

April 17, 2008

Mr. Stanley Bayley
Bayley's Quality Seafood
26 Eagle's Nest Drive
Scarborough, ME. 04074

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit # ME0110221
Maine Waste Discharge License (WDL) Application #W000990-5P-C-M
Minor Revision

Dear Mr. Bayley:

The Department is receipt of an April 7, 2008 electronic mail message from Bayley's Quality Seafood indicating there is a typographical error in the above referenced permit issued by the Department on December 6, 2007.

It is our understanding that clams are processed on a year-round basis and that the discharge from said processing is not limited to a time period of June - September as specified in the permit. This minor revision is deleting the June - September restriction on pages 5 and 6 of the 12/6/07 permit and authorizing Balyey's Quality Seafood to discharge clam processing waters to surface waters or to a sub-surface waste water disposal system on a year-round basis.

We apologize for any inconvenience this error may have caused. Should you have questions regarding this matter, feel free to call me at (207) 287-7693 or send me an e-mail at gregg.wood@maine.gov.

Sincerely,

Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality

Enc.

cc: Matt Hight, DEP/SMRO
Lori Mithchell, DEP/CMRO
Sandy Lao, USEPA

IN THE MATTER OF

BAYLEY'S QUALITY SEAFOOD)	MAINE POLLUTANT DISCHARGE
SCARBOROUGH, CUMBERLAND CO., MAINE)	ELIMINATION SYSTEM PERMIT
SHELLFISH PROCESSING FACILITY)	AND
ME0110221)	WASTE DISCHARGE LICENSE
W000990-5P-C-M)	MINOR REVISION
		APPROVAL

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, Section 1251, et seq. and Maine Law 38 M.R.S.A., Section 414-A et seq., and applicable regulations, the Department of Environmental Protection (Department hereinafter) has considered the minor revision requested by BAYLEY'S QUALITY SEAFOOD (BQS hereinafter), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

MINOR REVISION REQUESTED

The permittee has requested the Department correct a typographical error in combination MEPDES permit #ME0110221/WDL #W000990-5P-B-R issued by the Department on December 6, 2007. The 12/6/07 mistakenly restricted the discharge of clam processing waste waters to the time frame June – September of each year. The permittee has indicated clams are processed and waste waters are generated and need to be disposed of on a year-round basis. As a result, the permittee has requested the Department correct the typographical error.

MINOR REVISION APPROVED

This minor revision is correcting the aforementioned typographical error by deleting the June – September restriction for the disposal of clam processing waters to surface waters or to a sub-surface waste water disposal system.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated April 15, 2008 and subject to the Conditions listed below, the Department makes the following conclusions:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, 38 MRSA Section 464(4)(F), will be met, in that:
 - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
 - (c) The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the 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.

ACTION

THEREFORE, the Department APPROVES the minor revision to combination MEPDES permit #ME0110221/WDL #W000990-5P-B-R issued by the Department on December 6, 2007, 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 to the 12/6/07 MEPDES permit/WDL.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. All terms and conditions in the 12/6/07 MEPDES permit/WDL not modified by this permitting action remain in effect and enforceable.
4. **This minor revision expires on December 6, 2012**, concurrent with the MEPDES permit/WDL issued by the Department on 12/6/07.

DONE AND DATED AT AUGUSTA, MAINE, THIS 18th DAY OF APRIL, 2008.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
David P. Littell, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application April 7, 2008.

Date of application acceptance April 10, 2008.

Date filed with Board of Environmental Protection _____

This Order prepared by Gregg Wood, Bureau of Land and Water Quality

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

2. Beginning the effective date of the permit, the permittee is authorized to discharge treated **CLAM** processing and facility clean-up waste water to the tidewaters of (Jones Creek) via **OUTFALL #001** or to the ground water. **Discharges to surface waters** shall be limited and monitored by the permittee as specified below.

