



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

**DEPARTMENT ORDER**

**IN THE MATTER OF**

IRVING OIL TERMINALS INC.	)	MAINE POLLUTANT DISCHARGE
SEARSPORT, WALDO COUNTY, MAINE	)	ELIMINATION SYSTEM PERMIT
BULK FUEL STORAGE FACILITY	)	AND
W000942-5S-G-R	)	WASTE DISCHARGE LICENSE
ME0021181	)	<b>RENEWAL</b>
<b>APPROVAL</b>	)	

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 IRVING OIL TERMINALS INC. (Irving/permittee hereinafter), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

**APPLICATION SUMMARY**

The permittee has submitted a timely and complete application to the Department for the renewal of combination Maine Waste Discharge License (WDL) # W000942-5S-F-R /Maine Pollutant Discharge Elimination System (MEPDES) Permit # ME0021181 (permit hereinafter), which was issued by the Department on April 7, 2015, for a five-year term. The 4/7/15 permit authorized the discharge of treated storm water runoff up to a daily maximum flow rate of 1,019 gallons per minute (gpm) and hydrostatic test water up to a daily maximum flow rate of 2.85 million gallons per day, to Searsport Harbor (Penobscot Bay), Class SB. 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 See **Attachment A** of the Fact Sheet for a site location map.

**PERMIT SUMMARY**

This permit is carrying forward all the terms and conditions of the April 7, 2015 permit, 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 in the attached Fact Sheet dated September 11, 2020, 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 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**

THEREFORE, the Department APPROVES the application of IRVING OIL TERMINALS INC., to discharge 2.85 MGD of hydrostatic test water from a bulk fuel storage and transfer facility to Searsport Harbor (Penobscot Bay), Class SB, subject to the attached conditions and all applicable standards and regulations:

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                      October 10, 2019                      .

Date of application acceptance                              October 16, 2019                      .

This Order prepared by Rod Robert, BUREAU OF WATER QUALITY

**SPECIAL CONDITIONS**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

1. The permittee is authorized to discharge hydrostatic test water to Searsport Harbor (Penobscot Bay). Such discharges must be limited and monitored by the permittee as specified below:

**ADMINISTRATIVE OUTFALL #002 - Hydrostatic test water<sup>(1)</sup>**

Effluent Characteristic	Discharge Limitations				Monitoring Requirements	
	Monthly Average as specified	Daily Maximum as specified	Monthly Average as specified	Daily Maximum As specified	Measurement Frequency As specified	Sample Type as specified
Flow <sup>(2)</sup> [50050]	---	---	---	2.85 MGD <sub>[03]</sub>	1/Discharge [01/DS]	Measure [MS]
Total Suspended Solids <sup>(3)</sup> [00530]	---	---	---	50 mg/L [19]	1/Discharge [01/DS]	Grab <sup>(4)</sup> [GR]
Oil & Grease <sup>(5)</sup> [00552]	---	---	---	15 mg/L [19]	1/Discharge [01/DS]	Grab <sup>(4)</sup> [GR]
Total Residual Chlorine <sup>(6)</sup> [50060]	---	---	---	13 ug/L [28]	1/Discharge [01/DS]	Grab <sup>(45)</sup> [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 5 – 6 of this permit for applicable footnotes.

## SPECIAL CONDITIONS

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

#### Footnotes:

**Sampling Locations:** Discharges from Outfall #002 must be sampled independently, prior to co-mingling with any other waste stream(s).

Outfall #002 (hydrostatic test water) samples for all parameters must be collected from the tank or piping prior to discharge directly to the receiving waters or before being co-mingled with storm water runoff.

Sampling and analysis must be conducted in accordance with; a) methods approved in 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 analyzed in-house or 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 February 13, 2000).

