STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PAUL MERCER
COMMISSIONER

June 6, 2016

Mr. Patrick Gere
Bath Iron Works
700 Washington Street MS 4040
Bath, ME. 04530
Patrick.Gere@gdbiw.com

Sent via electronic mail
Delivery confirmation requested

RE: *Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0001732*
Maine Waste Discharge License (WDL) Application #W000671-5R-I-R
Proposed Draft MEPDES Permit - Renewal

Dear Mr. Gere:

Attached is a proposed draft MEPDES permit and Maine WDL which the Department proposes to issue for your facility 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 on June 6, 2016 and ends on July 8, 2016. All comments on the proposed draft permit must be received in the Department of Environmental Protection office on or before the close of business Friday, July 8, 2016. 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
Cindy.L.Dionne@maine.gov

If you have any questions regarding the matter, please feel free to contact me.

Sincerely,



Cindy L. Dionne
Division of Water Quality Management
Bureau of Water Quality
ph: 207-557-5950

Enc.

ec: Barry Mower, DEP
Pamela Parker, DEP
Stuart Rose, DEP
Lori Mitchell, DEP
Sean Mahoney, CLF
Kathleen Leyden, DACF
Environmental Review, DMR
David Webster, USEPA
David Pincumbe, USEPA
Alex Rosenberg, USEPA
Olga Vergara, USEPA
Marelyn Vega, USEPA
Richard Carvalho, USEPA
Environmental Review, IFW
Laury Zicari, USFWS

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

DEPARTMENT ORDER

IN THE MATTER OF

BATH IRON WORKS	)	MAINE POLUTANT DISCHARGE
SHIP MANUFACTURING FACILITY	)	ELIMINATION SYSTEM PERMIT
BATH, SAGADAHOC COUNTY, MAINE	)	AND
#ME0001732	)	WASTE DISCHARGE LICENSE
#W000671-5R-I-R **APPROVAL**	)	**RENEWAL**

In compliance with the applicable provisions of *Pollution Control*, 38 M.R.S. §§ 411 – 424-B, *Water Classification Program*, 38 M.R.S. §§ 464 – 470 and *Federal Water Pollution Control Act*, Title 33 U.S.C. § 1251, and applicable rules of the Department of Environmental Protection (Department), the Department has considered the application of BATH IRON WORKS (BIW or permittee), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

On March 23, 2016, the Department accepted as complete for processing an application from BIW for renewal of combination Waste Discharge License (WDL) #W000671-5R-H-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0001732, which was issued by the Department on September 19, 2011 for a five-year term. The 9/19/11 permit authorized the discharge of non-contact cooling water and treated ship ballast water from three outfall points, intermittent discharges from 17 other point sources, and waste snow to the Kennebec River, Class SB, in Bath, Maine.

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PERMIT SUMMARY

a. Terms and conditions

This permitting action is different from the September 19, 2011 permit in that it:

1. Eliminates items #4, #5, #20, #21, #22, #24, #25, #26, and #27 from permit Special Condition *A. Effluent Limitations And Monitoring Requirements* Table 4. Intermittent Sources of Wastewater as these items either do not discharge or are covered under a separate MEPDES permit; and

2. Renames former Special Condition *I. Best Management Practices Plan For Ship Washing/Blasting* as Special Condition *I. Pollution Prevention Practices Plan For Ship Washing/Blasting*.

CONCLUSIONS

BASED on the findings in the attached and incorporated Fact Sheet dated June 6, 2016, 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;

   (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

CONCLUSIONS (cont'd)

(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 discharges will be subject to effluent limitations that require application of best practicable treatment as defined in *Conditions of licenses*, 38 M.R.S. § 414-A(1)(D).

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ACTION

THEREFORE, the Department APPROVES the application of the BATH IRON WORKS to discharge non-contact cooling water and treated ship ballast water from three outfall points, intermittent discharges from other point sources described in Special Condition A.4 of this permit, and waste snow to the Kennebec River, Class SB, in Bath, 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 CMR 2(21)(A) (amended October 19, 2015).

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS __ DAY OF _____2016.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:_____
PAUL MERCER, Commissioner

Date of initial receipt of application March 17, 2016
Date of application acceptance March 23, 2016

Date filed with Board of Environmental Protection _____

This Order prepared by Cindy L. Dionne, Bureau of Water Quality

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge **non-contact cooling water** from **Outfall #005A** to the Kennebec River. Such discharges must be limited and monitored by the permittee as specified below [(1)]:

Effluent Characteristics	Discharge Limitations		Minimum Monitoring Requirements	
	Monthly Average	**Daily Maximum**	**Measurement Frequency**	**Sample Type**
Flow *[50050]*	132,000 GPD *[07]*	650,000 GPD *[07]*	1/Quarter *[01/90]*	Meter *[MT]*
Temperature *[00011]*	---	130˚ F *[15]*	1/Quarter *[01/90]*	Grab *[GR]*
pH *[00400]*	---	6.0 – 8.5 SU *[12]*	1/Quarter *[01/90]*	Grab *[GR]*

2. The permittee is authorized to discharge **treated ship ballast water** from **Outfall #006A** to the Kennebec River. Such discharges must be limited and monitored by the permittee as specified below [(1)]:

	Daily Maximum	**Measurement Frequency**	**Sample Type**
Flow *[50050]*	800,000 Gallons[(2)] *[57]*	1/Discharge[(3)] *[01/DS]*	Calculate *[CA]*
Oil and Grease *[00552]*	15 mg/L *[19]*	1/Discharge[(3)] *[01/DS]*	Grab *[GR]*
Polynuclear Aromatic Hydrocarbons (PAHs) Single Compound[(4)] *[38528]*	60 µg/L *[28]*	1/Discharge[(3)] *[01/DS]*	Grab *[GR]*
Sum of All PAHs[(4)]	Report µg/L *[28]*	1/Discharge[(3)] *[01/DS]*	Grab *[GR]*
pH *[00400]*	6.0 – 8.5 SU *[12]*	1/Discharge[(3)] *[01/DS]*	Grab *[GR]*

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

Footnotes: See Pages 8 & 9 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

3. The permittee is authorized to discharge **non-contact cooling water** from **Outfall #007A** to the Kennebec River. Such discharges must be limited and monitored by the permittee as specified below [(1)]:

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	Monthly Average	**Daily Maximum**	**Measurement Frequency**	**Sample Type**
Flow *[50050]*	45,000 GPD *[07]*	Report GPD *[07]*	1/Quarter *[01/90]*	Meter *[MT]*
Temperature *[00011]*	---	130˚ F *[15]*	1/Quarter *[01/90]*	Grab *[GR]*
pH *[00400]*	---	6.0 – 8.5 SU *[12]*	1/Quarter *[01/90]*	Grab *[GR]*

4. The permittee is authorized to discharge the **intermittent sources of wastewater** described in the table below to the Kennebec River.

	Type of Wastewater		Approximate Volume
Deck wash down and runoff			
1	a.) Hull wash down per ship to clean superstructure		10,000 gallons per year (GPY)
2	b.) Dry Dock and Ship blocking wash after undocking and docking ships to remove sediments		Variable; 200 gallons per minute (GPM) through hose when in use
3	c.) Low pressure wash (<100psi) to remove accumulated chlorides from ships following sea trials and prior to painting.		Variable; 5-6 GPM when in use
4	f.) High pressure wash water (10,000 - 25,000 psi) to remove old paint from ships[A]		Variable; 5-15 GPM when in use
5	g.) Ultra high pressure wash water (> 25,000 psi) to remove old paint from ships		Variable; 5-15 GPM when in use
Ballast water			
6	a.) Ballast and De-ballast river water for dry dock		110 million gallons (MG) per dry docking evolution cycle
7	b.) River/Seawater from clean ballast (fuel oil compensating system) tanks per ship		1 million gallons (MG) per ship evolution

[A]Wash water is the wastewater associated with dry dock washing to remove marine growth, sea salt, blasting dust, and flaking paint.

SPECIAL CONDITIONS

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

Non-contact cooling water			
8	a.) For cooling various shipboard systems, i.e. lube oil service in the gas turbine generators/ main engines, air conditioning, spy arrays, electronics and computers systems.		6.3 million gallons per days (GPD) estimated total volume of water discharged from ships once all onboard systems are fully operational.
9	b.) Municipal and river water used for small boat engine cooling		Wet engine exhaust from Rigid Hull Inflatable Boat (RHIB) engines must be maintained, and operating as designed. No volume
Sonar Dome Water Discharge			
10	a.) Municipal water per ship to flex test and air test sonar domes prior to installation and ship launch		175,000 gallons per day (GPD) per ship evolution
11	b.) River water/sea water per ship to air test sonar domes prior to and following sea trials.		175,000 GPD per ship evolution
12	Municipal water per ship for hydrostatic testing of shipboard piping systems.		450 GPD
13	Municipal water per ship for hydrostatic testing shipboard tanks while on LLTF construction ways.		500,000 GPY
Condensate water discharges			
14	a.) Steam condensate from steam heaters throughout the shipyard and on board ships.		11.3 MGY
15	b.) Condensate accumulated in shipboard tanks from refrigeration, cooling systems and air conditioning		No volume
Miscellaneous discharge of municipal (potable) water			
16	Municipal water from piping bleeder valves to prevent winter freezing in un-insulated buildings, and hoses that supply water to ships.		29.5 MGY
17	Municipal water used to cool flame straightening processes in buildings, on the ways and on board ship.		1,500 GPY
18	Municipal water used to supply ship board fan coil cooling unit to circulate cool air into space during unusually hot weather		9,500 GPD
19	Ship board firemain systems		Limited discharge for testing and training only while pierside
20	Cathodic Protection		All sacrificial anodes in use at BIW are maintained in a new or almost new condition, and no excessive discharge is possible.

21	Potable water systems related to installation, maintenance, and repair of potable water supply systems that include pipelines, fire hydrants, and flushing activities.		No volume
22	Discharges resulting from pressure releases, overflows and hydrostatic testing of pipes.		No volume
23	Dewatering of foundations, footer drains, basements, vaults, pipe tunnels, etc. provided the discharge is not contaminated with pollutants.		No volume

5. BIW anticipates the need to discharge wastewater from sources that are not listed in this permit. Certain discharges from ship building processes and from shipyard activities are not predictable. Sporadic intermittent discharges of wastewater not specified in this permit will require case-by-case evaluation and approval by the Department. BIW must notify the Department with as much advanced notice as possible of any discharge not specified in this permit. Notification may be provided in the form of electronic mail to the Department's compliance unit. Department approvals for requests to discharge wastewater may be provided without modification of the permit.

6. The Department acknowledges the intermittent use of EnviroKlean® and Iron Out® for hull and deck cleaning. Use of these compounds must be in coordination with dilution by rinsing with fresh water as well as timed with out-going tides to maximize mixing with the receiving water. A log that includes date, time, tidal stage and approximate volume of compound used is required and must be made available for review by Department personnel upon request.

