



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
ACTING COMMISSIONER

February 19, 2021

Mr. Trey Chabot
Portsmouth Naval Shipyard
Environmental Division
PWD Maine Building 59/2
Kittery, ME 03804-5000
trey.chabot@navy.mil

*Sent via electronic mail
Delivery confirmation requested*

RE: *Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0090719
Maine Waste Discharge License (WDL) Application #W009241-5O-A-N
Proposed Draft MEPDES Permit - NEW*

Dear Mr. Chabot:

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 February 19, 2021 and ends on March 19, 2021. 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, March 19, 2021. Failure to submit comments in a timely fashion will result in the proposed draft/license permit document being issued as drafted.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

Trey Chabot
February 19, 2021
Page 2 of 2

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

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

If you have any questions regarding the matter, please feel free to call me at 207-287-1939.



Aaron Dumont
Division of Water Quality Management
Bureau of Water Quality
Aaron.A.Dumont@maine.gov

cc: Alison Moody, MEDEP
Matt Hight, MEDEP
Pam Parker, MEDEP
Lori Mitchell, MEDEP
Alex Rosenberg, USEPA
Ellen Weitzler, USEPA
Nathan Chien, USEPA
Richard Carvalho, USEPA
Sean Mahoney, CLF



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

DEPARTMENT ORDER

IN THE MATTER OF

PORTSMOUTH NAVAL SHIPYARD)	MAINE POLLUTANT DISCHARGE
CONCRETE BATCH PLANT)	ELIMINATION SYSTEM PERMIT
KITTERY, YORK COUNTY, ME)	AND
ME0090719)	WASTE DISCHARGE LICENSE
W009241-5O-A-N)	NEW
APPROVAL)	

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 the Portsmouth Naval Shipyard (PNSY or permittee), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

On October 15, 2020, the Department accepted as complete for processing, a new application from PNSY for the operation of a concrete batch plant in support of the Multi-Mission Dry Dock Project at Portsmouth Naval Shipyard. The application has been assigned combination Maine Pollutant Discharge Elimination System (MEPDES) permit ME0090719/Maine Waste Discharge License (WDL) W009241-5O-A-N. The application is for the discharge of treated process wastewater from two existing outfalls 81 & 84. The design capacity of the proposed treatment process associated with each outfall 0.03 million gallons per day (MGD). The source of process wastewater will be from two concrete batch plants and stormwater runoff associated with batching and construction activities to the tidewaters of Piscataqua River, Class SC, in Kittery, Maine.

PERMIT SUMMARY

This permitting action establishes the following terms and conditions for each outfall:

1. Establishes a 1/Month report only reporting and monitoring requirement for flow.
2. Establishes a daily maximum limitation of 50 mg/L and 1/Month monitoring requirement for Total Suspended Solids (TSS).
3. Establishes a daily maximum limit 12.51 lbs/day for TSS.
4. Establishes a 15 mg/L limitation for Oil and Grease with 1/Month monitoring requirement.
5. Establishes a 6-9 standard unit limitation for pH and a 1/Month monitoring requirement.

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CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated February 19, 2021, 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 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 water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and
 - (e) Where a discharge will result in lowering the existing quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharge will be subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S. §414-A(1)(D).

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ACTION

THEREFORE, the Department APPROVES the application of PORTSMOUTH NAVAL SHIPYARD, to discharge treated process wastewater and associated industrial stormwater from two existing outfalls 81 & 84. The source of wastewater and associated industrial stormwater will be from a concrete batch plant and casting operations associated with construction activities from the construction of a Multi- Mission Dry Dock Project at the Portsmouth Naval Shipyard. The project will result in discharges to the Piscataqua River, Class SC, in Kittery, Maine, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations including:

1. *“Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits,”* revised July 1, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This permit and the authorization to discharge become effective upon the date of signature below and expire at midnight five (5) years from the effective date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the authorization to discharge and the terms and conditions of this permit and all 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 Matters, 06-096 CMR 2(21)(A)* (last amended June 9, 2018)].