#### **Hydrostatic Test Water (Outfall #002)**

- (1) The flow through the oil/water separator must consist of hydrostatic test water discharged through Outfall #002. 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 Outfall #002. 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 oil/water separator.
- (2) 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

## SPECIAL CONDITIONS

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

Footnotes:

- (3) **Total Suspended Solids (TSS)** – The monthly average concentration limitation of 50 mg/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. Months when there is no discharge are not to be included in the calculations.
- (4) One grab sample for TSS and oil & grease analyses for each sampling event must be taken during the first hour of discharge.
- (5) Oil and grease monitoring is not required if the discharge of hydrostatic test water is from tanks and pipes that are gas-free as certified by a marine chemist. The test water is not required to be pretreated through the oil/water separator, provided the test water is municipal water or from some other source which does not contain oil and grease.
- (6) **Total residual chlorine (TRC)** - When using chlorinated hydrostatic test water, the total residual chlorine must be measured and limited as specified in the effluent limitations for hydrostatic test water.

For the purposes of this permit, compliance with the daily maximum limitation in this permit will be based on EPA's current minimum level (ML) of detection of 50 ug/L (0.05 mg/L). The permittee must utilize approved test methods that are capable of producing analytical results down to or below 50 ug/L. All analytical test results must be reported to the Department including results which are detected below the ML.

Results reported below the RL will be considered in compliance with the permit. The Discharge Monitoring Reports will be coded with the RL of 50 ug/L such that detectable results reported below 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.

## **SPECIAL CONDITIONS**

### **B. NARRATIVE EFFLUENT LIMITATIONS**

1. The effluent must not contain a visible oil sheen, foam or floating solids at any time that would impair the uses 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 uses 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 uses designated for the classification of the receiving waters.
4. Notwithstanding specific conditions of this license 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. OIL/WATER SEPARATOR MAINTENANCE**

The permittee must maintain an up-to-date written Operations 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 Operations and Maintenance Plan must remain on site at all times and will be subject to periodic inspection by Department personnel.

For the purposes of minimizing suspended solids in the storm water directed to the separator, the permittee must implement best management practices (BMP's) for erosion and sedimentation control. See Department publication entitled, Maine Erosion And Sedimentation Control BMP's for guidance. The permittee must periodically inspect, maintain and repair erosion and sedimentation control structures as necessary.

### **D. HYDROSTATIC TEST WATER**

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. The discharge must be dechlorinated if test results indicate that discharged water will violate water quality standards. Hydrostatic test water from tanks and pipes that are gas-free as certified by a marine chemist need not be discharged through the oil/water separator. The permittee must notify the Department of an intended discharge of hydrostatic test water at least three days, excluding weekends, prior to the discharge.

## SPECIAL CONDITIONS

### E. 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 16, 2019; 2) the terms and conditions of this permit; and 3) only from Outfalls #002. 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.

### 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 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 15<sup>th</sup> 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 15<sup>th</sup> 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 (13<sup>th</sup>) 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 (15<sup>th</sup>) day of the month** following the completed reporting period.



## **SPECIAL CONDITIONS**

### **F. MONITORING AND REPORTING (cont'd)**

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, Maine 04401

### **G. REOPENING OF PERMIT FOR MODIFICATIONS**

Upon evaluation of the tests results in the Special Conditions of this permitting action, new site-specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at any time and with notice to the permittee, modify this permit to: (1) include effluent 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 such as mixing zone information/characteristics.

### **H. 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 must remain in full force and effect, and must be construed and enforced in all aspects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court.



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM  
ACTING COMMISSIONER

MEMORANDUM

Date: September 9, 2020

From: RCRA Program

*Melanie Loyzim*

To: File

Re: Resolution of Anonymous Complaint to EPA against General Dynamics, 291 North Street, Saco

\*\*\*\*\*

On August 3, 2020 the EPA received an anonymous complaint about General Dynamics at 291 North Street in Saco concerning PFOS/PFOA and exposure, accidental burning of chlorinated paraffins, and disposal of mislabeled hazardous waste chemicals.

On August 4, 2020 the EPA emailed the complaint to the Department for consideration. The Department determined the complaint would be most appropriately addressed through the RCRA-CAC program: the MEDEP Air Bureau did not note a violation with the facility's air permit; and the MEDEP Hazardous Licensing, Compliance, and Enforcement unit determined that PFOS, PFOA, and chlorinated paraffins are not characteristic, nor are they hazardous wastes, and the disposal of mislabeled hazardous wastes is vague and not specific.

