STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JANET T. MILLS
GOVERNOR

MELANIE LOYZIM
COMMISSIONER

September 17, 2024

Mr. Todd Langevin
Maine Dept. of Inland Fisheries & Wildlife
SHS #41
Augusta, ME. 04333
Todd.Langevin@maine.gov

Sent via electronic mail

Delivery confirmation requested

RE: *Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0001091*
Maine Waste Discharge License (WDL) Application #W002034-6F-G-R
Preliminary Draft MEPDES Permit Renewal

Dear Mr. Langevin,

Attached is a **proposed draft** MEPDES permit and Maine WDL which the Department proposes to issue as a final document after opportunity for your review and comment. By transmittal of this letter, you are provided with an opportunity to comment on the proposed draft permit and its special and standard conditions. If it contains errors or does not accurately reflect present or proposed conditions, please respond to this Department so that changes can be considered.

By copy of this letter, the Department is requesting comments on the proposed draft permit from various state and federal agencies and from any other parties who have notified the Department of their interest in this matter.

The comment period begins today, Tuesday, September 17, 2024, and ends on Thursday, October 17. 2024. All comments on the proposed draft permit must be received in the Department of Environmental Protection office on or before the close of business **Thursday, October 17, 2024.** Failure to submit comments in a timely fashion will result in the proposed draft/license permit document being issued as drafted.

Comments in writing should be submitted to my attention at the following address:

Maine Department of Environmental Protection
Bureau of Water Quality
Division of Water Quality Management
17 State House Station
Augusta, ME 04333-0017

If you have any questions regarding the matter, please feel free to call me at 207-215-6856 or e-mail me at Asenath.frizzell@maine.gov.

Sincerely,

Asenath Frizzell
Division of Water Quality Management
Bureau of Water Quality

Enclosure

cc: Bradley Kelso, DEP/CMRO
James Knight, DEP/CMRO
Lori Mitchell, DEP/CMRO
Wendy Garland, DEP/CMRO
Laura Crossley, DEP/CMRO
Elizabeth Latti, MEIFW
Ellen Weitzler, USEPA
Lynn Jennings, USEPA
Michael Cobb, USEPA
Alex Rosenberg, USEPA
Richard Carvalho, USEPA
Sean Mahoney, CLF
Erin Wilson, DACF
Maine DMR
Maine IFW

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

IN THE MATTER OF

ME. DEPT. INLAND FISHERIES & WILDLIFE	)	MAINE POLLUTANT DISCHARGE
GOVERNOR HILL FISH HATCHERY	)	ELIMINATION SYSTEM PERMIT
AUGUSTA, KENNEBEC COUNTY, MAINE	)	AND
ME0001091	)	WASTE DISCHARGE LICENSE
W-002034-6F-G-R **APPROVAL**	)	**RENEWAL**

In compliance with the applicable provisions of *Pollution Control*, 38 M.R.S. §§ 411 – 424, *Water Classification Program*, 38 M.R.S. §§ 464 – 470 and *Federal Water Pollution Control Act*, Title 33 U.S.C. § 1251-1387, and applicable rules of the Department of Environmental Protection (Department), the Department has considered the application of the MAINE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE (MDIFW Augusta, permittee), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

On February 15, 2024, the Department of Environmental Protection (Department) accepted as complete for processing an application from MDIFW for the renewal of combination Waste Discharge License (WDL) W-002034-6F-F-R/ Maine Pollutant Discharge Elimination System (MEPDES) permit ME0001091 (permit), which was issued on April 6, 2020, for a five-year term. The April 6, 2020 permit authorized a monthly average discharge of 1.2 million gallons per day (MGD) of fish hatchery wastewater (Outfall #005A) to Spring Brook, Class B, from MDIFW Governor Hill Hatchery in Augusta, Maine.

PERMIT SUMMARY

This permitting action is carrying forward the terms and conditions of the April 6, 2020 permit except that it:

1. Reestablishes a concentration limit for Total Phosphorus that was erroneously removed in the previous permit, this time utilizing the same data for calculating the previous permit's mass limit.

2. Establishes under Special Condition A, *Effluent Limitation and Monitoring Requirements*, once per month upstream ambient receiving water quality sampling for total phosphorus and the associated footnotes.

3. Updates Special Condition A*, Effluent Limitations and Monitoring Requirements*, *Footnote 1*, *Sampling* to use sufficiently sensitive methods.

PERMIT SUMMARY (Cont'd)

4. Updates Special Condition A, *Effluent Limitations and Monitoring Requirements*, *Footnote 2*, *Composite Sampling* to be consistent with the Department updates to MEPDES permits.

5. Updates Special Condition B(3), *Narrative Effluent Limitations*, to be consistent with the Department's most current language.

6. Updates Special Condition E, *Monitoring and Reporting,* to the Department's most current requirements.

7. Amends Special Condition F, *Operation and Maintenance Plan*, to include a requirement for documentation of all drug/pesticide/other compound use as well as to include a section specifically applicable to wastewater operations.

8. Modifies Special Condition G, *Use of Drugs for Disease Control*, to be consistent with Department updates to MEPDES permit language for land-based fish hatcheries, regarding the application of preventative treatments.

9. Updates Special Condition J, *Protection of Atlantic Salmon,* Escape Reporting Contact List.

CONCLUSIONS

BASED on the findings in the attached and incorporated Fact Sheet dated September 17, 2024, 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, *Classification of Maine waters*, 38 M.R.S. § 464(4)(F), will be met, in that:

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

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

   (c) Where the standards of classification of the receiving waterbody are not met, the discharge will not cause or contribute to the failure of the waterbody to meet the standards of classification;

CONCLUSIONS (Cont'd)

(d) Where the actual quality of any classified receiving waterbody exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and

(e) Where a discharge will result in lowering the existing water quality of any waterbody, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.

4. The discharge will be subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S. § 414-A(1)(D).

5. The applicant has objectively demonstrated to the Department's satisfaction that the discharge is necessary and that there are no other reasonable alternatives available, as required by *Standards for classification of fresh surface waters,* 38 M.R.S. § 464(4)(A)(l)(a) for the direct discharge of pollutants to waters having a drainage area of less than 10 square miles.

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ACTION

THEREFORE, the Department APPROVES the above noted application of the MAINE DEPARTMENT OF INLAND FISHERIES & WILDLIFE to discharge a monthly average of 1.2 MGD of fish hatchery wastewater via Outfall #005A to Spring Brook, Class B, in Augusta, Maine, SUBJECT TO ALL APPLICABLE STANDARDS AND REGULATIONS AND THE FOLLOWING CONDITIONS:

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

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

3. This permit becomes effective upon the date of signature below and expires at midnight five (5) years after that date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the terms and conditions of this permit and all subsequent modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matter*s, 06-096 C.M.R. ch. 2 § (21)(A) (amended June 9, 2018)].

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS ___ DAY OF _____ 2024.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY _____
Melanie Loyzim, Commissioner

Date of initial receipt of application February 7, 2024
Date of application acceptance February 15, 2024

Date filed with Board of Environmental Protection_____

This Order prepared by Asenath Frizzell, Bureau of Water Quality

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge **fish hatchery wastewater from Outfall #005A (fish hatchery and rearing station)** to Spring Brook. Such discharges are limited and must be monitored by the permittee as specified below[1]:

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements
	Monthly Average as specified	Daily Maximum as specified	Monthly Average as specified	Daily Maximum as specified	Daily Minimum as specified	Measurement Frequency as specified	Sample Type as specified
Flow *[50050]*	1.2 MGD *[03]*	---	---	---	---	Daily *[01/01]*	Measure *[MS]*
TSS *[00530]*	17 lbs./day *[26]*	100 lbs./day *[26]*	6 mg/L *[19]*	10 mg/L *[19]*	---	1/Month *[01/30]0*	Composite[2] *[CP]*
Dissolved Oxygen ***(June 1 – September 30th)*** *[00300]*	---	---	Report mg/L *[19]*	Report mg/L *[19]*	7.5 mg/L *[19]*	1/Week *[01/07]*	Measured *[MS]*
Total Phosphorus[3] ***(June 1st – September 30th concentration only)*** ***(Mass limits year round)*** *[00665]*	0.24 lbs./day *[26]*	Report lbs./day *[26]*	0.035 mg/L *[19]*	Report mg/L *[19]*	---	2/Month[4] *[02/30]*	Composite[2] *[CP]*
Fish on Hand *[45604]*	---	Report lbs./day *[26]*	---	---	---	1/Month *[1/30]*	Calculated *[CA]*
Formalin[5] *[51064]*	Report lbs./day *[26]*	95 lbs./day *[26]*	---	---	---	1/Occurrence *[01/OC]*	Calculated *[CA]*

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

FOOTNOTES: See Pages 7-9 of this permit for applicable footnote

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to do ambient receiving water monitoring to Spring Brook. Such sampling must be monitored by the permittee as specified below[(1)]:

Ambient Receiving Water Characteristic	**Ambient Reporting**	**Monitoring Requirements**	
	Monthly Average	Measuring Frequency	Sample Type
Up-Stream[(6)]: Total Phosphorus ***(June 1st – September 30th)*** *[00665]*	Report Only *[19]*	1/Month *[01/30]*	Grab[(7)]

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 (DMRs).

FOOTNOTES: See Page 7-9 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

Footnotes

1. **Sampling**-All effluent monitoring must be conducted at a location following the last treatment unit in the treatment process, as to be representative of end-of-pipe effluent characteristics. Any change in sampling location must be approved by the Department in writing. The permittee must conduct sampling and analysis in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis must be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services for wastewater. Samples that are sent to a laboratory operated by a waste discharge facility licensed pursuant to Waste discharge licenses, 38 M.R.S. § 413 are subject to the provisions and restrictions of Maine Comprehensive and Limited Environmental Laboratory Certification Rules, 10-144 CMR ch. 263 (Amended March 15, 2023). Laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of 10-144 CMR ch. 263. If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR).

   In accordance with 40 C.F.R. § 122.44(i)(1)(iv), the licensee must monitor according to sufficiently sensitive test procedures (i.e., methods) approved under 40 C.F.R. Part 136 or required under 40 C.F.R. chapter I, subchapter N or O, for the analysis of pollutants or pollutant parameters (except WET). A method is "sufficiently sensitive" when: 1) The method minimum level (ML) is at or below the level of the effluent limitation established in the permit for the measured pollutant or pollutant parameter; or 2) The method has the lowest ML of the analytical methods approved under 40 C.F.R. Part 136 or required under 40 C.F.R. chapter I, subchapter N or O for the measured pollutant or pollutant parameter. The term "minimum level" refers either to the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (MDL), whichever is higher. Minimum levels may be obtained in the following ways: they may be published in a method; they may be based on the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a laboratory, by a factor.