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS ___ DAY OF _____, 2021.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
for MELANIE LOYZIM, Acting Commissioner

Date filed with Board of Environmental Protection: _____

Date of initial receipt of application: October 7, 2020

Date of application acceptance: October 15, 2020

This Order prepared by Aaron Dumont, Bureau of Water Quality

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge treated **process wastewater and stormwater** associated with a concrete batching plant, casting activities, and associated stormwater generated during the construction of the Multi-Mission Dry Dock project from **Outfall #81 (Henderson)** to the Piscataqua River in Kittery, Maine. Such discharges must be limited and monitored for each outfall by the permittee as specified below⁽¹⁾⁽²⁾⁽³⁾:

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	<u>Daily Maximum</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow <i>[50050]</i>	Report <i>[03]</i>	---	Continuous <i>[99/99]</i>	Meter <i>[MT]</i>
TSS <i>[00530]</i>	12.51 lbs/day <i>[26]</i>	50 mg/L <i>[19]</i>	1/Month <i>[01/30]</i>	Grab <i>[GR]</i>
Oil and Grease <i>[00552]</i>	---	15 mg/L <i>[19]</i>	1/Month <i>[01/30]</i>	Grab <i>[GR]</i>
pH <i>[00400]</i>	---	6.0 – 9.0 SU <i>[12]</i>	1/Month <i>[01/30]</i>	Grab <i>[GR]</i>

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

FOOTNOTES: See Page 6 of this license for applicable footnotes.

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

2. The permittee is authorized to discharge treated **process wastewater and stormwater** associated with a concrete batching plant, casting activities, and associated stormwater generated during the construction of the Multi-Mission Dry Dock project from **Outfall #84 (Berth 7)**, to the Piscataqua River in Kittery, Maine. Such discharges must be limited and monitored for each outfall by the permittee as specified below⁽¹⁾⁽²⁾⁽³⁾:

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow <i>[50050]</i>	Report <i>[03]</i>	---	Continuous <i>[99/99]</i>	Meter <i>[MT]</i>
TSS <i>[00530]</i>	12.51 lbs/day <i>[26]</i>	50 mg/L <i>[19]</i>	1/Month <i>[01/30]</i>	Grab <i>[GR]</i>
Oil and Grease <i>[00552]</i>	---	15 mg/L <i>[19]</i>	1/Month <i>[01/30]</i>	Grab <i>[GR]</i>
pH <i>[00400]</i>	---	6.0 – 9.0 SU <i>[12]</i>	1/Month <i>[01/30]</i>	Grab <i>[GR]</i>

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

FOOTNOTES: See Page 6 of this license for applicable footnotes.

SPECIAL CONDITIONS

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

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). Laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of 10-144 CMR 263. If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the DMR.
2. **DMRs** – Monitoring and reporting must be conducted in any period when any batching and casting takes place. Activities for as little as 1 day would require monitoring, and reporting, for that monitoring period. When no batching or casting is taking place then the permittee must mark NODI 9 on the discharge monitoring report (DMR).
3. **Process Wastewater Discharge** – The permittee may only discharge process wastewater from Outfalls 81 & 84. The permittee must develop internal controls and procedures in order to ensure that all conveyances of stormwater (during times when there is no batching/casting taking place inside the containment berms) are free from process wastewater prior to the discharge only stormwater. The Department must have 14 days prior notice to cessation of batching and casting activities, and discharges containing only stormwater.

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent must not contain a visible oil sheen, foam or floating solids at any time which would impair the usages designated for the classification of the receiving waters.
2. The effluent must not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated for the classification of the receiving waters.
3. The discharge must not cause visible discoloration or turbidity in the receiving waters which would impair the usages designated for the classification of the receiving waters.

SPECIAL CONDITIONS

B. NARRATIVE EFFLUENT LIMITATIONS (cont'd)

4. Notwithstanding specific conditions of this permit, the effluent must not lower the quality of any classified body of water below such classification or lower the existing quality of any body of water if the existing quality is higher than the classification.

C. AUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on October 15, 2020; 2) the terms and conditions of this permit; and 3) only from Outfalls #81, and #84 (activities associated with concrete batching, concrete casting, and an undetermined amount of stormwater for construction activities related to the Multi-Mission Drydock Project) 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.