On August 5, 2020 the EPA confirmed to the Department that no other information was available about the complaint as it was made online anonymously.

On August 6, 2020 the MEDEP contacted General Dynamics to discuss the complaint and to schedule a site visit. General Dynamics was not otherwise aware of the complaint, and they did not know of any PFOS/PFOA exposure, accidental burning of any materials, or disposal of mislabeled hazardous waste chemicals. The site visit was scheduled for August 12, 2020.

On August 12, 2020 MEDEP staff met General Dynamics representatives at 291 North Street in Saco to discuss the scope of the visit. General Dynamics states they have not used PFAS-PFOA products at this facility for about five years. They do not know of any burning or accidental fires other than a small fire at a downdraft table inside the facility where a paper filter caught fire and was quickly extinguished about six or seven years ago. All hazardous materials are labeled in a central location where the procedure is directly managed by General Dynamics. MEDEP informed EPA that the complaint appears to be unsubstantiated.

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

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

**FACT SHEET**

Date: **September 11, 2020**

PERMIT NUMBER: **ME0021181**  
LICENSE NUMBER: **W000942-5S-G-R**

NAME AND ADDRESS OF APPLICANT:

**IRVING OIL TERMINALS INC.  
52 Station Avenue  
Searsport, ME 04974**

COUNTY WHERE DISCHARGE OCCURS: **Waldo**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**Mack Point  
Searsport, ME 04974**

RECEIVING WATER AND CLASSIFICATION: **Searsport Harbor (Penobscot Bay),  
Class SB**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Drake Bell**  
**(207) 548-2541**  
**Drake.Bell@irvingoil.com**

**1. APPLICATION SUMMARY**

- a. Application – Irving Oil Terminals Inc. (permittee) has submitted a timely and complete application to the Department of Environmental Protection (Department) for the renewal of combination Maine Waste Discharge License (WDL) # W000942-5S-F-R /Maine Pollutant Discharge Elimination System (MEPDES) Permit # ME0021181 (permit hereinafter), which was issued by the Department on April 7, 2015, for a five-year term. The 4/7/15 permit authorized the discharge of treated storm water runoff up to a daily maximum flow rate of 1,019 gallons per minute (gpm) and hydrostatic test water up to a daily maximum flow rate of 2.85 million gallons per day, to Searsport Harbor (Penobscot Bay), Class SB. 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 See Attachment A of the Fact Sheet for a site location map. See **Attachment A** of this Fact Sheet for a site location map.

## 1. APPLICATION SUMMARY (cont'd)

- b. Source Description: The permittee is engaged in the transfer (ship to shore), storage and distribution of refined petroleum products such as gasoline and distillate oils. The site has two above-ground storage tanks (Tanks 7 & 8) having a gross capacity of approximately 135,000 barrels (5,670,000 gallons) each and store No. 2 fuel. These tanks are located in Tank Farm #2, which is composed of a clay-lined dike with sufficient capacity to contain the entire contents of either tank in the event of an unplanned discharge. In addition to tankage, there is an extensive above-ground and below-ground network of piping. These tanks and pipelines are completely enclosed. During normal maintenance, repairs and upgrades of these tanks and pipelines, the potential for miscellaneous drips and spills may occur. Total drainage area of the site contributing to the discharge is entirely from Tank Farm #2 which is approximately 4.4 acres. Tank Farm #2 is associated with a much larger bulk fuel storage and transfer facility (11 storage tanks in two tank farms—Tank Farm #1 and Tank Farm #3) owned and operated by Irving. Tank Farms #1 and #3 are located approximately 0.5 miles to the southeast of Tank Farm #2.

Sanitary wastewater generated by employees is conveyed to the Town of Searsport's wastewater treatment facility which is also regulated by the USEPA and the Department via a separate NPDES permit/WDL.

Hydrostatic test water is used to test structural integrity of the tanks when necessary. Discharges of the test water are 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 the largest tank would discharge approximately 5.67 million gallons of hydrostatic test water.

Outfall #001 is designated as Administrative Outfall #002 when hydrostatic test water is discharged. As of the previous permitting cycle, Administrative Outfall #002 is identified as the only outfall for hydrostatic test water. The discharge locations are shown in **Attachment A** of this Fact Sheet.

