



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

DEPARTMENT ORDER

IN THE MATTER OF

SPRAGUE OPERATING RESOURCES LLC.)	MAINE POLLUTANT DISCHARGE
SEARSPORT, WALDO COUNTY, MAINE)	ELIMINATION SYSTEM PERMIT
BULK FUEL STORAGE FACILITY)	AND
#ME0002208)	WASTE DISCHARGE LICENSE
#W002564-5S-H-R)	RENEWAL
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) has considered the application of SPRAGUE OPERATING RESOURCES LLC. (permittee/Sprague) with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

On March 20, 2020, the Department accepted as complete for processing, a renewal application from the permittee for Waste Discharge License (WDL) #W002564-5S-G-R, Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0002208 which was issued on April 8, 2015 for a five-year term. The 4/8/15 permit authorized the permittee to discharge treated storm water runoff up to a rate of 350 gallons per minute(gpm) Outfall #001 and 1,500 gpm (Outfall #003) and up to a daily maximum of 6.1 million gallons of hydrostatic test waters via Outfall #002 and up to 5.0 million gallons of hydrostatic test waters via Outfall #004 and storm water runoff from Outfalls #005 - #008 from a bulk fuel storage and transfer facility to the tidewaters of Searsport, Class SB and SC, Maine. The previous permitting action included limitations and monitoring frequencies for several outfalls from which treated stormwater runoff was discharged. The Department has determined that outfalls carrying stormwater runoff are covered under the Multi Sector General Permit for Stormwater Associated with an Industrial Activity. Therefore, this permitting action only authorizes discharges of Hydrostatic Test Waters and Boiler Blowdown Waters. See **Attachment A** of the Fact Sheet for a location map of the facility and **Attachment B** of the Fact Sheet for a facility schematic.

PERMIT SUMMARY

This permitting action is carrying forward all the terms and conditions of the previous permitting action, except that it is;

1. Removing Limitations and Monitoring frequencies and all references related to stormwater discharges which the Department deems covered under the Multi Sector General Permit for Stormwater Associated with an Industrial Activity.

CONCLUSIONS

BASED on the findings summarized in the attached Fact Sheet dated September 1, 2020 and subject to the special conditions that follow, 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 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 *Conditions of licenses*, 38 M.R.S. § 414-A(1)(D).

ACTION

Based on the findings and conclusions as stated above, the Department APPROVES the above noted application of SPRAGUE OPERATING RESOURCES LLC. to discharge up to a daily maximum of 6.1 million gallons of hydrostatic test waters via Outfall #002 and up to 5.0 million gallons of hydrostatic test waters via Outfall #004 from a bulk fuel storage and transfer facility to the tidewaters of Searsport, Class SB and SC, Maine, 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.
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) (June 9, 2018)*]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS _____ DAY OF _____ 2020.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
for Melanie Loyzim, Acting Commissioner

Date filed with Board of Environmental Protection: _____

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application _____ February 8, 2019 _____.

Date of application acceptance _____ February 8, 2019 _____.

This Order prepared by Rod Robert Bureau of Water Quality

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. Outfall #002 – Hydrostatic test wastewater⁽¹⁾

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow ⁽²⁾ [00164]	---	6.1 EE6 gal ⁽⁷⁾ [53]	1/Discharge [01/DS]	Measure [MS]
Total Suspended Solids ⁽³⁾ [00530]	---	50 mg/L [19]	1/Discharge [01/DS]	Grab ⁽⁴⁾ [GR]
Oil & Grease [00552]	---	15 mg/L [19]	1/Discharge [01/DS]	Grab ⁽⁴⁾ [GR]
Total Residual Chlorine ⁽⁵⁾	---	0.013 mg/L	1/Discharge [01/DS]	Grab ⁽⁴⁾ [GR]
pH ⁽⁶⁾ [50060]	---	6.0 – 9.0 SU ⁽⁶⁾ [19]	1/Discharge [01/DS]	Grab ⁽⁴⁾ [GR]

FOOTNOTES: See Pages 6 through 7 of this permit for applicable footnotes.