2. **Composite Samples** – Samples must consist of 24-hour composites collected with an automatic composite sampler. Alternatively, when weather conditions and/or equipment prevents automatic compositing and upon notification to the Department's compliance inspector, the permittee may manually composite a minimum of eight grab samples collected at one-hour intervals during the working day at the facility. The permittee must indicate the type of sample collected on the DMR.

SPECIAL CONDITIONS

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

3. **Total Phosphorus** – The concentration and mass effluent limits and monitoring requirements consist of gross, end-of-pipe values. Total phosphorus monitoring must be performed in accordance with **Attachment A** of this permit entitled, *Protocol For Total P Sample Collection and Analysis for Waste Water – May, 2014*, unless otherwise specified by the Department. Concentrations Limits and monitoring requirements (mg/L) are seasonal and are only in effect from June 1 through September 30 of each year. Phosphorus mass limits and monitoring requirements are in effect year-round. The permittee is cautioned that compliance with concentration limits will not necessarily result in compliance with mass limits.

4. **Twice per Month Monitoring:** Monitoring required at a minimum frequency of 2/month must be collected no less than 14 days between sampling events, unless specifically authorized by the Department's compliance inspector.

5. **Formalin** – Formalin monitoring must be conducted when in use at the facility and must consist of a calculated effluent mass value. Therefore, the following calculation must be applied to assess the total mass of formalin discharged per occurrence (lbs./day):

   Formalin applied (gallons) x 9.03[1] (lbs./gallon) = Total formalin in effluent (lbs./day)

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

   1. One hour per day treatment typical of hatchery and rearing facility discharges; and

   2. Maximum of up to 24 hours of treatment and discharge for addressing emergency conditions at the facility.

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

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

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

SPECIAL CONDITIONS

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

6. **Upstream**: defined as a location representative of ambient receiving water conditions prior to mixing with effluent from the hatchery.

7. **Grab Samples -** Receiving water samples shall be taken concurrently with effluent samples (i.e., the receiving water grab samples shall be taken during the 24-hour composite period for the effluent). To the extent practicable, receiving water samples shall be collected following a minimum of 72 hours with no precipitation (i.e., dry weather).

B. NARRATIVE EFFLUENT LIMITATIONS

1. The permittee must not discharge effluent that contains a visible oil sheen, foam or floating solids at any time which would impair the uses designated for the classification of the receiving waters.

2. The permittee must not discharge effluent that contains materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the uses designated for the classification of the receiving waters.

3. The permittee must not discharge effluent that imparts color, taste, turbidity, toxicity, radioactivity or other properties which cause those waters to be unsuitable for the designated uses and characteristics ascribed to their classification.

4. The permittee must not discharge effluent that lowers the quality of any classified body of water below such classification, or lowers the existing quality of any body of water if the existing quality is higher than the classification.

C. AUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on February 15, 2024; 2) the terms and conditions of this permit; and 3) only from Outfall #005A. Discharges of wastewater from any other point source(s) are not authorized under this permit, and must be reported in accordance with Standard Condition D(1)(f), *Twenty-four-hour reporting.*

SPECIAL CONDITIONS

D. NOTIFICATION REQUIREMENT

In accordance with Standard Condition D, the permittee must notify the Department of the following:

1. Any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system.

2. For the purposes of this section, adequate notice must include information on:

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

   b. Any anticipated change in the quality and quantity of the wastewater to be discharged from the treatment system.

E. MONITORING AND REPORTING

Electronic Reporting

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

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

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

Documentation submitted in support of the electronic DMR may be attached to the electronic DMR. Toxics reporting must be done using the DEP Toxsheet reporting form. An electronic copy of the Toxsheet reporting document must be submitted to your Department compliance inspector as an attachment to an email. Documentation submitted electronically to the Department in support of the electronic DMR must be submitted no later than midnight on the 15th day of the month following the completed reporting period.

F. OPERATION & MAINTENANCE PLAN

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

An acceptable O&M plan must ensure the following items are adequately addressed:

SPECIAL CONDITIONS

F. OPERATION & MAINTENANCE PLAN (cont'd)

1. Solids Control

    a. Methods and practices to ensure efficient feed management and feeding strategies that limit feed input to the minimum amount reasonably necessary to achieve production goals and sustain targeted rates of aquatic animal growth in order to minimize potential discharges to waters of the State.

    b. In order to minimize the discharge of accumulated solids from the settling basin, settling tanks, and production systems, identify and implement procedures for routine cleaning of rearing units and settling tanks, and procedures to minimize any discharge of accumulated solids during the inventorying, grading, and harvesting of aquatic animals in the production system.

    c. Procedure for removal and disposal of mortalities to prevent discharge to waters of the State.

2. Materials Storage

    a. Ensure proper storage of drugs[2], pesticides[3], feed, and any petroleum and/or hazardous material(s) in a manner designed to prevent spills that may result in the discharge of drugs, pesticides, or feed to waters of the State.

    b. Implement procedures for properly containing, cleaning, and disposing of any spilled material that has the potential to enter waters of the State.

3. Structural Maintenance

    a. Inspect the production system and the wastewater treatment system on a routine basis in order to identify and promptly repair any damage.

    b. Conduct regular maintenance of the production system and the wastewater treatment system in order to ensure that they are properly functioning.

4. Recordkeeping

    a. Maintain records for fish rearing units documenting the feed amounts and estimates of the numbers and weight of fish.

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[2] **Drug.** "Drug" means any substance defined as a drug in section 201(g)(1) of the *Federal Food, Drug and Cosmetic Act* [21 U.S.C. § 321].

[3] **Pesticide.** "Pesticide" means any substance defined as a "pesticide" in section 2(u) of the *Federal Insecticide, Fungicide, and Rodenticide Act* [7 U.S.C. § 136 (u)].

SPECIAL CONDITIONS

F. OPERATION & MAINTENANCE PLAN (cont'd)

b. Maintain records that document the frequency of cleaning, inspections, repairs and maintenance.

c. Maintain records that document drug/pesticide/other compound use as indicated under Special Condition G, Use of Drugs for Disease Control, and Special Condition H, Use of Pesticides and Other Compounds.

5. Training

a. In order to ensure the proper clean-up and disposal of spilled material adequately, train all relevant personnel in spill prevention and how to respond in the event of a spill.

b. Train staff on the proper operation and cleaning of production and wastewater treatment systems including training in feeding procedures and proper use of equipment to prevent unauthorized discharges.

6. Wastewater Operations

a Provide a flow chart for the wastewater treatment process, the sludge and solids dewatering and removal process, and effluent discharge system.

a. Identify and develop operational and maintenance standard operating procedures for the treatment system components used to treat clean water, sludge water from cleaning mechanical filters, sludge water from backflushing biological treatment filters, and other wastewaters, as applicable:

i. Belt/drum filters and thickeners;
ii. Use of flocculants/coagulants;
iii. Clarifiers/settling tanks;
iv. Fish exclusion barriers;
v. Centrifuges;
vi. UV disinfection/sterilization;
vii. Chemical storage and disposal;
viii. Intake/outfall maintenance;
ix. Other

b. Define each of the following wastewater treatment responsibilities:
i. Operations Manager qualifications and duties;
ii. Staff duties;
iii. Sample collection and analysis;
iv. Regulatory reporting:

SPECIAL CONDITIONS

F. OPERATION & MAINTENANCE PLAN (cont'd)

1. Discharge monitoring reports
2. Spill/release reports;

v. Any other wastewater operations responsibilities not listed.

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

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

G. USE OF DRUGS FOR DISEASE CONTROL

1. **General requirements.** All drugs used for disease prevention or control must be approved or authorized by the U.S. Food and Drug Administration (FDA), and all applications must comply with applicable FDA requirements.

2. **FDA-approved drugs.** Drugs approved by the FDA for fish culture purposes may be used in accordance with label instructions.

   a. Preventative treatments: The discharge of any approved drug administered as a preventative measure is not authorized by this permit, unless the following conditions are met: the drug must be approved by FDA, and the treatment and route of administration must be consistent with the drug's intended use. Discharges may occur through direct application of a drug or indirectly through feed, injection, ingestion, or immersion at the facility.

   b. Drugs identified in the permittee's application: A list of drugs, pesticides and other compounds proposed for use at Maine Department of Inland Fisheries and Wildlife Governor Hill Fish Hatchery during the term of the permit, which was provided by the permittee on Form DEPLW1999-18 included with its February 15, 2024, General Application for Waste Discharge Permit, is included as **Attachment B** of this permit.

SPECIAL CONDITIONS

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

Name	Frequency of Use	Concentration	QTY. Used/Year
Parasite – S	As Needed	1667ppm →(15 min. duration) 150-250 ppm →(1-hr duration)	+/- 150 gal
Tricaine-S	As Needed	15 – 330 mg/L	<400 grams
Halamid Aqua	As Needed	12-20ppm Limit 400.9 g/day Limit 24.6g/hr.	<10 lbs

c. Drugs not identified in the permittee's application: When the need to treat or control diseases requires the use of an FDA-approved drug not identified in the application, or **Attachment B** of the permit, the permittee must notify the Department orally or by electronic mail prior to initial use of the drug.

1. The notification must include a description of the drug, its intended purpose, the method of application, the amount, the concentration, the duration of the use, and information on aquatic toxicity.

2. ***Within seven (7) days of*** the initial notification the permittee must submit a written report that includes all of the information outlined in Section G(2)(c)(1) above.

3. The Department may require submission of an application for permit modification, including public notice requirements, if the drug is to be used for more than a 30-consecutive day period.

4. If, upon review of information regarding the use of a drug pursuant to this section, the Department determines that significant adverse effects are likely to occur, it may deny, restrict or limit use of the drug.

3. **Extralabel drug use.** Extralabel drug use is not authorized by this permit, unless in accordance with a specific prescription written for that use by a licensed veterinarian.

a. Notification. The permittee must notify the Department orally or by e-mail prior to initial extralabel use of a drug.

1. The notification must include a description of the drug, its intended purpose, the method of application, the amount, concentration, and duration of the use, information on aquatic toxicity, and a description of how and why the use qualifies as an extralabel drug use under FDA requirements.

SPECIAL CONDITIONS

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

2. ***Within seven (7) days of*** the initial notification the permittee must submit a written report that includes all of the information outlined in Section G(3)(a)(1) above. Notice must include documentation that a veterinarian has prescribed the drug for the proposed use. A copy of the veterinarian's prescription must be maintained on-site during treatment for Department review.