D. NOTIFICATION REQUIREMENT

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

1. Any introduction of pollutants into the wastewater collection and treatment system from an indirect discharger in a primary industrial category discharging process wastewater; and
2. Any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants to the system at the time of permit issuance. For the purposes of this section, notice regarding substantial change must include information on:
 - a. the quality and quantity of wastewater introduced to the wastewater collection and treatment system; and
 - b. any anticipated impact caused by the change in the quantity or quality of the wastewater to be discharged from the treatment system.
3. For the purposes of this section, adequate notice shall 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.

E. OPERATIONS AND MAINTENANCE (O&M) PLAN

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

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

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

F. MONITORING AND REPORTING

Electronic Reporting

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

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

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

Documentation submitted in support of the electronic DMR may be attached to the electronic DMR. Toxics reporting must be done using the DEP Toxsheet reporting form. An electronic copy of the toxsheet reporting document must be submitted to your Department compliance inspector as an attachment to an email. In addition, a hardcopy form of this sheet must be signed and submitted to your compliance inspector, or a copy attached to your NetDMR submittal will suffice.

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SPECIAL CONDITIONS

F. MONITORING AND REPORTING (cont'd)

Documentation submitted electronically to the Department in support of the electronic DMR must be submitted no later than midnight on the 15th day of the month following the completed reporting period.

Non-electronic Reporting

If you have received a waiver from the Department concerning the USEPA electronic reporting rule, or are permitted to submit hardcopy DMR's to the Department, then your 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 a Department Regional Office such that the DMR's are received by the Department on or before the fifteenth (15th) day of the month** following the completed reporting period.

Toxsheet reporting forms must be submitted electronically as an attachment to an email sent to your Department compliance inspector. In addition, a signed hardcopy of your toxsheet must also be submitted.

A signed copy of the DMR and all other reports required herein must be submitted to the Department assigned compliance inspector (unless otherwise specified) following address:

Department of Environmental Protection
Bureau of Water Quality
Division of Water Quality Management
Southern Maine Regional Office
312 Canco Road
Portland, Maine 04401

G. COMMENCEMENT OF OPERATIONS

The permittee must notify the Department's compliance and stormwater inspection staff **at a minimum of ninety (90) days prior to commencing production/operations** at either of the facilities two batching and casting areas to review the applicability of the permit limitations, monitoring requirements, and reporting requirements. **The permittee must provide Department compliance and stormwater inspection staff fourteen (14) days prior notice to switching the discharge from wastewater to stormwater.** Should the Department determine that the proposed process/operations are significantly different from what was presented in past application materials; the Department may require the applicable party to modify this permit or to file an application for a new permit.

H. REOPENING OF PERMIT FOR MODIFICATIONS

In accordance with 38 M.R.S. §414-A(5) and based upon site inspections, additional site-specific or any other pertinent information or test results obtained during the term of this permit, the Department may, at any time and with notice to the permittee, modify this permit to establish limitations or require additional monitoring, inspections and/or reporting based on the new information.

I. SEVERABILITY

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

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

FACT SHEET

DATE: **February 19, 2021**

PERMIT NUMBER: **ME0090719**

LICENSE NUMBER: **W009241-5O-A-N**

NAME AND ADDRESS OF APPLICANT:

**PORTSMOUTH NAVAL SHIPYARD
ENVIRONMENTAL DIVISION
PWD MAINE, BUILDING 59/2
KITTERY, MAINE 03804-5000**

NAME, ADDRESS, AND COUNTY WHERE DISCHARGE(S) OCCUR(S):

**PORTSMOUTH NAVAL SHIPYARD
ENVIRONMENTAL DIVISION
PWD MAINE, BUILDING 59/2
KITTERY, MAINE 03804-5000**

RECEIVING WATER/CLASSIFICATION: **PISCATAQUA RIVER/CLASS SC**

COGNIZANT OFFICIAL CONTACT INFORMATION: **MR. TREY CHABOT**
(207)-438-1019
Trey.chabot@navy.mil