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS cont'd

3. Outfall #004 – Hydrostatic test waters from the former DFSC facility

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow ⁽²⁾ [51500]	---	5.0 EE6 gal ⁽⁷⁾ [3R]	1/Discharge [01/DS]	Measure [MS]
Total Suspended Solids ⁽³⁾ [00530]		50 mg/L [19]	1/Discharge [01/DS]	Grab ⁽⁴⁾ [GR]
Oil & Grease [00552]	---	15 mg/L [19]	1/Discharge [01/DS]	Grab ⁽⁴⁾ [GR]
Total Residual Chlorine ⁽⁵⁾		0.013 mg/L	1/Discharge [01/DS]	Grab ⁽⁴⁾ [GR]
pH ⁽⁶⁾ [00400]	---	6.0-9.0 SU ⁽⁶⁾ [19]	1/Discharge ⁽⁶⁾ [01/DS]	Grab ⁽⁴⁾ [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.

FOOTNOTES: See Pages 6 through 7 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

FOOTNOTES

Sampling Locations:

1. **Sampling** - Any change in sampling location must be approved by the Department in writing. The permittee must conduct 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 for wastewater. Samples that are sent to a 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 (effective December 19, 2018). 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 Discharge Monitoring Report.
2. **Flow** – The flow through the oil/water separators must consist of boiler blowdown or hydrostatic test waters discharged through Outfall #001, #002 and Outfall #004. The direct or indirect discharge of liquids from petroleum product pipelines, transport tanks, vessels or storage tanks through the oil/water separator is not authorized by this permit except as specified for Outfalls #002 and #004. No chemical treatment such as dispersants, emulsifiers or surfactants may be added to the oil/water separator or any wastewater discharge stream contributing flow to the separator.

Flow measurement devices or calculated flow estimates via pump curves or tank volumes or other methods must be approved by the Department. Measurement of flow may be suspended upon approval from the Department in the event the permittee limits flow to the separator by installing a permanent constriction to prevent flows from exceeding the design capacity of the separator. The installation, replacement or modification of any flow measurement or constriction device requires prior approval by the Department.

SPECIAL CONDITIONS

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

FOOTNOTES

3. **Total Suspended Solids (TSS)** – The monthly average concentration of 50mg/L for TSS is based on an average over the previous twelve-month period. For the purposes of this permitting action, the twelve-month rolling average calculation is based on the test results for the most recent twelve-month period. Only months where a discharge occurs are to be counted in the calculations. Months when there is no discharge, zeroes should not be entered and those months are not to be included in the calculations for the rolling twelve-month average.
4. **Grab Sample** - Grab samples will be collected within the first hour (first flush) after the diked area(s) drainage area and/or pumpout has started. Separate aliquot samples must be taken for the analysis for each parameter.
5. **Total residual chlorine (TRC)** – For the purposes of this permit, compliance with the daily maximum limitation in this permit will be based on USEPA's current minimum level (ML) of detection of 0.05 mg/L (50 ug/L). The permittee must utilize approved test methods that are capable of producing analytical results down to or below 0.05mg/L (50 ug/L). All analytical test results must be reported to the Department including results which are detected below the ML. Results reported at or below the RL will be considered to be in compliance with the permit. The Discharge Monitoring Reports will be coded with the RL of 0.05mg/L (50 ug/L) such that detectable results reported at or below 0.05mg/L (50 ug/L) but greater than the daily maximum water quality based limit established in this permit will not be recorded as violations of the permit.
6. **pH** - Limitations and monitoring requirements are only applicable April – November (inclusive) of each year.
7. **Nomenclature** – EE6 means million gallons.

SPECIAL CONDITIONS

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 wastewater that causes visible discoloration or turbidity in the receiving waters that causes those waters to be unsuitable for the designated uses and characteristics ascribed to their class.
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. OIL/WATER SEPARATOR MAINTENANCE

The permittee must maintain an up-to-date operation and maintenance plan for the oil/water separator. The plan must include, but not be limited to, measures to ensure the separator performs within the designed performance standards of the system, is maintained on a routine basis to maximize the design capacity and efficiency of the system, and that adequate staffing and training of personnel is provided to ensure compliance with discharge limitations. The operation and maintenance plan must remain on site at all times and be made available to Department and USEPA personnel upon request.

D. HYDROSTATIC TEST WASTEWATER

Tanks and pipes being hydrostatically tested must be clean of product and all construction debris, including sandblasting grit, prior to testing and discharge through Outfall #002 and Outfall #004. The discharge must be dechlorinated if test results indicate that discharged waters will violate permit limits. **The permittee must notify the Department of an intended discharge of hydrostatic test wastewater at least three business days prior to the discharge.**

F. 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 20, 2020; 2) the terms and conditions of this permit; and 3) only from Outfalls#001 #002 and #004. Discharges of wastewater from any other point source are not authorized under this permit and must be reported in accordance with Standard Condition D(f)(1), *Twenty-Four-Hour Reporting*, of this permit.