3. If, upon review of information regarding the extralabel use of a drug pursuant to this section, the Department determines that significant adverse effects are likely to occur, it may deny, restrict or limit use of the drug.

4. **Investigational New Animal Drug (INAD).** The discharge of drugs authorized by the FDA for use during studies conducted under the INAD program is not authorized by this permit, unless in accordance with specific prior consent given in writing by the Department.

   a. Initial report. The permittee must provide a written report to the Department for the proposed use of an INAD ***within seven (7) days*** of agreeing or signing up to participate in an INAD study. The written report must identify the INAD to be used, method of use, dosage, and disease or condition the INAD is intended to treat.

   b. Evaluation and monitoring. ***At least ninety (90) days prior to initial use*** of an INAD at a facility, the permittee must submit for Department review and approval a study plan for the use of the drug that:

      1. Indicates the date the facility agreed or signed up to participate in the INAD study.

      2. Demonstrates that the minimum amount of drug necessary to evaluate its safety, efficacy, and possible environmental impacts will be used.

      3. Includes an environmental monitoring and evaluation program that at a minimum describes sampling strategies, analytical procedures, evaluation techniques and a timetable for completion of the program. Currently available data or literature that adequately characterizes the environmental fate of the INAD and its metabolite(s) may be proposed for consideration in determinations of environmental monitoring and evaluation programs required by the Department pursuant to this section.

   c. Notification. The permittee must notify the Department orally or by electronic mail ***no more than forty-eight (48) hours after*** beginning the first use of the INAD under the approved plan.

SPECIAL CONDITIONS

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

d. The following INAD was identified by the permittee and is authorized to be used in accordance with the INAD program:

Name	Frequency of Use	Concentration	Qty. Used/Year
AQUI-S 20E	As Needed	25-40 ppm	<1 Liter

H. PESTICIDES AND OTHER COMPOUNDS

General requirements. All pesticides used at the facility must be applied in compliance with federal labeling restrictions and in compliance with applicable statute, Board of Pesticides Control rules and best management practices (BMPs). Chemicals or compounds not registered as pesticides and proposed for use at the facility must be identified in the permittee's application and may only be discharged to waters of the State with express approval in this permitting action. It is the Department's best professional judgment (BPJ) that the incidental discharge of these chemicals will not cause or contribute to non-attainment of applicable water quality standards. In accordance with Special Condition D of this permit, the permittee must notify the Department of any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system.

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

Name	Frequency of Use	Concentration	Qty. Used/Year
Virkon Aquatic	As Needed	1.3 oz/gal H_2O	+/- 10 lbs.

b. Other compounds identified in the permittee's application. The following compounds were identified in the permittee's application as currently being or potentially being in use. The permittee is authorized to discharge the following compounds.

Name	Frequency of Use	Concentration	Qty. Used/Year
Argentyne or Ovadine	As Needed	100 ppm	+/- 4 gallons
Sodium Chloride blocks or crystals	As Needed	1 – 2%	<2000 lbs.

SPECIAL CONDITIONS

I. SPILLS

In the event of a spill of drugs, pesticides, or feed that results in a discharge to waters of the State, the permittee must provide the Department an oral report within 24 hours and written report within 5 days of its occurrence. The report must include the identity and quantity of the material spilled.

J. PROTECTION OF ATLANTIC SALMON

The permittee is required to employ a fully functional Containment Management System (CMS) designed, constructed, operated, and audited so as to prevent the accidental or consequential escape of fish from the facility.

Each CMS plan must include:

2. a site plan or schematic;
3. site plan description;
4. procedures for inventory control, predator control, escape response; unusual event management, and severe weather;
5. provisions for employee training, auditing methods, and record keeping requirements; and
6. the CMS must identify critical control points where escapes could potentially occur, specific control mechanisms for each of these points, and monitoring procedures to verify the effectiveness of controls.

The CMS site specific plan must also describe the use of effective containment barriers appropriate to the life history of the fish. The facility must have in place both a three-barrier system for fish up to 5 grams in size and a two-barrier system for fish 5 grams in size or larger.

The three-barrier system must include one barrier at the incubation/rearing unit, one barrier at the effluent from the hatch house/fry rearing area and a third barrier placed in line with the entire effluent from the facility. The two-barrier system must include one barrier at the individual rearing unit drain and one barrier in line with the total effluent from the facility. Each barrier must be appropriate to the size of fish being contained. Barriers installed in the system may be of the screen type or some other similarly effective device used to contain fish of a specific size in a designated area. Barriers installed in the system for compliance with these requirements must be monitored daily.

Facility personnel responsible for routine operation must be properly trained and qualified to implement the CMS. Prior to any containment system assessment associated with this permit, the permittee must provide to the Department documentation of the employee's or contractor's demonstrated capabilities to conduct such work ***[ICIS code 21599]***.

SPECIAL CONDITIONS

J. PROTECTION OF ATLANTIC SALMON (Cont'd)

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

The CMS must be audited at least once per year and within 30 days of a reportable escape (a reportable escape is more than 50 fish) by a third party qualified to conduct CMS audits and approved by the Department ***[ICIS code 63899]***. A written report of these audits must be provided to the facility and the Department for review and approval within 30 days of the audit being conducted ***[ICIS code 43699]***. Any time that a CMS audit identifies deficiencies, the written report must contain a corrective action plan including a timetable for implementation and provisions for re-auditing, unless waived by the Department, to verify completion of all corrective actions.

Additional third-party audits to verify correction of deficiencies must be conducted in accordance with the corrective action plan or upon request of the Department. The facility must notify the Department upon completion of corrective actions.

The permittee must maintain for a period of at least five (5) years complete records, logs, reports of internal and third-party audits and documents related to the CMS for each facility.

Escape reporting. The permittee must notify by electronic mail (e-mail) the Escape Reporting Contact List (provided in this subsection) of any known or suspected escape of more than 50 fish within 24 hours of becoming aware of the known or suspected loss to the following persons listed under "Escape Reporting Contact List."

The permittee must include in its e-mail notification the following information: 1) site location (town and waterbody); 2) date of event (or window of possible dates if exact date is unknown); 3) time of event (if known or specify "unknown"); 4) species (including strain); 5) estimated average weight; 6) age of escaped fish; 7) number of escaped fish (or if exact number is not possible, an estimate); 8) medication profile; 9) details of the escape; 10) corrective action(s) taken or planned; 11) and a contact person (including phone number) for the facility which is subject of the known or suspected escape.

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SPECIAL CONDITIONS

J. PROTECTION OF ATLANTIC SALMON (Cont'd)

Escape Reporting Contact List:

The agency contacts on this list may be revised by the state and/or federal agencies by provision of written notification to the permittee and the other agencies. Upon notice of any such change the permittee must notify all persons on the revised list in the same manner as provided in this protocol.

Army Corps of Engineers
Maine Project Office; Shawn Mahaney; Shawn.B.Mahaney@usace.army.mil &
Zach Normile; Zachary.Normile@usace.army.mil

Maine Department of Environmental Protection
Regional Compliance Inspector, James Knight; James.E.Knight@maine.gov &
Regional Compliance Supervisor, Brad Kelso, Bradley.G.Kelso@maine.gov

Maine Department Marine Resources
Director, Bureau of Health; Kohl Kanwitt, Kohl.Kanwitt@maine.gov
Secretary to the Commissioner; Charlene Beringer;
Charlene.L.Beringer@maine.gov
Director, Bureau of Sea-Run Fisheries; Sean Ledwin; Sean.M.Ledwin@maine.gov

Maine Department of Inland Fisheries and Wildlife
Commissioner, Judy A. Camuso, Judy.Camuso@maine.gov or current Commissioner

National Marine Fisheries Service and National Oceanic and Atmospheric Administration
Maine Field Station; David Bean, David.bean@noaa.gov

United States Fish & Wildlife Service
Maine Field Office; Wende Mahaney; Wende_mahaney@fws.gov

K. REOPENING OF PERMIT FOR MODIFICATION

In accordance with 38 M.R.S. § 414-A(5) and upon evaluation of the tests results in the Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at any time and with notice to the permittee, modify this permit to: (1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded; (2) require additional monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

SPECIAL CONDITIONS

L. SEVERABILITY

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

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ATTACHMENT A

Protocol for Total Phosphorus Sample Collection and Analysis for Waste Water and Receiving Water Monitoring Required by Permits

Approved Analytical Methods: EPA 200.7 (Rev. 44), 365.1 (Rev. 2.0), (Lachat), 365.3, 365.4; SM 3120 B, 4500-P B.5, 4500-P E, 4500-P F, 4500-P G, 4500-P H; ASTM D515-88(A), D515- 88(B); USGS I-4471-97, I-4600-85, I-4610-91; OMAAOAC 973.55, 973.56

Sample Collection: The Maine DEP is requesting that total phosphorus analysis be conducted on composite effluent samples, unless a facility's Permit specifically designates grab sampling for this parameter. Facilities can use individual collection bottles or a single jug made out of glass or polyethylene. Bottles and/or jugs should be cleaned prior to each use with dilute HCL. This cleaning should be followed by several rinses with distilled water. Commercially purchased, pre-cleaned sample containers are an acceptable alternative. The sampler hoses should be cleaned, as needed.

Sample Preservation: During compositing the sample must be at 0-6 degrees C (without freezing). If the sample is being sent to a commercial laboratory or analysis cannot be performed the day of collection then the sample must be preserved using H_2SO_4 to obtain a sample pH of <2 su and refrigerated at 0-6 degrees C (without freezing). The holding time for a preserved sample is 28 days.

Note: Ideally, Total P samples are preserved as described above. However, if a facility is using a commercial laboratory then that laboratory may choose to add acid to the sample once it arrives at the laboratory. The Maine DEP will accept results that use either of these preservation methods.

Laboratory QA/QC: Laboratories must follow the appropriate QA/QC procedures that are described in each of the approved methods.

Sampling QA/QC: If a composite sample is being collected using an automated sampler, then once per month run a blank on the composite sampler. Automatically, draw distilled water into the sample jug using the sample collection line. Let this water set in the jug for 24 hours and then analyze for total phosphorus. Preserve this sample as described above.