1. APPLICATION SUMMARY

On October 15, 2020, the Department accepted as complete for processing, a new application from PNSY for the operation of a concrete batch plant in support of the Multi-Mission Dry Dock Project at Portsmouth Naval Shipyard. The application has been assigned combination Maine Pollutant Discharge Elimination System (MEPDES) permit ME0090719/Maine Waste Discharge License (WDL) W009241-5O-A-N. The application is for the discharge of treated process wastewater from two existing outfalls 81 & 84. Each the two outfalls will discharge daily maximum of 0.03 million gallons per day (MGD) of treated process wastewater. The source of process wastewater will be from a concrete batch plant and associated stormwater runoff to the tidewaters of Piscataqua River, Class SC, in Kittery, Maine.

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2. PERMIT SUMMARY

a. Terms and Conditions: This permitting establishes the following terms and conditions.

1. Establishes a report only reporting and monitoring requirement for flow.
2. Establishes a daily maximum limitation of 50 mg/L and 1/Month monitoring requirement for Total Suspended Solids (TSS).
3. Establishes a 15 mg/L limitation for Oil and Grease with 1/Month monitoring requirement.
4. Establishes a daily maximum limit 12.51 lbs/day for TSS.
5. Establishes a 6-9 standard unit limitation for pH and a 1/Month monitoring requirement.

b. History: The most current relevant regulatory actions include:

October 15, 2020 – The PNSY submitted an application on October 7, 2020, for the discharge of process water from activities related to concrete batching, concrete casting, and associated stormwater related to the construction of the Multi-Mission Dry Dock Project (P-381). The application was approved for processing on October 15, 2020 and assigned MEPDES # ME0090719/Waste Discharge License #W-009241-5O-A-N.

2. PERMIT SUMMARY

b. Source Description – The source of process wastewater and stormwater will be from a concrete batch plant that will be established on Henderson Point at the Portsmouth Naval Shipyard site located in Kittery Maine. The batch plant will support the construction of the Multi-Mission Dry Dock Project (P-381) at the shipyard. This concrete batching plant and ancillary structures will facilitate in the construction of the Multi-Mission drydock by allowing the onsite construction and casting of the largest concrete components needed in the construction of the drydock. The applicant anticipates that sources of non-process wastewater associated with the construction project include precipitation that comes in contact with the batching and casting activity area or areas, unsecured concrete, concrete truck washout, hoses associated with castings, and the power washing of joints.

2. PERMIT SUMMARY (cont'd)

- c. Wastewater Treatment – PNSY anticipates intermittent use of the concrete batch plant over the three-year lifespan of the project. The site will be graded such that process wastewater and stormwater runoff in the active concrete batching and casting areas will be collected in two polyethylene line swales. At this point any stormwater is now considered process wastewater. The wastewater collected in the lined swales will be pumped to a treatment system where flocculent will be added to the flow to settle out TSS. Wastewater flows would then be directed to a specialized static mixer and adjusted for pH. After being adjusted for pH the wastewater would then be sent to a settling tank and after being given adequate time for solids to settle out, the water would then be directed to a bag filter to capture residual solids. The water would then be pumped to the Piscataqua River via one of two outfalls, 81 and 84, that each consist of a 12-inch diameter pipe. *Final wastewater treatment will be dependent on the contractor means and methods, the wastewater treatment system will comply with the WDL standards and requirements set forth in Chapter 525.*

3. CONDITIONS OF PERMITS

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 application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, 38 M.R.S. §420 and 06-096 CMR 530 require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (last amended February 16, 2020), and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

4. RECEIVING WATER QUALITY STANDARDS

Classification of major river basins, 38 M.R.S. § 469(8)(c)(1) classifies the Piscataqua River at the point of discharge (Tidal waters of the Piscataqua River and its tidal tributaries lying westerly of longitude 70°-42'-52" W., southerly of Route 103 and easterly of Interstate Route 95) as Class SC water. *Standards for classification of fresh surface waters*, 38 M.R.S. § 465-B(3) describes the standards for Class SC waters.

