



STATE OF MAINE  
Department of Environmental Protection

JOHN ELIAS BALDACCI  
GOVERNOR

David P. Littell  
COMMISSIONER

July 20, 2009

Mr. Greg Lambert  
Atlantic Salmon of Maine LLC / Cobscook Bay Salmon  
P.O. Box 380  
Oquossoc, Maine 04964

RE: Cobscook Bay Salmon Bingham Fish Hatchery (former Stolt Sea Farm, Inc.)  
Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0110159  
Maine Waste Discharge License (WDL) #W-007577-5Q-G-M  
**Minor Revision – Effluent BOD<sub>5</sub>, TSS Monitoring Frequency Requirements**

Dear Greg:

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

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

If you have any questions regarding the matter, please feel free to contact me at (207) 287-6114 or [Robert.D.Stratton@maine.gov](mailto:Robert.D.Stratton@maine.gov) or contact your compliance inspector, Matt Young, at [Mathew.R.Young@maine.gov](mailto:Mathew.R.Young@maine.gov) or (207) 561-5704.

Sincerely,

Robert D. Stratton  
Division of Water Quality Management  
Bureau of Land and Water Quality

Enc.

pc: Matt Young, Lori Mitchell (MEDEP); Sandy Mojica (USEPA);  
Brian Wheeler (Cobscook Bay Salmon Bingham Fish Hatchery)

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

DEPARTMENT ORDER

IN THE MATTER OF

COBSCOOK BAY SALMON	)	MAINE POLLUTANT DISCHARGE
BINHAM, SOMERSET COUNTY, MAINE	)	ELIMINATION SYSTEM PERMIT
FISH HATCHERY	)	AND
#ME0110159	)	WASTE DISCHARGE LICENSE
#W-007577-5Q-G-M	)	<b>MINOR REVISION</b>
<b>APPROVAL</b>	)	

Pursuant to the provisions of Maine Law 38 M.R.S.A., Section 414-A et seq., and applicable regulations, the Department of Environmental Protection (Department, MEDEP) has considered the minor revision request by the COBSCOOK BAY SALMON BINGHAM FISH HATCHERY (hereinafter Cobscook Bay Salmon Bingham), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

**MINOR REVISION REQUESTED**

Based on the review of effluent monitoring conducted to date, the Department has revised its best professional judgement (BPJ) determination of the minimum required monitoring frequencies necessary to accurately characterize facility biochemical oxygen demand (BOD<sub>5</sub>) and total suspended solids (TSS) effluent conditions. Accordingly, the Department is revising the minimum monitoring frequency requirements established for these parameters in Permit Special Condition A.1, *Effluent Limitations and Monitoring Requirements*, of MEPDES Permit #ME0110159 / Maine WDL #W007577-5Q-E-R, issued by the Department on April 6, 2005. The Department is also providing guidance for reporting analytical results below detection and/or reporting limits that was developed after issuance of the facility permit. This action is being taken pursuant to Permit Special Condition P, which follows.

**P. REOPENING OF PERMIT FOR MODIFICATIONS**

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

## MINOR REVISION SUMMARY

This minor revision modifies the effluent limitations and monitoring requirements as follows:

1. revising minimum monitoring frequency requirements for effluent BOD<sub>5</sub> and TSS based on revised Department BPJ.
2. providing guidance for reporting analytical results below detection and/or reporting limits.

## CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated June 30, 2009 and revised July 16, 2009, and subject to the Conditions listed below, the Department makes the following conclusions:

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

## **ACTION**

THEREFORE, the Department APPROVES the minor revision of MEPDES Permit #ME0110159 / Maine WDL #W007577-5Q-E-R, issued by the Department on April 6, 2005 (subsequently revised), to STOLT SEA FARM (now COBSCOOK BAY SALMON) to discharge fish hatchery wastewater consisting of a monthly average flow of 11.25 MGD to the Kennebec River, Class A, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

1. "Maine Pollutant Discharge Elimination System Permit Standard Conditions applicable To All Permits," revised July 1, 2002, copy attached to the 4/06/05 MEPDES Permit / Maine WDL cited above.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. All other terms and conditions in the 4/06/05 MEPDES Permit / Maine WDL and subsequent revisions not modified by this minor revision remain in effect and enforceable.
4. This minor revision **expires on April 6, 2010**, concurrent with the 4/06/05 MEPDES Permit / Maine WDL.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