SPECIAL CONDITIONS

G. 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 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 Department 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. 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 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.

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
Eastern Maine Regional Office
Bureau of Water Quality
Division of Water Quality Management
106 Hogan Road
Bangor, ME 04401

SPECIAL CONDITIONS

H. 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.

I. REOPENING OF PERMIT FOR MODIFICATIONS

In accordance with 38 M.R.S. § 414-A(5) and upon evaluation of the tests results or monitoring requirements specified in 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 limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded, (2) require additional monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

J. 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: **SEPTEMBER 1, 2020**

PERMIT NUMBER: **#ME0002208**

WASTE DISCHARGE LICENSE: **#W002564-5S-H-R**

NAME AND ADDRESS OF APPLICANT:

**SPRAGUE OPERATING RESOURCES LLC.
185 INTERNATIONAL DRIVE
PORTSMOUTH N.H. 03801-6809**

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

**TRUNDY ROAD
MACK POINT
SEARSPORT, MAINE 04974**

COUNTY: **WALDO**

RECEIVING WATER CLASSIFICATION: **Tidewater of Searsport, Class SB & SC**

COGNIZANT OFFICIAL CONTACT INFORMATION:

**Jennifer Pisani-Mason
(603) 430-7205
EMAIL: jpisanimason@spragueenergy.com**

1. APPLICATION SUMMARY

Application: On March 20, 2020, the Department of Environmental Protection (Department) accepted as complete for processing, a renewal application from the permittee for Waste Discharge License (WDL) #W002564-5S-G-R, Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0002208 which was issued on April 8, 2015 for a five-year term. The 4/8/15 permit authorized the permittee to discharge treated storm water runoff up to a rate of 350 gallons per minute(gpm) Outfall #001 and 1,500 gpm (Outfall #003) and up to a daily maximum of 6.1 million gallons of hydrostatic test waters via Outfall #002 and up to 5.0 million gallons of hydrostatic test waters via Outfall #004 and storm water runoff from Outfalls #005 - #008 from a bulk fuel storage and transfer facility to the tidewaters of Searsport, Class SB and SC, Maine. The previous permitting action included limitations and monitoring frequencies for several outfalls from which treated stormwater runoff was discharged. The Department has determined that outfalls carrying stormwater runoff are covered under the Multi Sector General Permit for Stormwater Associated with an Industrial Activity. Therefore, this permitting action only authorizes discharges of Hydrostatic Test Waters.

2. PERMIT SUMMARY

- a. Terms and Conditions: This permitting action is carrying forward all the terms and conditions of the previous permitting action, except that it is;
1. Removing Limitations and Monitoring frequencies and all references related to stormwater discharges which the Department deems covered under the Multi Sector General Permit for Stormwater Associated with an Industrial Activity.
- b. History: The most current relevant regulatory actions and or significant events include the following:

February 22, 2000 – The Department issued WDL #W002564-5S-B-R renewal for a five-year term.

October 30, 2003 – Sprague submitted an application to the Department to modify and renew the WDL for the Searsport facility. The primary purpose of the modification was to issue a combination MEPDES permit/WDL for the discharge(s) from the facility and retire the NPDES permit issued by the EPA.

April 14, 2004 – The Department issued combination MEPDES permit #ME0002208/WDL W002564-5S-C-R for a five-year term.

December 13, 2006 – The Department issued a combination MEPDES permit modification #ME0002208/WDL W002564-5S-D-M to incorporate two additional outfalls from the then newly acquired tank farm from the DFSC.

April 8, 2009 – Sprague submitted a timely and complete application to the Department for renewal of the MEPDES permit

September 14, 2009- The Department issued combination MEPDES permit #ME0002208/WDL W002564-5S-E-R for a five year term.

November 12, 2013- The department issued a combination MEPDES permit modification #ME0002208/WDL002564-5S-F-M to remove a benzene monitoring requirement from Outfall #001 and to acknowledge a name change to Sprague Operating Resources LLC.

April 29, 2014 – Sprague submitted a timely and complete application to the Department for renewal of the MEPDES permit.