ATTACHMENT B

Governor Hill Hatchery Disinfectants/Drugs/Theraputic Agents

MEPDES #: ME0001091

DISINFECTANTS:

PRODUCT NAME	INGREDIENTS	FREQ. OF USE	CONCENTRATION	TOTAL USED/YR
Virkon Aquatic	Potassium peroxymonosulfate----- --21.41% Sodium chloride----------1.50% Other ingredients----------77.09%	As needed for disinfection of nets, utensils, boots, stocking trucks,etc.	1% solution (1.3 oz/gal H2O)	+/- 10 lbs
Argentyne or Ovadine	Polymeric-Iodine Complex----10% Inert Ingredients----------90% Available iodine----------1%	As needed for disinfection of eggs, nets, utensils, boots, stocking trucks,etc.	100 ppm ; (37.8 ml/gal H2O)	+/- 4gal

DRUGS/THERAPEUTIC AGENTS:

PRODUCT NAME	INGREDIENTS	FREQ. OF USE	CONCENTRATION	TOTAL USED/YR
Parasite-S / Formalin	Formaldehyde----------37% Methanol----------6-14% Water & Inert----------49-57%	As needed for fungus control on eggs or fish and parasite control on fish.	1667 ppm 15 min duration 150-250 mg/l 1 hr duration	+/- 150 gals
Tricaine-S (MS 222)	Tricaine methanesulfonate	As needed for anestheizing fish during sampling, fish health/ quality exams, fish marking, etc.	15 to 330 mg/l	< 400 grams
Aqui-S 20 E	10% Eugenol	Same as MS 222, but added in anticipation of FDA approval will take place soon after use.	25- 40 mg/l	Annual anticipated use = 0 Potential use < 1 liter
Sodium Chloride blocks or crystals	NaCl	As needed as a fish stress reduction/osmoregulatory aid post handling/post parasitization	1 - 2%	<2000 lbs
Halamid Aqua	Chloramine-T	Control of bacterial gill disease Used in hatchery for fry	12-20 mg/l Limit of 400.9 grams per day Limit of 24.6 grams/hour	Annual anticipated use = 0 Potential use < 10 lbs Results in max effluent conc of 0.13 mg/l. Based on effluent of 1.2 MGD

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
WASTE DISCHARGE LICENSE

FACT SHEET

DATE: **September 17, 2024**

MEPDES PERMIT: **ME0001091**
WASTE DISCHARGE LICENSE: **W002034-6F-G-R**

NAME AND ADDRESS OF APPLICANT: **MAINE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**
284 STATE STREET, 41 STATE HOUSE STATION
AUGUSTA, MAINE 04333

COUNTY: **KENNEBEC**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:
MAINE DEPARTMENT OF INLAND FISHERIES &WILDLIFE
GOVERNOR HILL HATCHERY
82 HATCHERY ROAD
AUGUSTA, MAINE 04330

RECEIVING WATER / CLASSIFICATION: **SPRING BROOK RIVER, CLASS B**

COGNIZANT OFFICIAL AND CONTACT INFORMATION: **Todd Langevin**
Todd.Langevin@maine.gov
(207) 287-5262

1. APPLICATION SUMMARY

a. Application: On February 15, 2024, the Department of Environmental Protection (Department) accepted as complete for processing an application from the MAINE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE (MDIFW Augusta, permittee) for the renewal of combination Waste Discharge License (WDL) W-002034-6F-F-R/ Maine Pollutant Discharge Elimination System (MEPDES) permit ME0001091, which was issued on April 6, 2020, for a five-year term. The April 6, 2020 permit authorized a monthly average discharge of 1.2 million gallons per day (MGD) of fish hatchery wastewater from the MDIFW Governor Hill Hatchery to Spring Brook, Class B, in Augusta, Maine.

b. Source Description: The MDIFW Augusta, or Governor Hill State Fish Hatchery, was formerly a private fish hatchery owned by Governor John Hill that was converted to a state aquaculture facility in 1923. The MDIFW Augusta facility is located on a 180-acre parcel of state-owned land. A map showing the location of the treatment facility is included as **Fact Sheet Attachment A**. The facility consists of a hatchery building, concrete raceways for rearing, and a settling pond.

This Hatchery is a state brook trout, lake trout, and splake hatchery and rearing facility. Fish are hatched and reared at this and other MDIFW facilities to appropriate sizes for stocking in Maine waters as part MDIFW's responsibilities in managing fisheries in Maine.

Influent Water: Water is supplied to the MDIFW Governor Hill facility from two wells and two springs (Spring Pond #1 and Spring Pond #2) located on site. The wells supply source water to the hatchery and early rearing facility and the springs supply source water to the raceways. Well #1 and Well #2 were installed in 1999 and 2000 respectively, with each capable of yielding approximately 200 gallons per minute (gpm). Each well supplies water to the hatchery building via independent 8-inch diameter pipelines. Half of the well water supply is passed through a liquid oxygenation system prior to use in the hatchery building for early rearing, while half consists of non-enhanced flow. The spring ponds are approximately 2.47 million gallons (upper pond), and 1.2 million gallons, (lower pond) and yield flows of approximately 620 gpm, however flows are reduced during summer months. Spring water temperatures range from 39-50 degrees F (4-10 degrees C) throughout the year. The ponds are dredged approximately every ten years. Each spring has a covered outlet, which contains a coarse screen to exclude large organic matter. The outlet feeds an 8-inch diameter, 100-foot long pipeline, which runs to the head of the raceways. Other artesian flows bypassed the small, abandoned raceways on site and are routed to the raceways via 6-inch and 8-inch diameter lines. The facility provides no physical or chemical treatment of spring water.

Governor Hill is a flow-through facility with flows through its hatchery and rearing facilities discharged to Spring Brook (Class B, less than 10 square mile watershed), followed by Tanning Brook (Class B), Bond Brook (Classes B) and the Kennebec River (Class B).

1. APPLICATION SUMMARY (cont'd)

Broodstock Facilities: Governor Hill maintains brook trout and lake trout broodstock on site in the last two raceway pools. Once brook trout broodstock reach 3 years of age, they are stocked out in various waters. Governor Hill lake trout brood are generated from on-site brood stock, which are used for approximately ten years, then stocked out in various waters.

Hatchery Facilities: Governor Hill's hatchery facilities consist of thirty-nine, 63-inch diameter fiberglass combi-tanks with influent water supplied exclusively by well water. Eggs are brought into the hatchery facility from October through early December. Each line of tanks is typically dedicated to a particular fish strain.

Each strain starts to feed at different times. Generally, eggs "eye-up" in approximately thirty days from the time they are received at Governor Hill, hatch approximately 15 days after eye-up, and begin to feed approximately 15 days after hatching. Fry are moved to the outside rearing structures as those raceways are cleared of fish through stocking in the spring, usually when they reach an approximate size of 250 fish per pound. As lake trout grow better inside in a dark environment than outside, the lake trout are kept inside the hatchery building until September in three to four tanks before they are moved outside. This means that the hatchery facility contains eggs or fry for all but approximately 6 weeks during the year. When tanks become empty, they are cleaned as described below. Hatchery facility flow-through water and cleaning wastewater flow directly to the facility settling pond.

Rearing Facilities: Governor Hill's rearing facilities consist of two sizes of covered concrete raceway pools. The first six raceway pools are 5-feet x 50-feet x 2-feet deep (operational depth) (3,740-gallons each) and are referred to as the "six block". These raceway pools are arranged in two sets of three adjacent pools and flow into the next pools. The remaining ten raceway pools are 6-feet x 100-feet x 2-feet deep (operational depth) (8,976-gallons each). These raceway pools are arranged in two parallel lines of 5 pools. Generally, the "six block" is used to house lake trout "production fish" and any future brood fish. The first set of 100-foot pools are used to house splake, the next six pools are used to house brook trout, and the last set of two pools are used for adult brood fish.

Once fish are moved to the outside raceways, they are fed a controlled amount of food per day depending on their body weight and water temperature. Feeding rates are adjusted to either speed up or slow fish growth to address management goals. All fish are hand fed, with auto demand feeders used as a secondary feed. When demand feeders are used, only enough feed is used to meet that day's feed requirement. Brood fish are only fed a maintenance diet. In its 2024 renewal application, Governor Hill indicated using an average of 56 lbs./day and a maximum of 95 lbs./day. The 2024 application also indicated that the months wherein the maximum amount of feeding took place were in August, September, and April.

1. APPLICATION SUMMARY (cont'd)

Governor Hill starts each year with approximately 1.2 million eggs for hatching and rearing. In its 2024 renewal application, Governor Hill indicated a maximum quantity of fish on station of: 420,321 first year fish weighing 19,032 pounds, 8,500 second year fish weighing 8,800 pounds, and 2,100 broodstock weighing 8,000 pounds.

c. Wastewater Treatment: Governor Hill hatchery has below the raceways used for fish production there is a large linear settlement pond that is 550 foot long x 30 foot wide x 6 foot deep (avg) which captures all water; flow-through and cleaning wastewater, leaving the facility. A coffer dam constructed of stone and sheet pile form the end of this linear pond and all effluent discharge sampling is performed at this location. In the upper part of this pond there is also a 100 foot long x 15 foot wide x 4 foot deep (avg) linear containment settling structure with four baffled chambers constructed of sheet pile. This was assembled in 2010 to specifically collect outdoor raceway cleaning wastes (and hatch house flow by default) while forming an area that is separated from adjacent raceway flow through and/or overflow water, where the bulk of the settled wastes can be actively managed and removed by a septic hauler. Through a massive undertaking the large settling pond was fully cleaned out just prior to installation of the settling structure which now allows for accumulated materials to be removed with relative ease. The larger pond is now more of a polishing pond than a true settling pond. The settling pond takes in water from a contaminated spring that runs along the road, as well as the road runoff. The settling pond is partitioned and is cleaned as needed through dredging, with accumulated materials removed and properly disposed of in a specially designed clay lined pond, that dries out.

Hatchery combi-tank flow-through water is discharged into hatchery facility effluent piping, which leads to the facility's in-stream settling pond. Hatchery combi-tanks are cleaned daily through removal of a center pipe in each tank, which causes deposited waste material to be discharged into the same common effluent piping that carries flow-through water to the in-stream settling pond. At the end of the hatching season, tanks are cleaned using a scrub brush and a solution of iodine and water, rinsed and left to dry. Seasonal cleaning water is discharged in the same manner as flow-through and daily cleaning wastewater flows. Supply water for any seasonally discontinued tanks is routed to the outside raceways.