This Order prepared by Robert D. Stratton, BUREAU OF LAND & WATER QUALITY

**SPECIAL CONDITIONS**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

- The permittee is authorized to discharge **fish hatchery wastewater from Outfall #001A** to the Kennebec River. Such discharges shall be limited and monitored by the permittee as specified below<sup>1</sup>. **Note, the following table is an excerpt from the facility MEPDES Permit / Maine WDL.**

Monitoring Parameter	Discharge Limitations and Reporting Requirements				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 <i>[50050]</i>	11.25 MGD <i>[03]</i>	---	---	---	---	Daily <i>[01/01]</i>	Estimated <i>[ES]</i>
BOD <sup>2</sup> <i>[00310]</i>	528 lbs/day <i>[26]</i>	report lbs/day <i>[26]</i>	6 mg/L <i>[19]</i>	10 mg/L <i>[19]</i>	---	2 / month <i>[02/30]</i>	Composite <sup>3</sup> <i>[CP]</i>
TSS <sup>2</sup> <i>[00530]</i>	396 lbs/day <i>[26]</i>	report lbs/day <i>[26]</i>	6 mg/L <i>[19]</i>	10 mg/L <i>[19]</i>	---	2 / month <i>[02/30]</i>	Composite <sup>3</sup> <i>[CP]</i>
Total Phosphorus <sup>4</sup> From June 1 – Sept 30 yearly <i>[00665]</i>	22 lbs/day <i>[26]</i>	report lbs/day <i>[26]</i>	2.6 mg/L <i>[19]</i>	report mg/L <i>[19]</i>	---	1/week <i>[01/07]</i>	Grab <i>[GR]</i>
Orthophosphate (as P) <sup>4</sup> June 1 -Sept 30, 2005 <i>[04175]</i>	report lbs/day <i>[26]</i>	report lbs/day <i>[26]</i>	report mg/L <i>[19]</i>	report mg/L <i>[19]</i>	---	1/week <i>[01/07]</i>	Grab <i>[GR]</i>
Fish on Hand <i>[45604]</i>	report lbs/day <i>[26]</i>	report lbs/day <i>[26]</i>	---	---	---	1/week <i>[01/07]</i>	Calculated <i>[CA]</i>
Formalin <sup>5</sup> 1-Hour Treatment Maximum <i>[51064]</i>	report lbs/day <i>[26]</i>	228 lbs/day <i>[26]</i>	report mg/L <i>[19]</i>	374 mg/L <i>[19]</i>	---	1/ week <i>[01/07]</i>	Calculated <i>[CA]</i>
Formalin <sup>5</sup> 24-Hour Treatment Maximum <i>[51064]</i>	report lbs/day <i>[26]</i>	228 lbs/day <i>[26]</i>	report mg/L <i>[19]</i>	208 mg/L <i>[19]</i>	---	1/ week <i>[01/07]</i>	Calculated <i>[CA]</i>
pH <i>[00400]</i>	---	---	---	6.0-8.5 S.U. <i>[12]</i>	---	1/week <i>[01/07]</i>	Grab <i>[GR]</i>

The italicized numeric values bracketed in the table above and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports (DMRs). Footnotes are found on Page 6 of the 4/06/05 MEPDES Permit / Maine WDL and in the 10/10/08 Minor Revision.