April 8, 2015 – The department issued a combination MEPDES permit #ME0002208/WDL002564-5S-G-R for a five-year term.

March 20, 2020– Sprague submitted a timely and complete application to the Department for renewal of the MEPDES permit.

2. PERMIT SUMMARY (cont'd)

- c. Source Description: The permittee's facility is engaged in the transfer (ship to shore), storage and distribution of refined petroleum products. Historically these products included gasoline and distillate oils as well as numerous bulk materials such as coal, petroleum coke, road salt, aluminum hydrate, and gypsum rock. Sprague's site has a number of above-ground storage tanks having a gross capacity of approximately 330,500 barrels (13,881,000 gallons) for gasoline and distillate oils. The former DFCS site has nine additional tanks that are used to store and distribute #2 fuel oil.

The largest tank on the former DFSC site is 5,100,000 gallons (5.1 EE6). In addition to tankage, there is an extensive above-ground and below-ground network of piping. There is a marine docking facility to transfer product from ships and or barges to the shore and a loading rack area where product from the storage tanks is transferred to tanker truckers to be distributed to local fuel oil dealers and gasoline stations for distribution to the general public.

Each of the storage tanks on both the existing and new sites are enclosed in an unlined area of earthen dikes or concrete walls. The diked areas are designed to contain the contents of the enclosed tanks plus an additional volume to contain any extinguishment chemicals or water and precipitation. The dikes are required by the Town of Searsport for safety to prevent product from spilling from one tank area to another or directly into a receiving waterbody, provide temporary containment in the event of a tank failure and isolate tanks in the event of a major fire in a tank. The remainder of the site consists of an office building, a warehouse complex and a truck loading rack area. Storm water from the bulk material storage areas are managed through wet detention ponds to address TSS in those areas.

If necessary, hydrostatic test water is used to test the tank integrity. The test water is from tanks which have been washed and cleaned in preparation for repair and then cleaned before testing. The permittee has indicated that hydrostatic testing of its largest tank would discharge approximately 6.1 million gallons. Sanitary waste waters generated by employees at the facility are disposed of in an on-site sub-surface waste water disposal system designed and constructed in accordance with the Maine State Plumbing Code.

The Searsport Terminal stores and handles liquid products which are required to be heated. The Terminal has a closed loop steam two boiler system to meet its internal heating needs. Boiler #1 and #2 are 1989 Cleaver Brooks boilers, each having a design capacity of 29.4 MMBtu/br, firing #6 fuel oil. These devices are scheduled to be converted to natural gas in 2020. Currently, boiler blowdown waters are released to the ground surface within the tank farm dike area daily with an average discharge of approximately 550 gallons per day per boiler. Waters that do not infiltrate to the subsurface flow to an oil/water separator which discharges to an open ditch, before going into an open pipe under the yard. Flows daylight and travel along the railroad tracks that is lined with reeds and cattails, under the railroad and discharges to Penobscot Bay previously permitted as Outfall 001.

2. PERMIT SUMMARY (cont'd)

The Department has determined the discharge of boiler blowdown water in this case to be a de minimus discharge and requires no further treatment, monitoring frequencies or limitations in this permitting action. It is noted that the Department reserves the right to impose monitoring frequencies and limitations should a change in the nature, volume and frequency of the discharge of boiler blowdown waters warrant such action.

d. Wastewater Treatment:

Hydrostatic test waters associated with the Lower Tank Farm are physically discharged through Outfall #001 but assigned an administrative outfall number of Outfall #002 for reporting test results. Hydrostatic test waters associated with the North Tank Farm are physically discharged through Outfall #003 but assigned an administrative outfall number of Outfall #004 for reporting test results. This permit does not require further treatment of the hydrostatic testing water unless dechlorination is required to protect water quality.

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, 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 *Surface Waters 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 Waters, 38 M.R.S., Article 4-A §469(6)(C) classifies the tidewaters of Searsport at the point of discharge from Outfall #002 as a Class SC waterway. Maine law, 38 M.R.S., Article 4-A, §465-A(3) describes the classification standards for Class SC waters. For Outfall #004, Maine law, 38 M.R.S., Article 4-A §469(6)(C) classifies the tidewaters of Searsport at the point of discharge as a Class SB waterway. Maine law, 38 M.R.S., Article 4-A, §465-B(2) describes the classification standards for Class SB 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 tidewaters of Searsport at the point of discharge as, “Category 4-A: Estuarine and Marine Waters with Impaired Use, TMDL Completed.” Current sampling of the 4.36 square mile area, designated Waterbody ID 722-24, indicated the presence of elevated fecal levels. The Department completed the TMDL in 2009 and it was approved by USEPA on September 28, 2009.