Footnotes

1. **Sampling** – The permittee must conduct all effluent 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. Samples that are sent to another POTW 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 263 (last amended April 1, 2010). 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 DMR.

2. **Treated Ship Ballast Water Discharge Flow Limit** – The permittee is authorized to discharge a maximum of 800,000 gallons of treated ship ballast water per ship per day at a maximum rate of 500 gallons per minute from Outfall #006A.

SPECIAL CONDITIONS

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

3. **Treated Ship Ballast Water Discharge Measurement Frequency** – The permittee must monitor the discharge for the parameters specified in Special Condition A.2. at a minimum frequency of once per discharge event per ship and report the highest value for each month in the "Daily Maximum Flow" cell on the monthly Discharge Monitoring Report (DMR).

4. **PAHs** – The permittee must analyze PAHs in accordance with 40 CFR Part 136, Appendix A, Method 625. The highest single PAH value of the PAHs listed below must be reported in the "Daily Maximum Concentration" cell on the monthly DMR. The permittee must report the sum of all PAHs on a separate piece of paper attached to the DMR or in the comments section of the DMR.

Acenaphthylene	Acenaphthene	Anthracene
Benzo(B)Fluoranthene	Benzo(K)Fluorantene	Benzo(A)Pyrene
Crysene	Fluoranthene	Fluorene
Indeno(1,2,3-cd)Pyrene	Phenanthrene	Pyrene
Benzo(ghi)perylene	Benzo(A)Anthracene	Dibenzo(A,H)Anthracene
Napthalene	---	---

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 causes visible discoloration or turbidity in the receiving waters or otherwise impairs the uses designated for the classification of the receiving waters.

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. CONDITIONS FOR THE DISCHARGE OF WASTE SNOW

1. The discharge of snow must not cause impoundment of the receiving waters or alter its flow and snow must not be allowed to accumulate on the inter-tidal areas or wetland.

SPECIAL CONDITIONS

C. CONDITIONS FOR THE DISCHARGE OF WASTE SNOW (cont'd)

2. Only snow which is removed from areas where the use of sand or sand/salt mixtures is restricted may be discharged. All waste snow collected for disposal via discharge must be removed from the collection area within 72 hours following the end of a snow event.

3. Snow, which is visibly contaminated with oil, chemicals, hazardous wastes or substances, or solid waste (other than incidental street litter) must not be discharged. Snow collected from areas affected by chemical spills or other circumstances which may result in the presence of toxic compounds in toxic amounts must not be discharged.

4. The permittee must conduct weekly litter removal of the areas from which waste snow will be discharged.

D. RECORD OF ACTIVITIES FOR WASTE SNOW DUMPS

The permittee must maintain a record for snow removal and disposal activities which includes information on:

1. Changes in development or snow removal practices that may affect the quality or quantity of waste snow discharged.

2. The approximate quantity (gallons, cubic yards or other measure) of waste snow discharged overboard per day.

3. Reports or observations of floating materials, deposits, changes to navigation or other circumstances that result from the discharge of waste snow from the approved site.

4. Best Management Practices (BMPs) conducted to minimize the discharge of pollutants, such as litter and debris control.

The Record Log and copy of BMPs shall be kept on-site at all times and made available to Department and USEPA personnel upon request.

E. MONITORING AND REPORTING

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

SPECIAL CONDITIONS

E. MONITORING AND REPORTING (cont'd)

Department) at the following address:

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

Alternatively, if the permittee submits an electronic DMR, the completed DMR must be electronically submitted to the Department by a facility authorized DMR Signatory not later than close of business on the **15th day of the month** following the completed reporting period. Hard copy documentation submitted in support of the DMR must be postmarked on or before the **thirteenth (13th) day of the month or hand-delivered** to the Department's Regional Office such that it is received by the Department on or before the fifteenth (15th) day of the month following the completed reporting period. Electronic documentation in support of the DMR must be submitted not later than close of business on the 15th day of the month following the completed reporting period.

F. NOTIFICATION REQUIREMENT

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

1. Any substantial change (increase or decrease) in the volume or character of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants into the system at the time of permit issuance.

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 impact of the change in the quantity or quality of the wastewater to be discharged from the treatment system.

SPECIAL CONDITIONS

G. 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 March 23, 2016; 2) the terms and conditions of this permit; and 3) only from Outfalls #005A, #006A, #007A , the intermittent discharges identified in Special Condition A.4. of this permit, and waste snow collected from the BIW facility; and in accordance with case-by-case Department approvals for unanticipated discharges not specified herein. Discharges of wastewater from any other point source are not authorized under this permit, and must be reported in accordance with Standard Condition D(1)(f), *Twenty-four hour reporting*, of this permit.

H. DRY DOCK BEST MANAGEMENT PLAN

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

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

I. POLLUTION PREVENTION PRACTICES PLAN FOR SHIP WASHING/BLASTING

The permittee must maintain and update as necessary a pollution prevention plan to minimize the discharge of pollutants associated with ship washing and blasting activities performed at the facility. The plan must address containment of particulates and dust generated by blasting or washing activities, cleaning of the work area, disposal of spent grit and residue, and any treatment provided. The plan is subject to Department review and comment.