Raceway flow-through water enters the in-stream settling pond at the end of the facility. To clean the raceways, MDIFW staff has historically scrubbed the sides and bottoms from the top end of the raceway pool moving down-flow toward the bottom end. At the bottom of all raceway pools is located a screened 1.5-foot long "quiescent zone" with a covered discharge pipe routed to a common 10-inch diameter underground raceway cleaning wastewater pipe to the facility in-stream settling pond, described below. After the raceway pool and quiescent zone screen are cleaned, the quiescent zone plug is replaced and the cleaners move to the next raceway pool. The raceway pool cleaning schedule e varies through the growing season from every day to once per week, as needed. A process flow diagram submitted by the permittee is included as Fact Sheet **Attachment B.**

1. PERMIT SUMMARY

a. Terms and Conditions: This permitting action is carrying forward the terms and conditions of the April 6, 2020 permit except that it:

1. Reestablishes a concentration limit for Total Phosphorus that was erroneously removed in the previous permit, this time utilizing the same data for calculating the previous permit's mass limit.

2. Establishes under Special Condition A, *Effluent Limitation and Monitoring Requirements*, once per month upstream ambient receiving water quality sampling for total phosphorus and the associated footnotes.

3. Updates Special Condition A*, Effluent Limitations and Monitoring Requirements*, *Footnote 1*, *Sampling* to use sufficiently sensitive methods.

4. Updates Special Condition A, *Effluent Limitations and Monitoring Requirements*, *Footnote 2*, *Composite Sampling* to be consistent with the Department updates to MEPDES permits.

5. Updates Special Condition B(3), *Narrative Effluent Limitations*, to be consistent with the Department's most current language.

6. Updates Special Condition E, *Monitoring and Reporting,* to the Department's most current requirements.

7. Amends Special Condition F, *Operation and Maintenance Plan*, to include a requirement for documentation of all drug/pesticide/other compound use as well as to include a section specifically applicable to wastewater operations.

8. Modifies Special Condition G, *Use of Drugs for Disease Control*, to be consistent with Department updates to MEPDES permit language for land-based fish hatcheries, regarding the application of preventative treatments.

9. Updates Special Condition J, *Protection of Atlantic Salmon,* Escape Reporting Contact List.

2. PERMIT SUMMARY (Cont'd)

b. History: This section provides a summary of recent, relevant licensing/permitting actions that have been completed for the MDIFW Governor Hill Fish Hatchery.

February 20, 1975-The U.S. Environmental Protection Agency (USEPA) issued National Pollutant Discharge Elimination System (NPDES) Permit #ME0001091 to the Maine Department of Inland Fish and Game for the discharge of an unspecified volume of wastewater from the Governor Hill Fish Hatchery to Spring Brook. The Permit was valid through February 15, 1980 and established TSS, settleable solids, Ammonia Nitrogen, and pH limits.

May 11, 1983-The Maine Board of Environmental Protection issued WDL #2034 for the discharge of a daily maximum of 1.0 MGD of fish hatchery wastewater from the MDIFW Governor Hill Fish Hatchery to Spring Brook, Class B-1. The WDL was a renewal of a previously issued license #2034, although it eliminated parameters for suspended solids and eliminated monitoring requirements for all other parameters. The WDL was issued for a five-year term.

April 18, 1996 – The Maine Department of Environmental Protection issued a letter clarifying the impact of upgrading Cold Stream to a Class A waterbody. The discharge from the MDIFW Enfield hatchery would be allowed to continue only until a practical alternative exists and would be "grandfathered" from having to meet Class A standards of discharging effluent that is of an equal or better quality than the receiving water as defined in Chapter 586. However, this letter did not allow for an exemption from all Class A standards in perpetuity and the letter does not stand as a legally binding document that supersedes legislative action. Internal Department discussion over the next three years made clear that the discharges would be required to meet water quality criteria for Class A waters.

July 21, 2000-The Department issued # W-002034-5Q-A-R to the MDIFW Governor Hill Fish Hatchery for the discharge of a daily maximum of 1.0 MGD of treated fish hatchery wastewater. The WDL was issued for a five-year term and established monthly average BOD, TSS and Total Phosphorous limits of 2.0mg/L, 2.0 mg/L, and 0.11 Kg/day, 0.035 mg/L (Total Phosphorus).

January 12, 2001-The Department received authorization from the USEPA to administer the NPDES permitting program in Maine, excluding areas of special interest to Maine Indian Tribes. From this point forward, the program has been referred to as the MEPDES program, and MEPDES permit #ME0101443 has been utilized for this facility. On March 26, 2011, the USEPA authorized the Department to administer the MEPDES program in Indian territories of the Penobscot Nation and Passamaquoddy Tribe.

February 2002- On behalf of MDIFW, Fishpro Inc. submitted an Alternative Discharge Study report for all nine MDIFW hatcheries and rearing stations. The study evaluated eliminating effluent discharges through: piping the discharges to larger receiving waters, connecting to municipal wastewater treatment facilities, wastewater storage collection, land

application of wastewater, and discharging to existing wetland areas. The study determined that none of the alternatives evaluated were economically viable options for the MDIFW facilities.

September 12, 2002-The Department submitted a report entitled *Maine Department of Environmental Protection Water Quality Concerns and Effects from State Fish Hatchery Discharges* to the Maine Legislature's Inland Fisheries and Wildlife Subcommittee's Commission to Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine and MDIFW.

November 2002-FishPro Inc. submitted to MDIFW its *Comprehensive Statewide Fish Hatchery System Engineering Study* addressing recommended upgrades to all MDIFW fish hatcheries and rearing facilities.

July 11, 2003-The Department administratively modified WDL # W-002034-5Q-A-R to extend the 3-year schedule of compliance for BOD, TSS, and phosphorus effluent limits established in the WDL through the life of the WDL.

June 27, 2005 -The Department received a timely application from MDIFW for renewal of the WDL for the discharge of fish hatchery wastewater from the Augusta facility. The application was assigned WDL # W-002034-5Q-B-R and MEPDES permit #ME0001091.

July 5, 2006-The Department issued #ME0001091 / #W-002034-5Q-B-R for a five-year term. Established Daily Maximum limits for BODs, TSS in concentrations and mass of 10 mg/L and 100 lbs/day. Established Daily Maximum limits for concentrations and mass for Total Phosphorus of 0.035 mg/L and 0.24 lbs/day. Also, this permit established a minimum dissolved oxygen concentration limit of 7.5 mg/L.

October 10, 2008-The Department issued minor revision #ME0001091 / #W-002034-5Q-C-M to amend the formalin limit.

April 23, 2009-The Department issued minor revision #ME0001091 / #W-002034-5Q-D-M to amend the monitoring frequencies for BOD_5 and TSS.

October 1, 2009-The Department issued Field Determination #8101 that concluded that the "stream (Spring Brook) starts below the dam which is approximately 550 feet from the end of the runway structure."

June 2, 2010-The Department ratified a Consent Agreement with MDIFW for the violations incurred at several hatchery facilities including the Augusta hatchery.

June 28, 2011 – MDIFW submitted a timely and complete General Application to the Department for renewal of the July 5, 2006 MEPDES permit. The application was accepted for processing on June 30, 2011 and was assigned WDL #W002034-6F-E-R / MEPDES #ME0001091.

March 20, 2015- The Department issued #ME0001091 / #W-002034-5F-E-R for a five-year term.

December 2, 2019 – MDIFW submitted a timely and complete General Application to the Department for renewal of the March 20, 2015 MEPDES permit. The application was accepted for processing on December 4, 2019 and was assigned WDL #W002034-6F-F-R / MEPDES #ME0001091.

April 6, 2020 **-** The Department issued MEPDES Permit #ME0001091 / Maine WDL #W-002034-5F-E-R to MDIFW for the discharge of a monthly average of 1.2 MGD of fish hatchery and rearing facility wastewater to Spring Brook, Class A, in Augusta. The Permit / WDL was issued for a five-year term.

February 15, 2024 – MDIFW submitted a timely and complete General Application to the Department for renewal of the April 6, 2020 MEPDES permit. The application was accepted for processing on February 8, 2024 and was assigned WDL #W002034-6F-G-R / MEPDES #ME0001091.

October 2024 - The Department issued Maine WDL #W-002035-6F-F-R / MEPDES Permit ME0001074 for a five-year term. Ambient monitoring requirements are being added to the IFW hatchery licenses as needed to evaluate local site conditions, potentially identify sources of phosphorus and to calculate future reasonable potential to cause or contribute to an excursion above water quality standards. However, ambient monitoring will only be required for upstream of the MDIFW Augusta facility, due to the downstream ambient being equal to that of the facility's effluent.

3. CONDITIONS OF PERMIT

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

4. RECEIVING WATER QUALITY STANDARDS

Classification of major river basins, 38 M.R.S.§ 467(4)(I) classifies the "Kennebec River, minor tributaries- Class B unless otherwise specified as "*I. Kennebec River, minor tributaries - Class B unless otherwise specified*.", which includes Spring Brook at the point of discharge. *Standards for classification of fresh surface waters*, 38 M.R.S. § 465(3) describes the standards for Class B waters as follows:

*"3. **Class B waters**. Class B shall be the 3rd highest classification.*

A. Class B waters must be of such quality that they are suitable for the designated uses of drinking water supply after treatment; fishing; agriculture; recreation in and on the water; industrial process and cooling water supply; hydroelectric power generation, except as prohibited under Title 12, section 403; navigation; and as habitat for fish and other aquatic life. The habitat must be characterized as unimpaired.

B. Class B waters must be of sufficient quality to support all aquatic species indigenous to those waters without detrimental changes in the resident biological community. The dissolved oxygen content of Class B waters may not be less than 7 parts per million or 75% of saturation, whichever is higher, except that for the period from October 1st to May 14th, in order to ensure spawning and egg incubation of indigenous fish species, the 7-day mean dissolved oxygen concentration may not be less than 9.5 parts per million

and the one-day minimum dissolved oxygen concentration may not be less than 8.0 parts per million in identified fish spawning areas. Between April 15th and October 31st, the number of Escherichia coli bacteria in these waters may not exceed a geometric mean of 64 CFU or MPN per 100 milliliters over a 90-day interval or 236 CFU or MPN per 100 milliliters in more than 10% of the samples in any 90-day interval.

C. Discharges to Class B waters may not cause adverse impact to aquatic life in that the receiving waters must be of sufficient quality to support all aquatic species indigenous to the receiving water without detrimental changes in the resident biological community.

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

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

The Department has determined that Spring Brook, at the point of discharge, has a watershed of less than 10 square miles. 38 M.R.S. § 464 (4)(A)(1)(a) specifies that "*Discharges into*

these waters that were licensed prior to January 1, 1986 are allowed to continue only until practical alternatives exist."