5. RECEIVING WATER CONDITIONS

The *State of Maine 2016 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 Piscataquis River Estuary in Kittery that contains the discharge from the PNSY as Category 5-A: Estuarine and Marine Waters Impaired by Pollutants Other Than Those Listed in 5-B Through 5-D (TMDL Required). The report states the cause is "Eelgrass areal extent and density decreases documented since 1996 by NH DES and ME DMR. Sources unknown. As of 2014, eelgrass epiphyte and benthic macroalgal cover within eelgrass beds indicative of eutrophication.

5. RECEIVING WATER 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 SC water quality standards.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

OUTFALLS #81 and #84

- a. Flow – This permitting action is establishing a report only for a flow limit. Original design capacity is 0.03 million gallons per day (MGD) for each outfall.
- b. Total Suspended Solids (TSS): This permitting action is establishing a Best Professional Judgement of Best Practicable Treatment (BPT) of 50 mg/L (daily maximum limit) based on Maine's Multi-Sector General Permit-Stormwater Discharge Associate with Industrial Activity Appendix E, and a daily maximum mass limitation of 12.51 lbs/day derived from the calculation below. Neither the USEPA nor the Department has developed a National Effluent Guideline (NED) for this category of wastewater discharge.

The above-mentioned limit is calculated as follows:

$$\text{Daily maximum: } (0.03 \text{ MGD})(50 \text{ mg/L})(8.34 \text{ lbs/gal}) = 12.51 \text{ lbs/day}$$

- c. Oil and Grease (O&G): This permitting action is establishing a daily maximum O&G concentration limit of 15 mg/L based on a Department BPJ determination of BPT. Neither the USEPA nor the Department has developed effluent guidelines for this category of discharge.
- d. pH: This permitting action established a pH range limit of 6.0 – 9.0 standard units (SU), considered by the Department as BPJ of BPT. Neither the USEPA nor the Department has developed effluent guidelines for this category of discharge.

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As permitted, the Department has made a determination based on a best professional judgment that 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 SC classification.

8. ANTI-DEGRADATION - IMPACT ON RECEIVING WATER QUALITY

Maine's anti-degradation policy is included in 38 M.R.S., § 464 (4)(F) and addressed in the *Conclusions* section of this permit. Pursuant to the policy, where a new or increased discharge is proposed, the Department shall determine whether the discharge will result in a lowering of existing water quality.

In determining as to whether a new or increased discharge will result in a lowering of existing water quality, the Department considers the following:

- a. The predicted change in ambient water quality, concentrations of chemical pollutants, or mass loading of pollutants under critical water quality conditions.
- b. The predicted consumption of the remaining assimilative capacity of the receiving water. The remaining assimilative capacity is the increment of existing water quality above the minimum standards of the assigned classification under critical water quality conditions.
- c. The predicted change in the ability of the receiving water to support aquatic life and to meet applicable aquatic life and habitat criteria.
- d. The possible additive or synergistic effects of the discharge in combination with other existing discharges.
- e. The cumulative lowering over time of water quality resulting from the proposed discharge in combination with previously approved discharges.

Based on the analysis of the evidence described above, the Department finds that the discharge as approved by this permit will not result in a significant lowering of water quality. Further, the Department finds the existing and designated water uses will be maintained and protected and the discharge as permitted will not cause or contribute to the failure of the Piscataqua River to meet standards for Class SC classification. Therefore, the Department finds that as permitted, the discharge will meet the antidegradation requirements set forth in 38 M.R.S., § 464 (4)(F).

9. PUBLIC COMMENTS

Public notice of this application was made in the Portsmouth Herald on or about September 19, 2018. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits 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).

