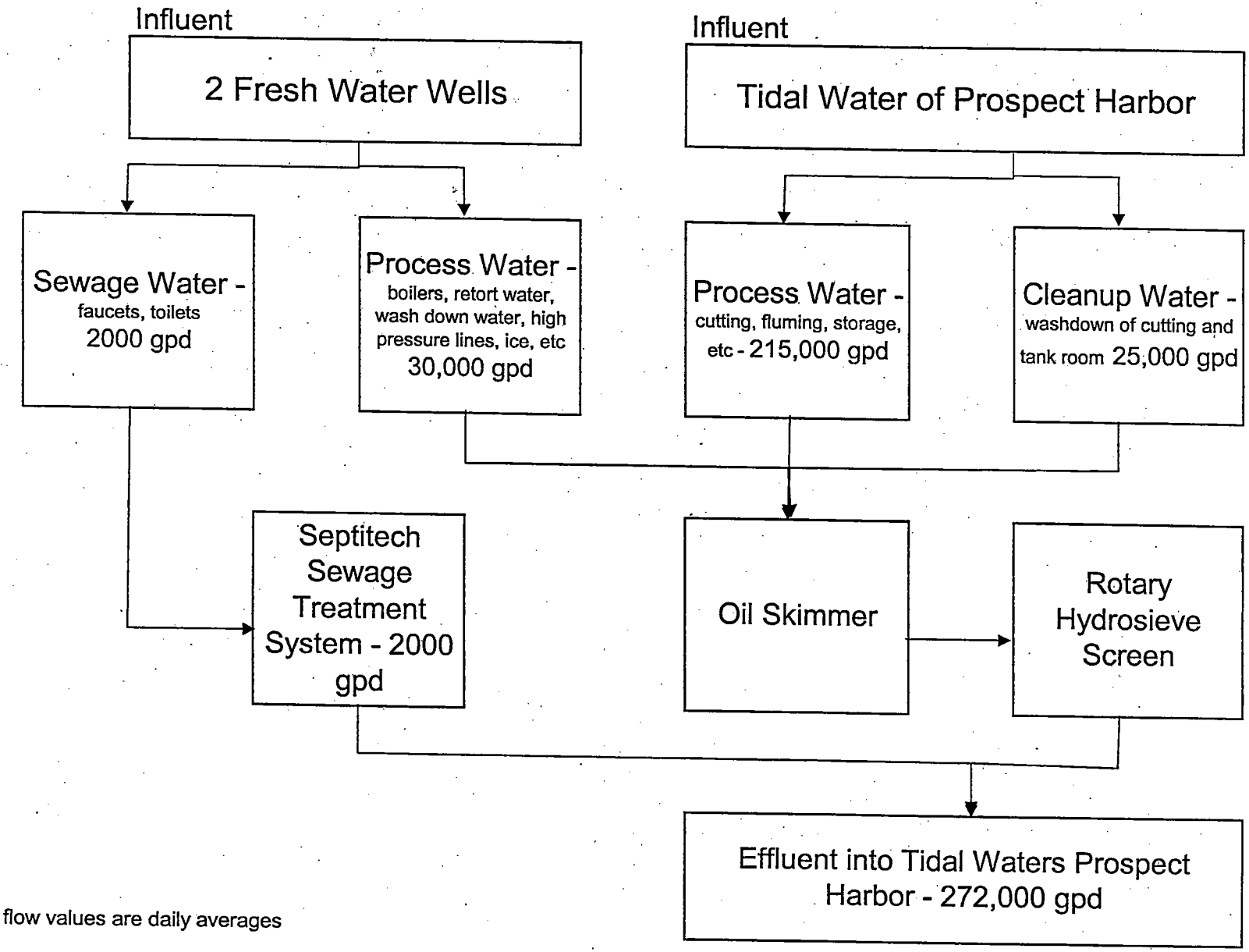
Response #2: The Department has modified the drat permit to revise Special Condition A, Footnote #3 (Composite Sample) to require a minimum of four grab samples over the course of an entire processing day (one shift or two).

ATTACHMENT A


Regional Map Reference
Forbes Pond
Pond Rd
Forbes Pond Rd
Tonis Meadow Rd
West Bay Rd
Sawmill Rd
Fisher Rd
Corea Rd
Russell Rd
Main St
Legend
Wastewater_Facilities
Wastewater_Outfalls
Ponds_and_Lakes
Roads_E911
Stream Class
AA
A
B
C
Coastal Waters
Coastal Class
sa
sb
sc
Shellfish_Bed_Closures
CLASS
Approved (within another classification)
Conditionally Approved
Restricted
Conditionally Restricted
Prohibited
Stinson Seafood Facility and Outfalls
Processing Facility WDL #791
OBD System WDL #7935
DMR Shellfish
Closure Area C52
Ridge Rd
Shark Cove Rd
Newman St
Hillcrest Dr
Sargent St
Birch Harbor Rd
Crabe Rd
Maxwell Rd
Prospect Point Rd
Whitten Rd
Prospect Harbor
Rice Rd
Church Ln
Blance Ln
Moore Rd
East Schoodic Dr
Oceanwood Dr
N
W
E
S
0
0.5
1
2
Miles
Gouldsboro, Maine
Map created by Maine DEP
October 12, 2006

ATTACHMENT B

Stinson Seafood Water System Flowchart



All flow values are daily averages