Pursuant to 38 M.R.S. § 464 (4)(A)(1)(a), prior to issuing a discharge license the Department requires the applicant to objectively demonstrate to the Department's satisfaction that the discharge is necessary and that there are no other reasonable alternatives available. An Alternative Discharge Study performed by Fishpro for multiple MDIFW facilities (including Governor Hill) indicates that there are no reasonable alternatives to the current discharge. MDIFW (via email correspondence to the Department dated February 12, 2024) confirmed that the 2002 Fishpro conclusions that there are no practical alternatives to the discharge is valid for purposes of this permitting action.

5. REASONABLE POTENTIAL

Pursuant to 33 U.S.C. § 1311(b)(1)(C) and 40 C.F.R. § 122.44(d)(1), NPDES permits must contain any requirements in addition to Technology Based Effluent Limits (TBELs) that are necessary to achieve Water Quality Standards (WQS) established under 33 U.S.C. § 1311 (b)(1)(C). In addition, limitations "must control any pollutant or pollutant parameter (conventional, non-conventional, or toxic) which the permitting authority determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any water quality standard, including State narrative criteria for water quality." 40 C.F.R. § 122.44(d)(1)(i). To determine if the discharge causes, or has the reasonable potential to cause, or contribute to an excursion above any WQS, EPA considers: 1) existing controls on point and non-point sources of pollution; 2) the variability of the pollutant or pollutant parameter in the effluent; 3) the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity); and 4) where appropriate, the dilution of the effluent by the receiving water. *See* 40 C.F.R. § 122.44(d)(1)(ii).

If the permitting authority determines that the discharge of a pollutant will cause, has the reasonable potential to cause, or contribute to an excursion above WQSs, the permit must contain Water Quality Based Effluent Limits (WQBELs) for that pollutant. *See* 40 C.F.R. § 122.44(d)(1)(i).

6. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2018/2020/2022 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 "Spring Brook (Augusta) From Gov. Hill fish hatchery to Mt Vernon Rd, Augusta" (Integrated Report Assessment Unit ID ME0103000324_333R_02) as "Category 5-A: Rivers and Streams Impaired by Pollutants Other Than Those Listed in 5-B Through 5-D (TMDL Required)." This listing is attributed to past benthic macroinvertebrate bioassessments and in-stream total phosphorus levels. The most recent bioassessment (completed in the summer of 2013) data indicated that Spring Brook attained Class A aquatic life standards.

Sample Year	Final Class Determination
2001	A
2007	C
2010	C
2013	A
2023	C

*Samples were taken at site S-478 which is below the hatchery.

The Report lists all of Maine's fresh waters as, "Category 4-A: Waters Impaired by Atmospheric Deposition of Mercury." Impairment in this context refers to a statewide fish consumption advisory due to elevated levels of mercury in some fish tissues. The Report states, "All freshwaters are listed in Category 4A (Total Maximum Daily Load (TMDL) Completed) due to the USEPA approval of a Regional Mercury TMDL. Maine has a fish consumption advisory for fish taken from all freshwaters due to mercury. Many waters and many fish from any given water do not exceed the action level for mercury. However, because it is impossible for someone consuming a fish to know whether the mercury level exceeds the action level, the Maine Department of Health and Human Services decided to establish a statewide advisory for all freshwater fish that recommends limits on consumption. Maine has already instituted statewide programs for removal and reduction of mercury sources." Pursuant to 38 M.R.S. § 420(1-B)(B), "a facility is not in violation of the ambient criteria for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413 subsection 11." However, pursuant to *Interim Effluent Limitations and Controls for the Discharge of Mercury,* 06-096 CMR ch. 519, the Department has made a best professional judgment determination to exempt fish hatcheries from applicability of the mercury rule.

The Department has made a best professional judgment determination based on information gathered to date, that as permitted, the discharge will not cause or contribute to the failure of the receiving water to meet the standards of its ascribed classification and the designated uses of the waterbody will continue to be maintained and protected. If future modeling determines that at full permitted discharge limits, the discharge is causing or contributing to the non-attainment, this permit will be re-opened per Special Condition K, *Reopening of The License For Modifications*, to impose more stringent limitations to meet water quality standards.

7. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

a. Applicability of National Effluent Guidelines: The USEPA has promulgated national effluent guidelines for the *Concentrated Aquatic Animal Production Point Source Category* at 40 CFR 451 Subpart A, *Flow-Through and Recirculating Systems Subcategory*. This subpart is applicable to discharges from a concentrated aquatic animal production facility that produces 100,000 lbs. or more per year of aquatic animals in a flow-through or recirculating system. For the MDIFW Governor Hill facility, the maximum pounds of fish on station as reported for the reporting period of May 2020 – December 2023, at any time consisted of a maximum of 21,023 lbs. The facility's daily maximum of 21,023 lbs./day is less than the 100,000 lbs. per year applicable threshold, and is therefore not categorically subject to regulation under this subpart.

b. Flow: The previous permitting action established, and this permitting action is carrying forward, a monthly average flow limitation of 1.2 MGD for Outfall #005A, which is considered representative of effluent flows for the facility.

A summary of the discharge flow data as reported on the monthly Discharge Monitoring Reports (DMRs) for the period of May 2020 – December 2023 is as follows:

Flow in Conduit (DMR=43)

Discharge Flow	Minimum	Maximum	Arithmetic Mean
Monthly Average	0.0 MGD	1.2 MGD	1.2 MGD

c. Dilution Factors: Dilution factors associated with the permitted discharge flow of 1.2 MGD from the facility and a flow of 0 cubic feet per second (cfs) in Spring Brook (which represents the Governor Hill hatchery facility position in the headwaters of Spring Brook) were derived in accordance with 06-096 CMR ch. 530(4)(A). Previous permitting action utilized a chronic dilution of 1.0 based on a 7Q10 low flow value of 0 cfs. Accordingly, the Governor Hill discharge of 1.2 MGD constitutes the only flow in that portion of Spring Brook during extreme low flows. Based on this information, the Department is carrying forward the acute (1Ql0), chronic (7Ql0) and harmonic mean dilution factors of 1:1.

Conversion factor: 1 cfs = 0.6464 MGD

Acute 1Q10 = 0.0 cfs

$$\frac{(0\ cfs)(0.6464\frac{MGD}{cfs}) + (1.92\ MGD)}{(1.92\ MGD)} = 1{:}1\ dilution\ factor$$

Chronic: 7Q10 = 0.0 cfs

$$\frac{(0\ cfs)(0.6464\frac{MGD}{cfs}) + (1.92\ MGD)}{(1.92\ MGD)} = 1{:}1\ dilution\ factor$$

Harmonic: HM Flow = 0.0 cfs

$$\frac{(0\ cfs)(0.6464\frac{MGD}{cfs}) + (1.92\ MGD)}{(1.92\ MGD)} = 1{:}1\ dilution\ factor$$

The Department's Division of Environmental Assessment (DEA) has reviewed the conditions described and verified these dilution factors are the most appropriate to protect water quality.

d. TSS: In the July 5, 2006 permit established monthly average and daily maximum concentration limits of 6 mg/L and 10 mg/L respectively based on Department BPJ of Best Practicable Treatment (BPT). These limits were based on recommendations including in USEPA's 2002 proposed draft National Effluent Guidelines for TSS from fish hatchery wastewater receiving a secondary level of treatment and consideration of effluent quality from facilities utilizing the Department's BPJ of minimum treatment technology.

The July 5, 2006 permitting action stated an increased discharge of pollutants was considered a new discharge and pursuant to 38 M.R.S. §464 (4)(A)(1)(A) the department may not authorize a "*Direct discharge of pollutants to waters having a drainage area of less than 10 square miles; Discharges into these waters that were licensed prior to January 1, 1986 are allowed to continue only until practical alternatives exist; "*. Therefore, the monthly average limitation was calculated using the July 5, 2000 concentration limit of 2mg/L and a flow rate of 1.0 MGD.

$$2\frac{mg}{L} * 1.0\frac{MG}{Day} * 8.34\frac{lb}{gal} = \mathbf{17\ lb/day}$$

Prior to the 2006 licensing action there was no daily maximum concentration limit. The July 5, 2006 permitting action used the newly established limit of 10mg/L to calculate the daily maximum mass limitation with the flow rate of 1.2 MGD.

$$10\frac{mg}{L} * 1.2\frac{MG}{Day} * 8.34\frac{lb}{gal} = \mathbf{100}\frac{\boldsymbol{lb}}{\boldsymbol{day}}$$

This permitting action is carrying forward the established TSS mass and concentration limits, as well as the monitoring frequency of 1/Month.

The Department reviewed 43 DMRs that were submitted for the period May 2020 – December 2023. A review of the data indicates the following:

TSS Mass (DMRs = 43)

Value	Limit (lbs./day)	Range (lbs./day)
Monthly Average	17	0 – 20*
Daily Maximum	100	0-100

*Two excursions of the monthly average mass limit for TSS were reported throughout the period of May 2020 through December 2023.

TSS concentration (DMRs = 43)

Value	Limit (mg/L)	Range (mg/L)
Monthly Average	6	< 1– 2
Daily Maximum	10	< 1 – 2

e. Dissolved Oxygen: The July 06, 2006 permit established the daily minimum limit of 7.5 mg/L, and monthly average and daily maximum monitoring requirements. The July 06, 2006 permit established a seasonal daily minimum limit of 7.5 mg/L, and the monitoring frequency to once per week from June 1 through September 30 each year. This permitting

action is carrying forward the daily minimum limit of 7.5mg/L, all reporting requirements and frequency put forth in the 2006 permit.

The Department reviewed 16 DMRs that were submitted for the period of May 2020 – December 2023. A review of the data indicates the following:

Dissolved Oxygen (DMR=16)

Parameter	Limit (mg/L)	Range (mg/L)
Daily Minimum	7.5	9.90 – 10.40

f. Total Phosphorus: Spring Brook receives the discharge from MDIFW's Governor's Hill Fish Hatchery. The June 6, 2006 permit established a monthly average mass limit of 0.44lbs./day, which is considered to be protective of watersheds less than 10 square miles. The 2000 permit had a monthly average mass limit of 0.11kg/day which was converted to lbs/day in the equation below.

$$0.11\frac{kg}{day} * 2.2\frac{lbs}{kg} = \mathbf{0.24}\frac{\boldsymbol{lbs}}{\boldsymbol{day}}$$

In the 2006 permit a new concentration limit was established and when this was converted to lbs/day it was found to be less stringent than the 0.24lbs/day previously established. Therefore, this permitting action is carrying forward the monthly average mass limit of 0.24lbs/day.