J. REOPENING OF PERMIT FOR MODIFICATIONS

In accordance with 38 M.R.S. § 414-A(5) and upon evaluation of the test 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 limitations 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

K. 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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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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
WASTE DISCHARGE LICENSE

PROPOSED DRAFT FACT SHEET

Date: **JUNE 6, 2016**

MEPDES PERMIT: **ME0001732**
WASTE DISCHARGE LICENSE: **W000671-5R-I-R**

NAME AND ADDRESS OF APPLICANT:

BATH IRON WORKS
700 WASHINGTON STREET
BATH, ME 04530

COUNTY: **SAGADAHOC**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

BATH IRON WORKS
700 WASHINGTON STREET
BATH, ME 04530

RECEIVING WATER / CLASSIFICATION: **KENNEBEC RIVER/CLASS SB**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER:

MR. PATRICK GERE
(207) 442-1142
Patrick.Gere@gdbiw.com

1. APPLICATION SUMMARY

a. Application: On March 23, 2016, the Department of Environmental Protection (Department) accepted as complete for processing an application from Bath Iron Works (BIW) for renewal of combination Waste Discharge License (WDL) #W000671-5R-H-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0001732, which was issued by the Department on September 19, 2011 for a five-year term. The 9/19/11 permit authorized the discharge of non-contact cooling water and treated ship ballast water from three outfall points, intermittent discharges from 17 other point sources, and waste snow to the Kennebec River, Class SB, in Bath, Maine.

2. PERMIT SUMMARY

a. Terms and conditions

1. Eliminates items #4, #5, #20, #21, #22, #24, #25, #26, and #27 from permit Special Condition *A. Effluent Limitations And Monitoring Requirements* Table 4. Intermittent Sources of Wastewater as these items either do not discharge or are covered under a separate MEPDES permit; and

2. Renames former Special Condition *I. Best Management Practices Plan For Ship Washing/Blasting* as Special Condition *I. Pollution Prevention Practices Plan For Ship Washing/Blasting*.

b. History: This section provides a summary of significant licensing/permitting actions that have been completed for the BIW facility.

December 8, 2000 – The Department issued WDL #W000671-5R-F-R to BIW for the discharge of non-contact cooling water, treated ship ballast water, storm water, high pressure wash water, and blast water to the Sagadahoc River in Bath, Maine. The 12/8/00 WDL superseded WDL #W000671-57-E-R issued on September 24, 1992, WDL Amendment #W000671-57-C-A issued on November 14, 1989, WDL #W000671-42-B-R issued on December 3, 1985, and WDL Amendment #W000671-42-A-A (earliest Order on file with the Department).

January 12, 2001 – The Department received authorization from the USEPA to administer the NPDES permit program in Maine. From that date forward, the permit program has been referred to as the MEPDES permit program and ME0001732 (same as the NPDES permit) will be the primary reference number for the facility.

April 27, 2001 – The Department issued WDL #W007958-5V-G-R / MEPDES Permit #MEU507958 to BIW for the discharge of waste snow generated at the industrial site to the Kennebec River.

2. PERMIT SUMMARY (cont'd)

December 17, 2001 – The Department issued a letter to BIW thereby administratively modifying the 4/27/01 MEPDES permit by authorizing the use of the south end storage site as an approved snow discharge point and by changing the MEPDES permit number from #MEU507958 to #ME0036315.

July 22, 2002 – The Department issued a letter to BIW thereby administratively modifying the 12/8/00 WDL by authorizing the intermittent discharge of up to 48,000 gallons per day of wastewater generated by launch way wash down activities to the Kennebec River.

March 25, 2004 – The Department issued a letter to BIW thereby administratively modifying the 12/8/00 WDL to increase the discharge flow limitation for Outfall #007A to a monthly average of 13,400 GPD and a daily maximum of 30,000 GPD.

May 2010 – BIW revised its existing Spill Prevention Control and Countermeasures Plan.

May 2011 – BIW revised its Storm Water Pollution Prevention Plan (SWPPP).

May 10, 2011 – The Department accepted BIW's Notice of Intent (NOI) to Comply with Maine Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity. The NOI was assigned number MER05B212 by the Department.

June 6, 2006 – The Department issued combination MEPDES permit / WDL #W000671-5R-G-R to BIW for a five-year term.

September 29, 2011 – The Department issued combination MEPDES permit / WDL #000671-5R-H-R to BIW for a five-year term.

March 17, 2016 – BIW submitted a timely and complete General Application to the Department for renewal of WDL #W00671-5R-H-R. The application was accepted for processing on March 23, 2016 and was assigned WDL #W00671-5R-I-R / MEPDES permit #ME0001732.

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2. PERMIT SUMMARY (cont'd)

c. Source Description: Bath Iron Works, a General Dynamics Company, is a designer and builder of U.S. Navy ships and is located along the Kennebec River in Bath, Maine. A location map of the area is included as Fact Sheet **Attachment A**. The sources of wastewater generated by the facility and regulated by this MEPDES permit are summarized in the following table.

Outfall	Description	Volume
#005A	Non-contact cooling (municipal) water from building #0045 XLE compressors and breath air compressor.	650,000 gpd maximum 132,000 gpd average
#006A	Treated ship ballast (river/sea) water discharged at 500 gallons per minute maximum rate, occurring before and after dry docking ships.	800,000 gpd maximum per ship
#007A	Non-contact cooling (municipal) water from air compressors at paint and blast facility (humidity, slave cooler, trim cooler).	45,000 gpd average

The source of wastewater conveyed to **Outfall #005A** is non-contact cooling water from air compressors located in Building #045 XLF/Compressor Room (BIW reference). BIW has indicated that the discharge occurs only when the closed loop heat exchange cooling system cannot maintain safe operating temperature for the air compressors. This occurs during high production use of compressors or when ambient air temperatures are high. Flow-through make-up cooling water (municipal water) is then required to re-establish safe operating temperatures of the air compressors.