10. DEPARTMENT CONTACTS

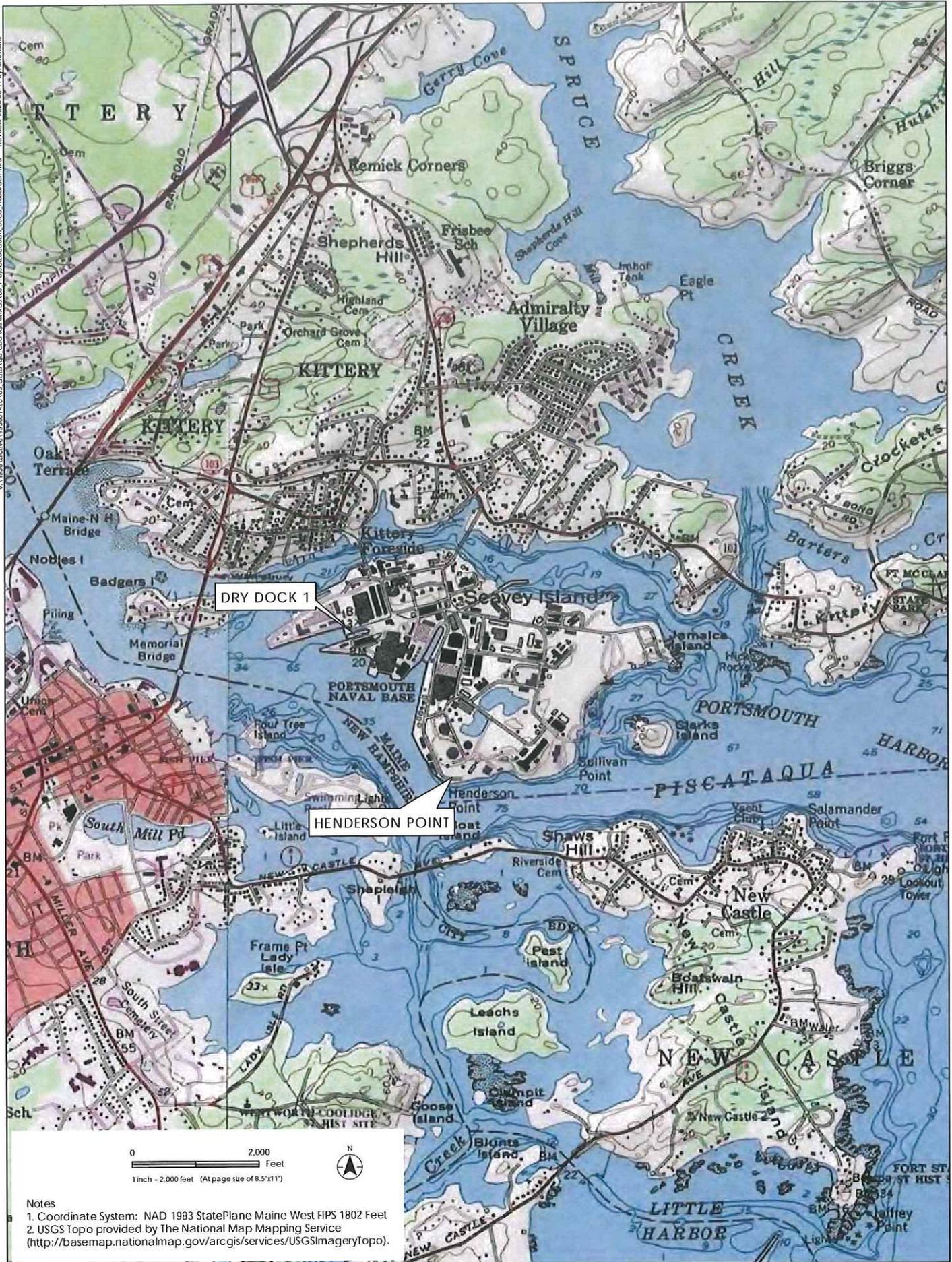
Additional information concerning this permitting action may be obtained from and written comments should be sent to:

Aaron Dumont
Department of Environmental Protection
Bureau of Water Quality
Division of Water Quality Management
17 State House Station
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11. RESPONSE TO COMMENTS

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ATTACHMENT A



DRY DOCK 1

HENDERSON POINT

0 2,000 Feet
1 inch = 2,000 feet (At page size of 8.5"x11")



- Notes
1. Coordinate System: NAD 1983 StatePlane Maine West FIPS 1802 Feet
 2. USGS Topo provided by The National Map Mapping Service (<http://basemap.nationalmap.gov/arcgis/services/USGSImageryTopo>).