The Department reviewed 16 DMRs that were submitted for the period May 2020 through December 2023. A review of the data indicates the following:

Total-P Mass (DMR=16)

Value	Limit (Lbs./day)	Range (Lbs./day)	Mean (Lbs./day)
Monthly Average	0.24	0.34 – 0.76*	0.46
Daily Maximum	Report	0.35 – 0.90	0.51

*Sixteen excursions of the monthly average mass limit for Phosphorus were reported throughout the period of May 2020 through December 2023.

The monthly average concentration limit established in the 2006 permit was removed in the March 20, 2015 permit. As there is no documented basis for removing this limit, this permitting action is reestablishing this monthly average concentration limit.

For discharges to rivers and streams, the Department typically utilizes an ambient water quality threshold of 0.035 mg/L for the instream total phosphorus concentration limit. Based on Department research, 0.035mg/L is the maximum level at which algae blooms will not typically occur in a receiving river or stream within regular circumstances. Phosphorus is typically of concern under chronic discharge conditions, as impacts are generally observed after a longer exposure period than what is generally observed under acute, 1-hour

impacts. Utilizing the chronic dilution factor of 1:1 and chosen method of analysis in 2006, the effluent concentration limit for total phosphorus is set at 0.035 mg/L for this permit.

Total Phosphorus monthly average concentration = (0.035mg/L)(1.0) = 0.035mg/L

The monthly average concentration limitation of 0.035 mg/L for total phosphorus is being established based on BPJ of BPT for this discharge. Monitoring remains limited to June through September, annually. This is a water quality-based limit necessary to ensure compliance with Class A water quality standards.

The Department reviewed 16 DMRs that were submitted for the period May 2020 through December 2023. A review of the data indicates the following:

Total-P Concentration (DMR=16)

Value	Limit	Range (mg/L)	Mean (mg/L)
Monthly Average	Report	0.03 – 0.08*	0.05
Daily Maximum	Report	0.03 – 0.09	0.05

*Fifteen excursions of the monthly average mass limit for Phosphorus were reported throughout the period of May 2020 through December 2023.

f. Fish on Hand: The March 20, 2015 permit established and this permitting action is carrying forward the 1/Month daily maximum mass reporting requirement Fish on Hand.

A review of the DMR data for the MDIFW Augusta facility for the period of May 2020 through December 2023 indicates the following:

Fish on Hand (DMR=43)

Value	Limit lbs./day	Range lbs./day	Mean lbs./day
Daily Maximum	Report	8,414 – 21,023	14,641

h. Formalin: Formalin is a drug used to treat fungal infections and external parasites of finfish and finfish eggs. Since the 2006 permit, mass limits have been carried forward based on the following language:

> "Effluent mass limits were previously and remain calculated based on the permittee's projected maximum amount of formalin used per day (10.4-gallons) times the weight of formalin (9.13 lbs./gal), resulting in a value of 95 lbs./day."

The March 15, 2015 permit calculated new mass limits based on the Ambient Water Quality Criteria (AWQC) of 25mg/L and 45mg/L the 24-hour and 1-hour treatment limits, respectively, and the dilution factor of 1. The calculated limits of 484 lbs./day and 403 lbs./hour, respectively, are less stringent than the previously established limit of 95 lbs./day. Therefore, the mass limit established in the July 5, 2006 revision (and carried forward since that time) is being carried forward in this permitting action.

The March 20, 2015 permit revised the Formalin monitoring to 1/Occurrence to better clarify the reporting requirement. This permitting action is carrying forward this action.

The Department reviewed 43 DMRs that were submitted for the period of May 2020 through December 2023. A review of the data indicates the following.

Formalin Mass (DMR=43)

Value	Limit lbs./day	Range lbs./day
Monthly Average	Report	0.0 – 91.0
Daily Maximum	95	0.0 – 91.0

8. ANTI-BACKSLIDING

Federal regulation 40 C.F.R. § 122(l) contains the criteria for what is often referred to as the anti-backsliding provisions of the Federal Water Pollution Control Act (Clean Water Act). In general, the regulation states that except for provisions specified in the regulation, effluent limitations, standards, or conditions must be at least as stringent as the final effluent limitations, standards or conditions in the previous permit. Applicable exceptions include: (1) material and substantial alterations or additions to the permitted facility occurred after permit issuance which justify the application of a less stringent effluent limitation and (2) information is available which was not available at the time of the permit issuance (other than revised regulations, guidance, or test methods) and which would justify the application of less stringent effluent limitations at the time of permit issuance. All limitations in this permit are equally or more stringent than those in the previous permit.

9. ANTI-DEGREDATION

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 Spring Brook to meet standards for Class B.

10. PUBLIC COMMENTS

Public notice of this application was made in the Kennebec Journal newspaper on or about February 14, 2024. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits must have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses,* 06-096 CMR ch. 522 (effective January 12, 2001).

11. DEPARTMENT CONTACTS

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

Asenath Frizzell
Division of Water Quality Management
Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 215-6856
e-mail: Asenath.Frizzell@maine.gov

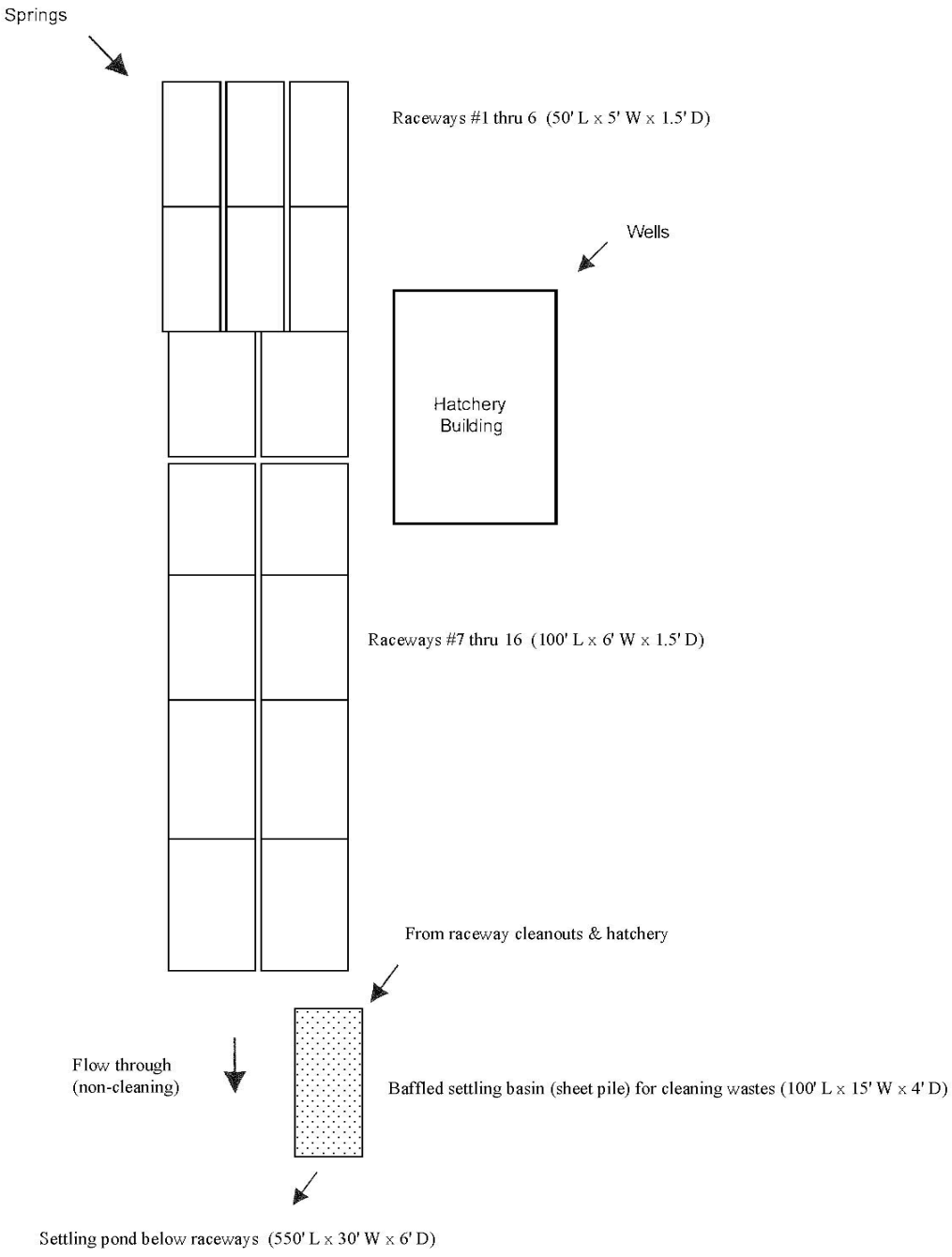
12. RESPONSE TO COMMENTS

Reserve until the end of the 30-day public comment period

FACT SHEET ATTACHMENT A

FACT SHEET ATTACHMENT B

Governor Hill State Fish Hatchery Layout & Flow Diagram



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A. GENERAL PROVISIONS

1. **General compliance**. All discharges shall be consistent with the terms and conditions of this permit; any changes in production capacity or process modifications which result in changes in the quantity or the characteristics of the discharge must be authorized by an additional license or by modifications of this permit; it shall be a violation of the terms and conditions of this permit to discharge any pollutant not identified and authorized herein or to discharge in excess of the rates or quantities authorized herein or to violate any other conditions of this permit.

2. Other materials. Other materials ordinarily produced or used in the operation of this facility, which have been specifically identified in the application, may be discharged at the maximum frequency and maximum level identified in the application, provided:

(a) They are not

(i) Designated as toxic or hazardous under the provisions of Sections 307 and 311, respectively, of the Federal Water Pollution Control Act; Title 38, Section 420, Maine Revised Statutes; or other applicable State Law; or
(ii) Known to be hazardous or toxic by the licensee.

(b) The discharge of such materials will not violate applicable water quality standards.

3. Duty to comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of State law and the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

(a) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act, and 38 MRSA, §420 or Chapter 530.5 for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
(b) Any person who violates any provision of the laws administered by the Department, including without limitation, a violation of the terms of any order, rule license, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

4. Duty to provide information. The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

5. Permit actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

6. Reopener clause. The Department reserves the right to make appropriate revisions to this permit in order to establish any appropriate effluent limitations, schedule of compliance or other provisions which may be authorized under 38 MRSA, §414-A(5).

7. Oil and hazardous substances. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject under section 311 of the Federal Clean Water Act; section 106 of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; or 38 MRSA §§ 1301, et. seq.