The source of wastewater conveyed to **Outfall #006A** is treated ship ballast water. Ballast water is taken onto a ship at sea to compensate for spent fuel. The treatment process involves discharging the ballast tank contents through two fractionating tanks and an activated carbon filter to remove fuel product prior to discharge overboard.

The source of wastewater conveyed to **Outfall #007A** is non-contact cooling water from air compressors located in the Blast 3 Compressor Room (BIW reference). This is a closed loop heat exchange cooling system as described for Outfall #005A above.

BIW has **intermittent discharges** associated with the facility and ships. The volumes of the intermittent discharges vary greatly depending upon the number of ships located at the facility at any given time and the potentially varying stages of construction of those ships. The intermittent discharges are documented in Permit Special Condition *A. Effluent Limitations And Monitoring Requirements* (4).

2. PERMIT SUMMARY (cont'd)

BIW was previously authorized to discharge stormwater from the site under the preceding MEPDES permit as well as stormwater permit MER05B212 (main yard). However, in a letter from the Department dated August 27, 2015, BIW is now required to attain coverage under the Storm Water Multi-Sector General Permit for all storm water discharge. BIW is currently covered under Industrial Multi-Sector General Permit #MER05B212 for a portion of storm water discharges associated with this site.

This permitting action is carrying forward authorization to discharge waste snow pursuant to the limitations and restrictions of *Waste Snow Dumps*, 06-096 CMR 573. Based on BIW's *Supplemental Information for Snow Dumps* form submitted as part of its application for permit renewal, BIW estimates that waste snow is collected from approximately 38 acres of roadways, walkways and piers on the BIW property for discharge to various pier-side locations along the Kennebec River. A schematic of the facility is included as Fact Sheet **Attachment B**.

Sanitary wastewater generated at the BIW facility as well as antifouling leachate other miscellaneous wastewater discharged while a vessel is pierside, is conveyed to the City of Bath Water Pollution Control Facility, which is regulated under a separate MEPDES permit.

Certain discharges from ship building processes and from shipyard activities are not predictable. Sporadic intermittent discharges of wastewater not specified in the permit will require case-by-case evaluation and approval by the Department. BIW must notify the Department with as much advanced notice as possible of any discharge not specified in this permit. Notification may be provided in the form of electronic mail to the Department's permitting unit. Department approvals for requests to discharge wastewater may be provided without modification of the permit.

d. Wastewater Treatment: The various wastewater streams identified in Permit Special Condition *A. Effluent Limitations And Monitoring Requirements* (4) receive treatment as follows.

Non-contact Cooling Water - Outfall #005A

Non-contact cooling water from Building #0045 XLE/Air Compressor Room does not receive treatment prior to discharge. Wastewater is conveyed for discharge to the Kennebec River via a waste piping system that ultimately terminates as an 84-inch diameter discharge pipe. The receiving water level and top of the outfall pipe are approximately equal during mean low water conditions.

2. PERMIT SUMMARY (cont'd)

Treated Ship Ballast Water - Outfall #006A

Ship ballast water is treated by discharging the ballast tank contents through two fractioning tanks and an activated carbon filter to remove fuel products from the ballast water prior to discharge. This is a process to remove oily water from the ship where it is processed through a mobile unit pier-side, therefore the discharges occur at various locations. The treatment unit is position dockside and the final effluent is conveyed for discharge to the Kennebec River via an outfall pipe situated above the receiving water during all water level conditions.

Non-contact Cooling Water - Outfall #007A

Non-contact cooling water from Blast 3 Air Compressor Room does not receive treatment prior to discharge. Wastewater is conveyed for discharge to the Kennebec River via a waste piping system that ultimately terminates as an 84-inch diameter discharge pipe.

The receiving water level and top of the outfall pipe are approximately equal during mean low water conditions.

Waste Snow Disposal

BIW stated that snow is accumulated throughout the shipyard and transported to the south yard area on the site for discharge directly to the river. BIW's Storm Water Pollution Prevention Plan (SWPPP) includes facility housekeeping activities and routine inspections to insure facility cleanliness. The Bath Harbormaster has provided a letter stating that snow dumping activities from BIW property do not present navigational hazards. Special Condition C of this permit restricts the discharge of waste snow to only that snow which has been removed from areas where the use of sand or sand/salt mixtures is restricted and which has been stockpiled for a period no greater than 72 hours following the end of the snow event. BIW reports that sand, salt and calcium chloride are used at the facility. BIW also stated that snow which is visibly contaminated with trash or debris will be stored at a location within the facility away from the waterfront. BIW stated that if the stockpile becomes too large for additional storage, the facility will hire a contractor to haul the waste snow to an appropriate off-site disposal area.

Ship Hull Wash Wastewater

Ships are periodically washed at the facility to remove marine growth, sea salt, blasting dust and flaking paint. When ships are in dry dock for washing, wash water is directed into two trenches that run the length of the dry dock to holding tanks. The trenches provide initial settling of solids. The trenches are periodically inspected for sediment accumulation and cleaned as deemed necessary (restricted flow, etc.). Water is conveyed through a drain, covered by a wire mesh screen, to the two 10,000-gallon collection / settling tanks. The collection/settling tanks are routinely inspected for sediment accumulation and cleaned as needed. Water from the holding tanks is pumped to the City of Bath Water Pollution Control Facility for treatment.

