



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

JAMES P. BROOKS
ACTING COMMISSIONER

March 13, 2012

Mr. David Colter
President and Chief Operating Officer
GAC Chemical Corporation
P.O. Box 436
Searsport, ME 04974
dcolter@gacchemical.com

**RE: Maine Pollution Discharge Elimination System Permit (MEPDES) #ME0001830
Maine Waste Discharge License (WDL) Application #W002530-5S-I-M
MINOR PERMIT REVISION**

Dear Mr. Colter:

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

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

Sincerely,

Bill Hinkel
Division of Water Quality Management
Bureau of Land and Water Quality
bill.hinkel@maine.gov
ph: 207.485.2281

Enc.

ec: Stacie Beyer, Lori Mitchell, MeDEP Sandy Mojica, USEPA File

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

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 04679-2094
(207) 764-0477 FAX: (207) 760-3143



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

DEPARTMENT ORDER

IN THE MATTER OF

GENERAL ALUM NEW ENGLAND CORP.)	MAINE POLLUTANT DISCHARGE
HANCOCK, WALDO COUNTY, MAINE)	ELIMINATION SYSTEM PERMIT
CHEMICAL MANUFACTURING FACILITY)	AND
#ME0001830)	WASTE DISCHARGE LICENSE
#W002530-5S-I-M)	MINOR REVISION
APPROVAL)	

Pursuant to the provisions of the *Federal Water Pollution Control Act*, Title 33 USC, § 1251, *Conditions of licenses*, 38 M.R.S.A. § 414-A, *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2 (effective August 1, 1994), and applicable regulations, the Department of Environmental Protection (Department) has considered a March 6, 2012 request submitted by General Alum New England Corporation (GAC or permittee) to the Department for a minor permit revision to Waste Discharge License (WDL) #W002530-5S-H-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0001830, which was issued by the Department on March 3, 2011. With its supportive data, agency review comments, and other related materials on file, the Department FINDS THE FOLLOWING FACTS:

MINOR PERMIT REVISION REQUESTED

The March 3, 2011 permit authorizes the discharge of combined water softening system filter backwash wastewater, steam condensate, non-contact cooling water, storm water runoff, neutralized, demineralized water softening system filter backwash wastewater, and neutralized boiler blowdown wastewater.

GAC has requested that all terms and conditions pertaining to storm water discharges established in the March 3, 2011 MEPDES permit be eliminated as the facility is now covered under the Department's *Multi-Sector General Permit Maine Pollutant Discharge Elimination System Stormwater Discharge Associated with Industrial Activity*, dated April 26, 2011.

On February 23, 2012, the Department issued *Multi-Sector General Permit Maine Pollutant Discharge Elimination System Stormwater Discharge Associated with Industrial Activity* (MSGP) permit #MER05C084 to GAC for storm water discharges that were previously authorized under MEPDES individual permit #ME0001830.

MINOR PERMIT REVISION GRANTED

This minor permit revision is eliminating the numeric monthly average and daily maximum effluent concentration limitations for total suspended solids (TSS) established in Special Condition A, Table 1 of the March 3, 2011 permit as these were established only for the storm water portion of the authorized discharges. This minor permit revision is eliminating Special Condition H, *Storm Water Pollution Prevention Plan (SWPPP)*, of the March 3, 2011 permit as this is required under MSGP permit #MER05C084. Special Condition A, Table 1 and associated footnotes of the March 3, 2011 permit are replaced by this minor permit revision. The revised table is included herein.

CONCLUSIONS

BASED on the findings summarized in the attached Fact Sheet dated March 8, 2012, 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.A. § 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 water 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 discharges will be subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S.A. § 414-A(1)(D).

ACTION

THEREFORE, the Department hereby APPROVES the above noted request of GENERAL ALUM NEW ENGLAND CORPORATION (GAC) for the MINOR REVISION to Waste Discharge License #W002530-5S-H-R / Maine Pollutant Discharge Elimination System permit #ME0001830; which was issued to GAC on March 3, 2011, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

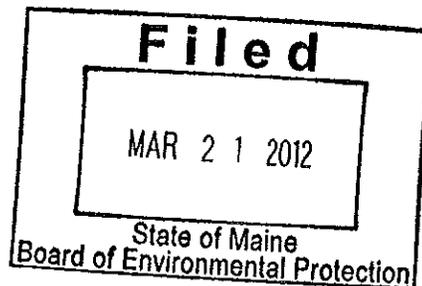
1. *Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits*, revised July 1, 2002, copy attached to March 3, 2011 permit.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. All terms and conditions in combination WDL #W002530-5S-H-R / MEPDES permit #ME0001830 dated March 3, 2011 not modified by this permitting action remain in effect and enforceable.
4. This minor revision expires on March 3, 2016, concurrent with the March 3, 2011 WDL / MEPDES permit. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of the March 3, 2011 permit, the terms and conditions of the March 3, 2011 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.A. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (effective April 1, 2003)]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

DONE AND DATED AT AUGUSTA, MAINE THIS 20th DAY OF March 2012.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Heath Paw FOR
for PATRICIA W. AHO, Commissioner



Date of minor revision request: March 6, 2012
This Order prepared by Bill Hinkel, BUREAU OF LAND & WATER QUALITY

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- The permittee is authorized to discharge combined water softening system filter backwash wastewater, steam condensate, non-contact cooling water, neutralized, demineralized water softening system filter backwash wastewater, and neutralized boiler blowdown wastewater from Outfall #004A to the Atlantic Ocean at Stockton Harbor. Such discharges shall be limited and monitored by the permittee as specified below⁽¹⁾:

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow [50050]	as specified 0.124 MGD [03]	as specified Report MGD [03]	as specified ---	as specified ---	as specified 5/Week [05/07]	as specified Measured [MS]
Ammonia (as N) [61574] <i>Surveillance Level</i>	20.0 lbs./day [26]	18.9 lbs./day [26]	38,600 µg/L [28]	36,600 µg/L [28]	2/Year ⁽²⁾ [02/YR]	Grab [GR]
Ammonia (as N) [61574] <i>Screening Level</i>	20.0 lbs./day [26]	18.9 lbs./day [26]	38,600 µg/L [28]	36,600 µg/L [28]	1/Quarter ⁽²⁾ [01/90]	Grab [GR]
Temperature [00011]	---	---	---	85 ⁰ F [15]	1/Month [01/30]	Grab [GR]
pH [00400]	---	---	---	6.0 – 9.0 SU [12]	3/Day [03/01]	Grab [GR]

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

FOOTNOTES: See page 5 of this minor permit revision for applicable footnotes.

SPECIAL CONDITIONS

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

FOOTNOTES:

1. **Sampling** – Sampling and analysis must be conducted in accordance with; a) methods approved in Title 40 *Code of Federal Regulations* (40 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 shall be analyzed by a laboratory certified by the State of Maine's Department of Human Services. Samples that are sent to another POTW licensed pursuant to *Waste discharge licenses*, 38 M.R.S.A. § 413 are subject to the provisions and restrictions of the *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended February 13, 2000). Laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of 10-144 CMR 263.

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

Effluent sampling must be conducted at the discharge end of the mixing/contact chamber. Any change in sampling location(s) must be reviewed and approved by the Department in writing.

2. **Ammonia monitoring** – Ammonia monitoring is as follows:

Surveillance level testing – Beginning upon issuance of this permit and lasting through 12 months prior to expiration of the permit, the permittee shall conduct surveillance level ammonia (as N) testing at a minimum frequency of twice per year (2/Year) with one test in January to June and one test 6 months later. For surveillance tests, different months will be used in 4 successive years.

Screening level testing – Beginning 12 months prior to permit expiration and every five years thereafter, the permittee shall conduct screening level ammonia (as N) testing at a frequency of once per calendar quarter(1/Quarter) for four consecutive calendar quarters.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

AND

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

DATE: MARCH 8, 2012

**PERMIT NUMBER: #ME0001830
LICENSE NUMBER: #W002530-5S-I-M**

NAME AND ADDRESS OF APPLICANT:

**GENERAL ALUM NEW ENGLAND CORPORATION
P.O. BOX 436
SEARSPORT, MAINE 04974**

COUNTY: WALDO COUNTY

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**GAC CHEMICAL CORPORATION
KIDDER POINT ROAD
SEARSPORT, MAINE 04974**

**RECEIVING WATER/CLASSIFICATION: ATLANTIC OCEAN AT STOCKTON HARBOR /
CLASS SB**

COUNTY: WALDO COUNTY

**COGNIZANT OFFICIAL AND TELEPHONE NUMBER: MR. DAVID COLTER,
PRESIDENT & COO
(207) 548-2525
dcolter@gacchemical.com**

1. MINOR PERMIT REVISION REQUESTED

The March 3, 2011 permit authorizes the discharge of combined water softening system filter backwash wastewater, steam condensate, non-contact cooling water, storm water runoff, neutralized, demineralized water softening system filter backwash wastewater, and neutralized boiler blowdown wastewater.

GAC has requested that all terms and conditions pertaining to storm water discharges established in the March 3, 2011 MEPDES permit be eliminated as the facility is now covered under the Department's *Multi-Sector General Permit Maine Pollutant Discharge Elimination System Stormwater Discharge Associated with Industrial Activity*, dated April 26, 2011.

1. MINOR PERMIT REVISION REQUESTED (cont'd)

On February 23, 2012, the Department issued *Multi-Sector General Permit Maine Pollutant Discharge Elimination System Stormwater Discharge Associated with Industrial Activity* (MSGP) permit #MER05C084 to GAC for storm water discharges that were previously authorized under MEPDES individual permit #ME0001830.

2. MINOR PERMIT REVISION GRANTED

This minor permit revision is eliminating the numeric monthly average and daily maximum effluent concentration limitations for total suspended solids (TSS) established in Special Condition A, Table 1 of the March 3, 2011 permit as these were established only for the storm water portion of the authorized discharges. This minor permit revision is eliminating Special Condition H, *Storm Water Pollution Prevention Plan (SWPPP)*, of the March 3, 2011 permit as this is required under MSGP permit #MER05C084. Special Condition A, Table 1 and associated footnotes of the March 3, 2011 permit are replaced by this minor permit revision. The revised table is included in the minor revision.

3. CONDITIONS OF PERMITS

Conditions of licenses, 38 M.R.S.A. § 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. § 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 (effective October 9, 2005), 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 estuarine and marine waters, 38 M.R.S.A. § 469 classifies the Atlantic Ocean at Stockton Harbor as a Class SB waterway. *Standards for classification of estuarine and marine waters*, 38 M.R.S.A. § 465-B describes standards for classification of Class SB waters.

5. 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 water body to meet the standards for Class SB classification.

6. DEPARTMENT CONTACTS

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

Bill Hinkel
Division of Water Quality Management
Bureau of Land & Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017
e-mail: bill.hinkel@maine.gov Telephone: (207) 485-2281



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's ("DEP") Commissioner: (1) in an administrative process before the Board of Environmental Protection ("Board"); or (2) in a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by the Board's receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.