8. Property rights. This permit does not convey any property rights of any sort, or any exclusive privilege.

9. Confidentiality of records. 38 MRSA §414(6) reads as follows. "Any records, reports or information obtained under this subchapter is available to the public, except that upon a showing satisfactory to the department by any person that any records, reports or information, or particular part or any record, report or information, other than the names and addresses of applicants, license applications, licenses, and effluent data, to which the department has access under this subchapter would, if made public, divulge methods or processes that are entitled to protection as trade secrets, these records, reports or information must be confidential and not available for public inspection or examination. Any records, reports or information may be disclosed to employees or authorized representatives of the State or the United States concerned with carrying out this subchapter or any applicable federal law, and to any party to a hearing held under this section on terms the commissioner may prescribe in order to protect these confidential records, reports and information, as long as this disclosure is material and relevant to any issue under consideration by the department."

10. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

11. Other laws. The issuance of this permit does not authorize any injury to persons or property or invasion of other property rights, nor does it relieve the permittee if its obligation to comply with other applicable Federal, State or local laws and regulations.

12. Inspection and entry. The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the EPA Administrator), upon presentation of credentials and other documents as may be required by law, to:

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
(d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

B. OPERATION AND MAINTENACE OF FACILITIES

1. General facility requirements.

(a) The permittee shall collect all waste flows designated by the Department as requiring treatment and discharge them into an approved waste treatment facility in such a manner as to

maximize removal of pollutants unless authorization to the contrary is obtained from the Department.

(b) The permittee shall at all times maintain in good working order and operate at maximum efficiency all waste water collection, treatment and/or control facilities.

(c) All necessary waste treatment facilities will be installed and operational prior to the discharge of any wastewaters.

(d) Final plans and specifications must be submitted to the Department for review prior to the construction or modification of any treatment facilities.

(e) The permittee shall install flow measuring facilities of a design approved by the Department.

(f) The permittee must provide an outfall of a design approved by the Department which is placed in the receiving waters in such a manner that the maximum mixing and dispersion of the wastewaters will be achieved as rapidly as possible.

2. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

3. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

4. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. Bypasses.

(a) Definitions.

(i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

(ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c) and (d) of this section.

(c) Notice.

(i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph D(1)(f), below. (24-hour notice).

(d) Prohibition of bypass.

(i) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
(C) The permittee submitted notices as required under paragraph (c) of this section.

(ii) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph (d)(i) of this section.

6. Upsets.

(a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
(b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
(c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and that the permittee can identify the cause(s) of the upset;
(ii) The permitted facility was at the time being properly operated; and
(iii) The permittee submitted notice of the upset as required in paragraph D(1)(f) , below. (24 hour notice).
(iv) The permittee complied with any remedial measures required under paragraph B(4).

(d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

C. MONITORING AND RECORDS

1. General Requirements. This permit shall be subject to such monitoring requirements as may be reasonably required by the Department including the installation, use and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). The permittee shall provide the Department with periodic reports on the proper Department reporting form of monitoring results obtained pursuant to the monitoring requirements contained herein.

2. Representative sampling. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. If effluent limitations are based wholly or partially on quantities of a product processed, the permittee shall ensure samples are representative of times when production is taking place. Where discharge monitoring is required when production is less than 50%, the resulting data shall be reported as a daily measurement but not included in computation of averages, unless specifically authorized by the Department.

3. Monitoring and records.

(a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(b) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.

(c) Records of monitoring information shall include:

(i) The date, exact place, and time of sampling or measurements;
(ii) The individual(s) who performed the sampling or measurements;
(iii) The date(s) analyses were performed;
(iv) The individual(s) who performed the analyses;
(v) The analytical techniques or methods used; and
(vi) The results of such analyses.

(d) Monitoring results must be conducted according to test procedures approved under 40 CFR part 136, unless other test procedures have been specified in the permit.

(e) State law provides that any person who tampers with or renders inaccurate any monitoring devices or method required by any provision of law, or any order, rule license, permit approval or decision is subject to the penalties set forth in 38 MRSA, §349.

D. REPORTING REQUIREMENTS

1. Reporting requirements.

(a) Planned changes. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

(i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or

(ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Section D(4).

(iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;

(b) Anticipated noncompliance. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(c) Transfers. This permit is not transferable to any person except upon application to and approval of the Department pursuant to 38 MRSA, § 344 and Chapters 2 and 522.

(d) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Department for reporting results of monitoring of sludge use or disposal practices.

(ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Department.

(iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.

(e) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(f) Twenty-four hour reporting.

(i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance

has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(ii) The following shall be included as information which must be reported within 24 hours under this paragraph.

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit.
(B) Any upset which exceeds any effluent limitation in the permit.
(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.

(iii) The Department may waive the written report on a case-by-case basis for reports under paragraph (f)(ii) of this section if the oral report has been received within 24 hours.

(g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (d), (e), and (f) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (f) of this section.

(h) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

2. Signatory requirement. All applications, reports, or information submitted to the Department shall be signed and certified as required by Chapter 521, Section 5 of the Department's rules. State law provides that any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained by any order, rule, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

3. Availability of reports. Except for data determined to be confidential under A(9), above, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. As required by State law, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal sanctions as provided by law.

4. Existing manufacturing, commercial, mining, and silvicultural dischargers. In addition to the reporting requirements under this Section, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Department as soon as they know or have reason to believe:

(a) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(i) One hundred micrograms per liter (100 ug/l);
(ii) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
(iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
(iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

(b) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following ``notification levels":

(i) Five hundred micrograms per liter (500 ug/l);
(ii) One milligram per liter (1 mg/l) for antimony;
(iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
(iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

5. Publicly owned treatment works.

(a) All POTWs must provide adequate notice to the Department of the following:

(i) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA or Chapter 528 if it were directly discharging those pollutants.
(ii) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
(iii) For purposes of this paragraph, adequate notice shall include information on (A) the quality and quantity of effluent introduced into the POTW, and (B) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

(b) When the effluent discharged by a POTW for a period of three consecutive months exceeds 80 percent of the permitted flow, the permittee shall submit to the Department a projection of loadings up to the time when the design capacity of the treatment facility will be reached, and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans.

E. OTHER REQUIREMENTS

1. Emergency action - power failure. Within thirty days after the effective date of this permit, the permittee shall notify the Department of facilities and plans to be used in the event the primary source of power to its wastewater pumping and treatment facilities fails as follows.

(a) For municipal sources. During power failure, all wastewaters which are normally treated shall receive a minimum of primary treatment and disinfection. Unless otherwise approved, alternate power supplies shall be provided for pumping stations and treatment facilities. Alternate power supplies shall be on-site generating units or an outside power source which is separate and independent from sources used for normal operation of the wastewater facilities.

(b) For industrial and commercial sources. The permittee shall either maintain an alternative power source sufficient to operate the wastewater pumping and treatment facilities or halt, reduce or otherwise control production and or all discharges upon reduction or loss of power to the wastewater pumping or treatment facilities.

2. Spill prevention. (applicable only to industrial sources) Within six months of the effective date of this permit, the permittee shall submit to the Department for review and approval, with or without conditions, a spill prevention plan. The plan shall delineate methods and measures to be taken to prevent and or contain any spills of pulp, chemicals, oils or other contaminates and shall specify means of disposal and or treatment to be used.

3. **Removed substances.** Solids, sludges trash rack cleanings, filter backwash, or other pollutants removed from or resulting from the treatment or control of waste waters shall be disposed of in a manner approved by the Department.

4. **Connection to municipal sewer.** (applicable only to industrial and commercial sources) All wastewaters designated by the Department as treatable in a municipal treatment system will be cosigned to that system when it is available. This permit will expire 90 days after the municipal treatment facility becomes available, unless this time is extended by the Department in writing.

F. DEFINITIONS. For the purposes of this permit, the following definitions shall apply. Other definitions applicable to this permit may be found in Chapters 520 through 529 of the Department's rules

Average means the arithmetic mean of values taken at the frequency required for each parameter over the specified period. For bacteria, the average shall be the geometric mean.

Average monthly discharge limitation means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. Except, however, bacteriological tests may be calculated as a geometric mean.

Average weekly discharge limitation means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Best management practices ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Composite sample means a sample consisting of a minimum of eight grab samples collected at equal intervals during a 24 hour period (or a lesser period as specified in the section on monitoring and reporting) and combined proportional to the flow over that same time period.

Continuous discharge means a discharge which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes, or other similar activities.

Daily discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.

Discharge Monitoring Report ("DMR") means the EPA uniform national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees. DMRs must be used by approved States as well as by EPA. EPA will supply DMRs to any approved State upon request. The EPA national forms may be modified to substitute the State Agency name, address, logo, and other similar information, as appropriate, in place of EPA's.

Flow weighted composite sample means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

Grab sample means an individual sample collected in a period of less than 15 minutes.

Interference means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
(2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Maximum daily discharge limitation means the highest allowable daily discharge.

New source means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(a) After promulgation of standards of performance under section 306 of CWA which are applicable to such source, or
(b) After proposal of standards of performance in accordance with section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.

Pass through means a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Permit means an authorization, license, or equivalent control document issued by EPA or an approved State to implement the requirements of 40 CFR parts 122, 123 and 124. Permit includes an NPDES general permit (Chapter 529). Permit does not include any permit which has not yet been the subject of final agency action, such as a draft permit or a proposed permit.

Person means an individual, firm, corporation, municipality, quasi-municipal corporation, state agency, federal agency or other legal entity.

Point source means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.

Pollutant means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or byproducts, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

Process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Publicly owned treatment works ("POTW") means any facility for the treatment of pollutants owned by the State or any political subdivision thereof, any municipality, district, quasi-municipal corporation or other public entity.

Septage means, for the purposes of this permit, any waste, refuse, effluent sludge or other material removed from a septic tank, cesspool, vault privy or similar source which concentrates wastes or to which chemicals have been added. Septage does not include wastes from a holding tank.

Time weighted composite means a composite sample consisting of a mixture of equal volume aliquots collected over a constant time interval.

Toxic pollutant includes any pollutant listed as toxic under section 307(a)(1) or, in the case of sludge use or disposal practices, any pollutant identified in regulations implementing section 405(d) of the CWA. Toxic pollutant also includes those substances or combination of substances, including disease causing agents, which after discharge or upon exposure, ingestion, inhalation or assimilation into any organism, including humans either directly through the environment or indirectly through ingestion through food chains, will, on the basis of information available to the board either alone or in combination with other substances already in the receiving waters or the discharge, cause death, disease, abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in such organism or their offspring.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Whole effluent toxicity means the aggregate toxic effect of an effluent measured directly by a toxicity test.