2. PERMIT SUMMARY (cont'd)

While ships are under construction on the Land Level Transfer Facility hull washing activities are limited to low pressure rinse to remove dust accumulated during blasting processes. Barriers are placed around storm drains to prevent direct discharges of large debris and flotsam. Wash water is conveyed to a Vortech oil and grit trap prior to discharge. Special Condition I of this permit requires the permittee to maintain a pollution prevention plan for ship washing and blasting activities performed at the facility, which addresses at a minimum containment of particulates and dust generated by blasting or washing activities, cleaning of the work area, disposal of spent grit and residue and any treatment provided.

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 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 584 (effective July 29, 2012), 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. § 469(5) classifies the Kennebec River at the point of discharge (All estuarine and marine waters lying within the boundaries of Sagadahoc County and that are not otherwise classified) are Class SB waters. *Standards for classification of fresh surface waters*, 38 M.R.S. § 465-B(2) describes the standards for Class SB waters.

5. RECEIVING WATER QUALITY CONDITIONS

The *State of Maine 2012 Integrated Water Quality Monitoring and Assessment Report*, prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act lists the segment of the Kennebec River Estuary in Bath (as well as the Upper and Lower portions of the Kennebec) that contains the discharge from BIW as Category 4-A: Estuarine and Marine Waters with Impaired Use, TMDL Completed. The report lists the cause as "Elevated Fecals Only" and that a TMDL was approved in 2009.

5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

All estuarine and marine waters capable of supporting American lobster are listed in Category 5-D (Estuarine and Maine Waters Impaired by Legacy Pollutants) for shellfish consumption due to elevated levels of polychlorinated biphenyls (PCBs) and other persistent, bioaccumulating substances in lobster tomalley.

The Department has no information that the discharge from the permittee, as conditioned, causes or contributes to non-attainment of applicable Class SB water quality standards.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

a. Flow: Discharge flow limitations associated with the BIW facility are as follows.

Outfall #005A
The previous permitting action established, and this permitting action is carrying forward, authorization to discharge a monthly average and daily maximum flow of up to 132,000 GPD and 650,000 GPD, respectively, of non-contact cooling water from air compressors located in Building #045 XLE/Compressor Room via Outfall #005A.

Outfalls #005 and #007 connect to a flow interceptor pipe that runs north to south along the landward edge of the Land Level Transfer Facility (LLTF) and discharges on the southern end of the LLTF. A 30-inch diameter combined sewer overflow (CSO) pipe from the City of Bath and storm drains also connect to the interceptor pipe. The CSO connection is located approximately 400 feet and 300 feet south (downpipe) of the Outfall #005 and Outfall #007 connections, respectively.

Outfall #006A
The previous permitting action established, and this permitting action is carrying forward, authorization to discharge a daily maximum of up to 800,000 GPD of treated ship ballast water per ship at a maximum rate of 500 gallons per minute via Outfall #006A. **BIW has not reported a discharge via Outfall #006A since issuance of the previous permit on June 6, 2006.**

Outfall #007A
The previous permitting action established, and this permitting action is carrying forward, a monthly average limit to 45,000 GPD and a report only requirement for the daily maximum for the discharge of non-contact cooling water from air compressors located in the Blast 3 Compressor Room via Outfall #007A.

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

The Department has summarized the discharge flow data as reported on the monthly Discharge Monitoring Reports (DMRs) submitted to the Department for Outfalls #005A and #007A for the period October 2011 through February 2016 as follows:

Outfall #	Discharge Flow	Limit (GPD)	Minimum (GPD)	Maximum (GPD)	# DMRs
005A	Daily Maximum	650,000	1,160	67,000	9
	Monthly Average	132,000	133	8,750	9
007A	Daily Maximum	Report	1,100	5,900	6
	Monthly Average	45,000	63	3,028	6

The 1/Quarter monitoring frequency for all outfalls listed above is being carried forward in this permitting action.

b. Oil and Grease: The previous permitting action established, and this permitting action is carrying forward, a daily maximum oil and grease concentration limit of 15 mg/L for

Outfall #006A (treated ship ballast water) based on a Department best professional judgment (BPJ) determination of best practicable treatment (BPT). This permitting action is carrying forward a minimum monitoring frequency requirement of once per discharge event per ship and a monthly reporting requirement for oil and grease. The permittee must report the highest value recorded for each month in the "Daily Maximum Flow" cell on the monthly DMR.

c. Polynuclear Aromatic Hydrocarbons (PAHs): The previous permitting action established, and this permitting action is carrying forward, a daily maximum PAH (single chemical) effluent limitation of 60 micrograms per liter (µg/L) **for Outfall #006A** (treated ship ballast water) based on a Department BPJ determination of best practicable treatment. The permit requires BIW to monitor the PAH content of each discharge of treated ship ballast wastewater from each ship at the BIW facility. The permit requires quarterly reporting of the highest PAH value recorded during the calendar quarter reporting period. A review of the most recent 60 months of effluent compliance data on file with the Department indicates that the facility has not discharged wastewater via Outfall #006A during said period. However, BIW may discharge treated ballast tank water during the effective term of this permit.

This permitting action is carrying forward the minimum monitoring frequency requirement of once per discharge event per ship. The permittee is required to report the sum of all PAHs discharge for each discharge event on a separate piece of paper that must be attached to the Discharge Monitoring Reports or noted in the comments section of the electronic DMR.

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

d. pH: The previous permit action established, and this permitting action is carrying forward, a pH range limit of 6.0 – 8.5 standard units (SU) **for Outfalls #005A, #006A, and #007A** based on Maine Board of Environmental Protection policy regarding the certification of NPDES permits and Department as BPJ of BPT for these discharges. This permitting action is carrying forward a minimum monitoring frequency requirement of once per calendar quarter for Outfalls #005A and #007A.