The report also lists the tidewaters of Searsport as “Category 5-D: Estuarine and Marine Waters Impaired by Legacy Pollutants.” All estuarine and marine waters capable of supporting American lobster are listed in Category 5-D for shellfish consumption due to elevated levels of PCBs and other persistent, bioaccumulating substances in tomalley.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

This permit authorizes the discharge of hydrostatic test wastewater with numeric effluent limitations which are within applicable water quality standards and requires the continued implementation of a stormwater pollution prevention plan for additional protection of the environment. The effluent parameters for each waste stream are discussed in more detail below. The sections are arranged according to the effluent characteristic(s) being regulated:

a. Hydrostatic Test Wastewater and– Outfall #002 and #004

The permittee has indicated that hydrostatic testing of pipelines and tanks with water is no longer the normal practice at the Searsport facility. Pipelines are tested utilizing fuel product and tanks are tested via X-rays, eliminating the need for discharging hydrostatic test waters. The previous permitting action established, and this permitting action carries forward limitations and monitoring requirements as follows:

1. Flow – The previous permitting actions established and maintained a flow limitation of 6,100,000 gallons for Outfall #002 as this was the volume of the largest tank on the Lower Tank Farm that is being carried forward in this permitting action. The previously established daily maximum flow limitation of 5,100,000 gallons for Outfall#004, the largest tank on the North Tank Farm is also being carried forward in this permit.
2. Total Suspended Solids (TSS) – The previous permitting action established daily maximum limits of 50 mg/L for Outfall #002 and #004 based on a Department BPJ of limits that are achievable given the tanks that are hydrostatically tested have been washed and cleaned in preparation for repair and testing. The limitations are being carried forward in this permitting action.

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

3. Oil and Grease – The previous permitting action establish daily maximum concentration limits of 15 mg/L for Outfall #002 and #004 based on a Department BPJ of limits that are achievable given the tanks that are hydrostatically tested have been washed and cleaned in preparation for repair and testing. The limitations are being carried forward in this permitting action.
4. Total residual chlorine (TRC) – The previous permitting action established a daily maximum TRC limit of 13 ug/L or 0.013mg/L for Outfalls #002 and #004. The limitations are based on EPA's acute criteria maximum concentration (CMC) of 13 ug/L or 0.013 mg/L for marine waters. The limitations do not take into consideration dilution in the receiving water due to the fact that the outfall pipes for Outfalls #002 and #004 do not have a diffuser and are above the high and low water marks. A chronic limit is not specified because the discharge is not a continuous discharge.

Compliance with the daily maximum limitations will be based on EPA's minimum level (ML) of detection of 50 ug/L or 0.05 mg/L. All analytical test results must be reported to the Department including results which are detected below the ML of 0.05 mg/L.

5. pH – For the same reason cited in Section 7(a)(5) of this Fact Sheet, the Department established a limitation of 6.0 –9.0 standard units for the discharge of hydrostatic test waters for Outfalls #002 and #004. The limitations are being carried forward in this permitting action.

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 water body to meet standards for Class SC classification.

8. PUBLIC COMMENTS

Public notice of this application was made in the Bangor Daily News newspaper on or about February 26, 2020. 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).

9. DEPARTMENT CONTACTS

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

Rod Robert
Division of Water Quality Management
Bureau of Land & Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 446-1875 Fax: (207) 287-3435
e-mail: rodney.robert@maine.gov

10. RESPONSE TO COMMENTS

Reserved until the end of the formal thirty-day comment period

ATTACHMENT A

Topographic map showing a grid overlay and a central area labeled "SITE". The map includes contour lines and a small inset map showing the location within a larger region.

1:250,000 Scale 1:250,000 Detail 1:250,000 Detail 1:250,000

DD Form 204, Copy 1, 1-64 (Rev. 1-64) (Prescribed by GSA FPMR (41 CFR) 101-11.6) [2011 Scale 1-2, 1997 Scale 1-2] (Rev. 1-64)

ATTACHMENT B

Searsport Site Diagram