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirement</u>	
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
	<u>(Quantity or as specified)</u>		<u>(Concentration)</u>			
Flow [50050]	7,140 GPD ⁽¹⁾ [07]	10,710 GPD [07]	---	---	Continuous [99/99]	Meter [MT]
Settleable Solids [00545]	---	---	---	0.3 ml/L [25]	1/Week [01/07]	Grab [GR]
TSS [00530]	9.0 lbs/day [26]	30 lbs/day [26]	151 mg/L [19]	336 mg/L [19]	1/Week [01/07]	Composite ⁽²⁾ [CP]
BOD[00310]	Report, lbs/day [26]	Report, lbs/day [26]	Report mg/L [19]	Report mg/L [19]	1/Week [01/07]	Composite ⁽²⁾ [CP]
Oil & Grease [03582]	0.12 lbs/day [26]	0.30 lbs/day [26]	2.0 mg/L [19]	3.3 mg/L [19]	1/Week [01/07]	Composite ⁽²⁾ [CP]
Total Residual Chlorine (TRC) [50060]	---	---	---	1.0 mg/L [19]	1/Week [01/07]	Grab [GR]
Production ⁽⁴⁾ lbs/day [00145]	Report [26]	Report [26]	---	---	1/Day [01/01]	Measure [MS]
pH (Std. Units) [00400]	The pH shall not be less than 6.0 or greater than 9.0 at any time.				1/Week [01/07]	Grab [GR]

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

3. Beginning the effective date of the permit, the permittee is authorized to discharge treated **CLAM** processing and facility clean-up to the ground water via a sub-surface waste water disposal system via **OUTFALL #001**. **Discharges to the sub-surface waste water disposal system** shall be limited and monitored by the permittee as specified below.

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirement</u>	
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
	<u>(Quantity or as specified)</u>		<u>(Concentration)</u>			
Flow [50050]	Report gpd [07]	Report gpd 07]	---	---	Continuous [99/99]	Meter [MT]
Production ⁽⁴⁾ lbs/day [00145]	Report [26]	Report [26]	---	---	1/Day [01/01]	Measure [MS]

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

FACT SHEET

Date: **April 15, 2008**

PERMIT NUMBER: **ME0110221**
LICENSE NUMBER: **W000990-5P-C-M**

NAME AND ADDRESS OF APPLICANT:

**BAYLEY'S QUALITY SEAFOOD
26 Eagles Nest Road
Scarborough, Maine 04074**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**Bayley's Quality Seafood
314 Pine Point Road
Scarborough, Maine 04074**

RECEIVING WATER/CLASSIFICATION: **Tidewaters of Scarborough, Class SB
Ground Water, Class GW-A**

COUNTY: **Cumberland County**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Stanley Bayley
(207) 883-4587**

1. MINOR REVISION REQUESTED

The permittee has requested the Department correct a typographical error in combination MEPDES permit #ME0110221/WDL #W000990-5P-B-R issued by the Department on December 6, 2007. The 12/6/07 mistakenly restricted the discharge of clam processing waste waters to the time frame June – September of each year. The permittee has indicated clams are processed and waste waters are generated and need to be disposed of on a year-round basis. As a result, the permittee has requested the Department correct the typographical error.

2. MINOR REVISION APPROVED

This minor revision is correcting the aforementioned typographical error by deleting the June – September restriction for the disposal of clam processing waters to surface waters or to a sub-surface waste water disposal system.

3. CONDITIONS OF PERMITS

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

4. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A., Section 469 classifies the marine waters of (Jones Creek) Scarborough, Maine as a Class SB waterway and 38 M.R.S.A., Section 470 classifies the ground water as a GW-A waterbody. Maine law, 38 M.R.S.A., Section 465-B(2) and Section 465-C describe the classification standards for Class SB and Class GW-A waterbodies respectively.

5. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

All terms and conditions in the 12/6/07 MEPDES permit/WDL not modified by this permitting action remain in effect and enforceable.

6. IMPACT ON RECEIVING WATER QUALITY

The Department has made the determination that the discharge approved by this minor revision will not result in a significant lowering of water quality. As permitted, the Department has determined the existing and designated water uses will be maintained and protected and the discharge will not cause or contribute to the failure of the waterbodies (Jones Creek or ground water) to meet standards for Class SB or GW-A classifications.

7. DEPARTMENT CONTACTS

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

Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017
e-mail: gregg.wood@maine.gov

Telephone (207) 287-7693