**SPECIAL CONDITIONS**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, Footnotes**

(supplement to first paragraph of section)

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

**MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT  
AND  
MAINE WASTE DISCHARGE LICENSE**

**MINOR REVISION FACT SHEET**

Date: June 30, 2009  
Revised: July 16, 2009

MEPDES PERMIT NUMBER: # ME0110159  
WASTE DISCHARGE LICENSE: # W-007577-5Q-G-M

NAME AND ADDRESS OF APPLICANT:

**ATLANTIC SALMON OF MAINE LLC/  
COBSCOOK BAY SALMON  
P.O. Box 380  
Oquossoc, Maine 04964**

COUNTY: SOMERSET

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**COBSCOOK BAY SALMON BINGHAM HATCHERY**  
36 River Road  
P.O. Box 528  
Bingham, Maine 04920

RECEIVING WATER / CLASSIFICATION: Kennebec River / Class A

COGNIZANT OFFICIAL AND TELEPHONE NUMBER:

Mr. Brian Wheeler (207) 672-3609; Mr. Greg Lambert (207) 864-3664

**1. MINOR REVISION REQUESTED**

Based on the review of effluent monitoring conducted to date, the Department has revised its best professional judgement (BPJ) determination of the minimum required monitoring frequencies necessary to accurately characterize facility biochemical oxygen demand (BOD<sub>5</sub>) and total suspended solids (TSS) effluent conditions. Accordingly, the Department is revising the minimum monitoring frequency requirements established for these parameters in Permit Special Condition A.1, *Effluent Limitations and Monitoring Requirements*, of MEPDES Permit #ME0110159 / Maine WDL #W007577-5Q-E-R, issued by the Department on April 6, 2005. The Department is also providing guidance for reporting analytical results below detection and/or reporting limits that was developed after issuance of the facility permit. This action is being taken pursuant to Permit Special Condition P, which follows.

## **1. MINOR REVISION REQUESTED (cont'd)**

### ***P. REOPENING OF PERMIT FOR MODIFICATIONS***

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

## **2. MINOR REVISION SUMMARY**

This minor revision modifies the effluent limitations and monitoring requirements as follows:

- a. revising minimum monitoring frequency requirements for effluent BOD<sub>5</sub> and TSS based on revised Department BPJ.
- b. providing guidance for reporting analytical results below detection and/or reporting limits.

## **3. BASIS FOR THE MINOR REVISION**

The MEDEP's efforts to revise its fish hatchery and rearing facility wastewater discharge permitting program in years 2003 – 2006 included establishment of revised effluent limitations, monitoring and operational requirements in MEPDES Permits / Maine WDLs for all state, federal, and commercial facilities in Maine. These requirements were established based on site specific water quality concerns, available toxicity information, and the Department's BPJ of best practicable treatment for the industry. The Department's revised program established scientifically based and consistently applied requirements for all facilities, as well as site specific requirements where necessitated by specific concerns and information. The Department envisioned revisiting facility requirements and limitations in the future based on review of collected data and following demonstrated performance of consistently and properly utilized treatment technology. The Cobscook Bay Salmon Bingham MEPDES Permit / Maine WDL established "*once per week effluent BOD and TSS monitoring on a year round basis based on the Department's BPJ of monitoring frequencies necessary to more accurately characterize facility effluent conditions.*" The Department has reviewed DMR data from fish hatchery and rearing facilities in Maine and has determined based on the consistency of effluent BOD<sub>5</sub> and TSS data observed that the required minimum monitoring frequencies for these parameters can be reduced and still provide sufficient and appropriate information on wastewater treatment processes and effluent quality. Therefore, the Department is revising the minimum monitoring requirements for BOD<sub>5</sub> and TSS for this facility to a frequency of twice per month. If determined necessary in the future based on ambient or effluent conditions or data quality, this permitting action may be reopened pursuant to Permit Special Condition P, and effluent limitations, monitoring and operational requirements, and/or wastewater treatment requirements revised as appropriate. The Department is also updating reporting guidance.

#### **4. REVISED FACT SHEET SECTIONS**

##### **a. (§ 6.c) EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS**

BOD and TSS: (excerpt of final paragraph of section)

In this permitting action, mass is limited in the more conventional unit of pounds per day instead of the previous pounds per hundred pounds of fish on hand. This permitting action establishes twice per month effluent BOD and TSS monitoring on a year basis based on the Department's BPJ of monitoring frequencies necessary to more accurately characterize facility effluent conditions.

#### **5. DEPARTMENT CONTACTS**

Additional information concerning this minor revision may be obtained from and written comments should be sent to:

Robert D. Stratton  
Division of Water Quality Management  
Bureau of Land and Water Quality  
Department of Environmental Protection  
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Augusta, Maine 04333-0017

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