For Outfall #006A (treated ship ballast water), this permitting action is carrying forward a requirement to monitor pH once per discharge event per ship and report the highest value recorded for each month in the "Daily Maximum Flow" cell on the monthly DMR.

A summary of pH data as reported on the monthly DMRs for the period of October 2011 through March 1, 2016 (# DMRs = 9 for Outfall #005A and #DMRs = 6 for Outfall #007A) indicates that the BIW has been in compliance with the effluent pH throughout the above stated monitoring period.

e. Temperature: The previous permitting action established a daily maximum effluent temperature limit of 130° Fahrenheit (F) **for Outfalls #005A and #007A** to ensure compliance with *Regulations Relating to Temperature*, 06-096 CMR 582 (effective May 4, 1996). 06-096 CMR 582 prohibits the discharge of wastewater that will cause the monthly mean of the daily ambient temperatures in any tidal body of water, as measured outside the mixing zone, to be raised more than 4° F, nor more than 1.5° F from June 1 to September 1. Additionally, the rule prohibits the discharge of wastewater that will cause the temperature of any tidal waters to exceed 85° F at any point outside the mixing zone. Based on this rule, the characteristics of the wastewater discharged by BIW, and assuming a maximum effluent temperature of 130° F for each outfall, the Department calculated a potential receiving water temperature increase of 0.037° F. This permitting action is carrying forward the minimum monitoring frequency requirement of once per calendar quarter for temperature.

Outfall #	Limitation	Limit (°F)	Minimum (°F)	Maximum (°F)	# DMRs
005A	Daily Maximum	130	62	130	9
007A	Daily Maximum	130	62	130	6

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

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

8. PUBLIC COMMENTS

Public notice of this application was made in the *Times Record* newspaper on or about March 2, 2016. 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 522 (effective January 12, 2001).

9. DEPARTMENT CONTACTS

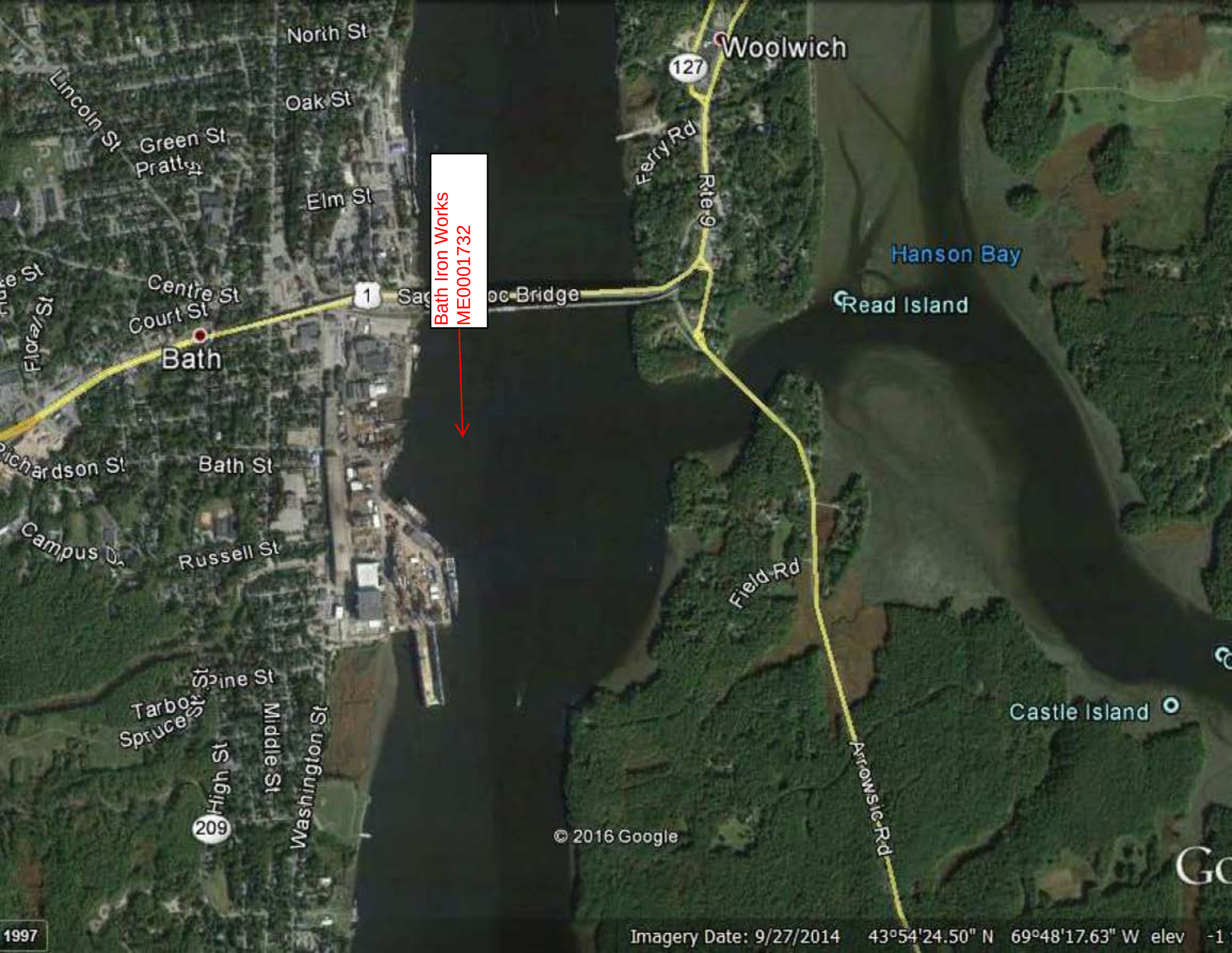
Additional information concerning this permitting action may be obtained from, and written comments sent to:

Cindy L. Dionne
Division of Water Quality Management
Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 557-5950
e-mail: Cindy.L.Dionne@maine.gov

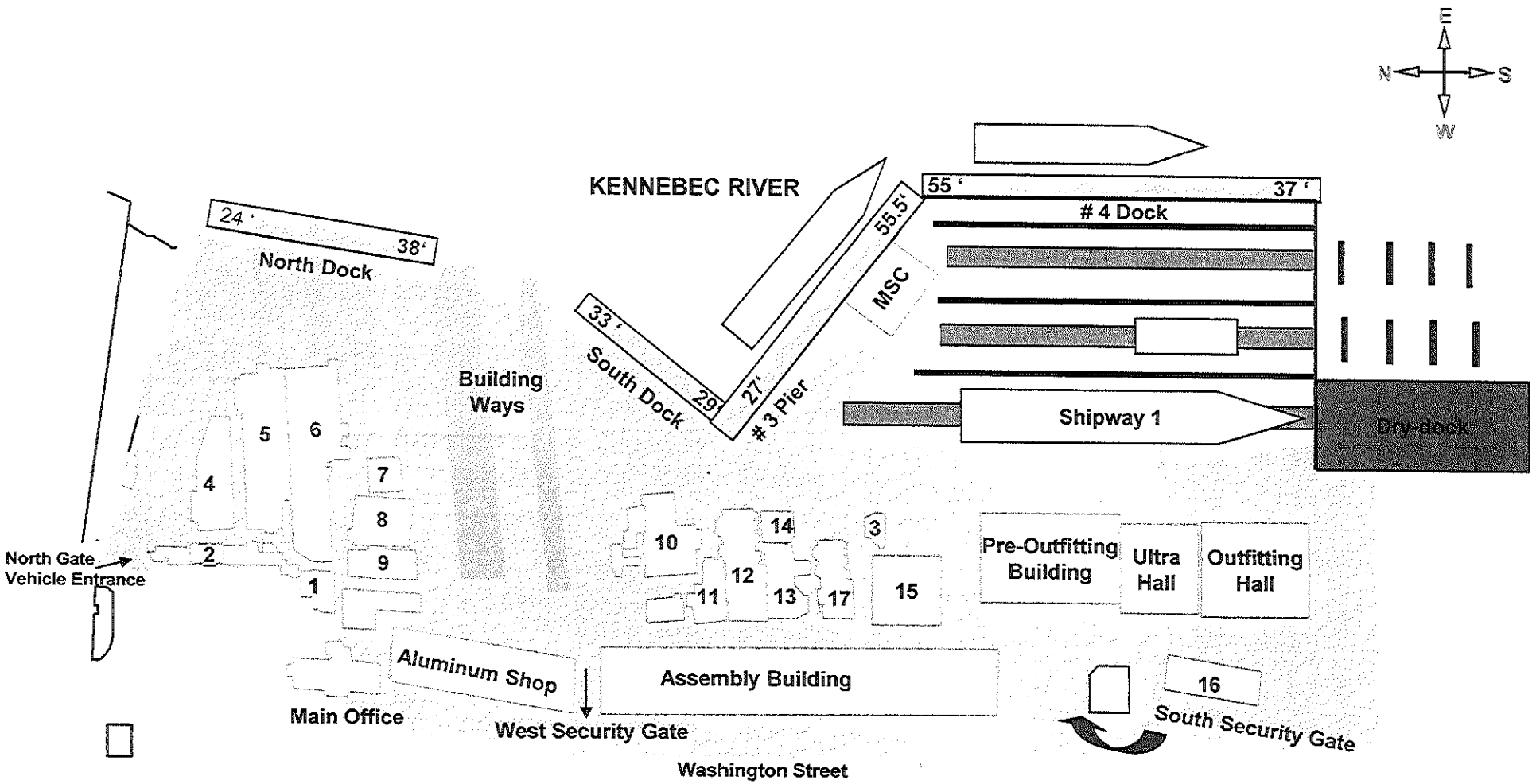
10. RESPONSE TO COMMENTS

Reserved until the end of the formal 30-day public comment period.

ATTACHMENT A


Bath Iron Works
ME0001732
North St
Oak St
Elm St
Lincoln St
Green St
Pratt St
Centre St
Court St
Bath
Flora St
Richardson St
Bath St
Campus Dr
Russell St
Spine St
Tarbo St
Spruce St
High St
Middle St
Washington St
209
1
Sag
oc Bridge
Woolwich
127
Ferry Rd
Rte 9
Hanson Bay
Read Island
Field Rd
Arrowsic Rd
Castle Island
© 2016 Google
1997
Imagery Date: 9/27/2014
43°54'24.50" N
69°48'17.63" W
elev

ATTACHMENT B



1) Main Entrance
2) North Security Gate
3) Boiler Building
4) North Office
5)Maintenance Shop
6) Machine Shop
7) Old Boiler Room
8) Building #0018 A
9) Facilities
10) Pipe Shop
11) Blast & Paint 2
12) Blast & Paint 1
13) Carpenter Shop
14) Compressor room
15) Blast & Paint 4
16) Receiving / Distribution/ Paint Storage
17) Paint and Blast 3

depth ft depth ft **Indicates currently permitted snow dumping locations w/depths at mean low water.**