- c. Wastewater treatment: The majority of wastewater discharged through Outfall #001 is storm water that is collected in the diked area housing Tanks 7 and 8. All storm water that accumulates in the dike is inspected by facility personnel for evidence of oil prior to being discharged from the dike. If personnel determine that the storm water is contaminated by petroleum, measures are taken to recover the oil prior to being discharged from the dike. The diked area is either manually drained by gravity or pumped out and conveyed to an oil/water separator where it receives best practicable treatment prior to discharge. The drain valves are kept closed for safety and must be opened each

## 1. APPLICATION SUMMARY (cont'd)

time the diked area is drained. The oil/water separator is cleaned annually, and any recovered oily waste is disposed offsite via a State of Maine licensed waste handler. The permittee has indicated in the application for permit renewal that the oil/water separator is rated for 1,019 gallons per minute.

This permit does not require further treatment of the hydrostatic test water unless dechlorination is required to protect water quality.

All waste streams described in this section are discharged to Searsport Harbor through one outfall pipe designated as Administrative Outfall #002 for hydrostatic test water discharges. The outfall pipe is six (6) inches in diameter and is exposed at mean low water.

## 2. PERMIT SUMMARY

- a. This permit is carrying forward all the terms and conditions of the April 7, 2015 permit, 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 licensing/permitting actions include:

*April 11, 1979* – The EPA issued NPDES permit #ME0021181 for a five-year term.

*March 3, 2000* – The Department issued WDL#W000942-5S-C-R renewal for a five-year term.

*March 9, 2005* – The Department issued WDL#W000942-5S-D-R renewal for a five-year term.

*April 9, 2010* – The Department issued combination MEPDES permit ME0021181/WDL #W000942-5S-E-R for a five-year term.

*September 3, 2014* – Irving Oil Terminals Inc. submitted a timely and complete application to the Department to renew the April 9, 2010, MEPDES permit/WDL.

*April 7, 2015* – The Department issued combination MEPDES permit ME0021181/WDL #W000942-5S-F-R for a five-year term.

*October 16, 2019* – Irving Oil Terminals Inc. submitted a timely and complete application to the Department to renew the April 7, 2015, MEPDES permit/WDL.

### 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, *Certain deposits and discharges prohibited*, 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 (effective 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

*Classifications of estuarine and marine waters*, 38 M.R.S. §469 classifies Searsport Harbor at the point of discharge as a Class SB waterway. 38 M.R.S. §465-(B)(2) describes the classification standards for Class SB waters.

### 5. RECEIVING WATER CONDITIONS

*The State of Maine 2018 Integrated Water Quality Monitoring and Assessment Report*, published by the Department lists Long Cove as a portion of Waterbody #722-24/Department of Marine Resources Area #33 in a table entitled "*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

Discharges from activities associated with bulk petroleum stations and terminal operations must satisfy best conventional technology (BCT) and best available technology (BAT) requirements and must comply with more stringent water quality standards if BCT and BAT requirements are not adequate. This permitting action is carrying forward numeric effluent limitations and/or monitoring requirements for petroleum constituents from the previous permitting action to ensure the discharges do not contribute to violations of the State's water quality standards.

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

This permit authorizes the discharge of hydrostatic test water by applying numeric effluent limitations which are within applicable water quality standards. The effluent parameters are discussed in more detail below.

### a. Hydrostatic Test Water (Administrative Outfall #002)

This permitting action is carrying forward the hydrostatic test water monitoring requirements from the previous permitting action. The permittee did not discharge hydrostatic test water during the previous permitting cycle.

## 7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

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

## 8. PUBLIC COMMENTS

Public notice of this application was made in the *Bangor Daily News* on or about September 18, 2019. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits must have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR 522 (effective January 12, 2001).

## 9. DEPARTMENT CONTACTS

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

Rodney Robert  
Division of Water Quality Management  
Bureau of Water Quality  
Maine Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333-0017 email: [rodney.robert@maine.gov](mailto:rodney.robert@maine.gov) Tel: (207) 446-1875

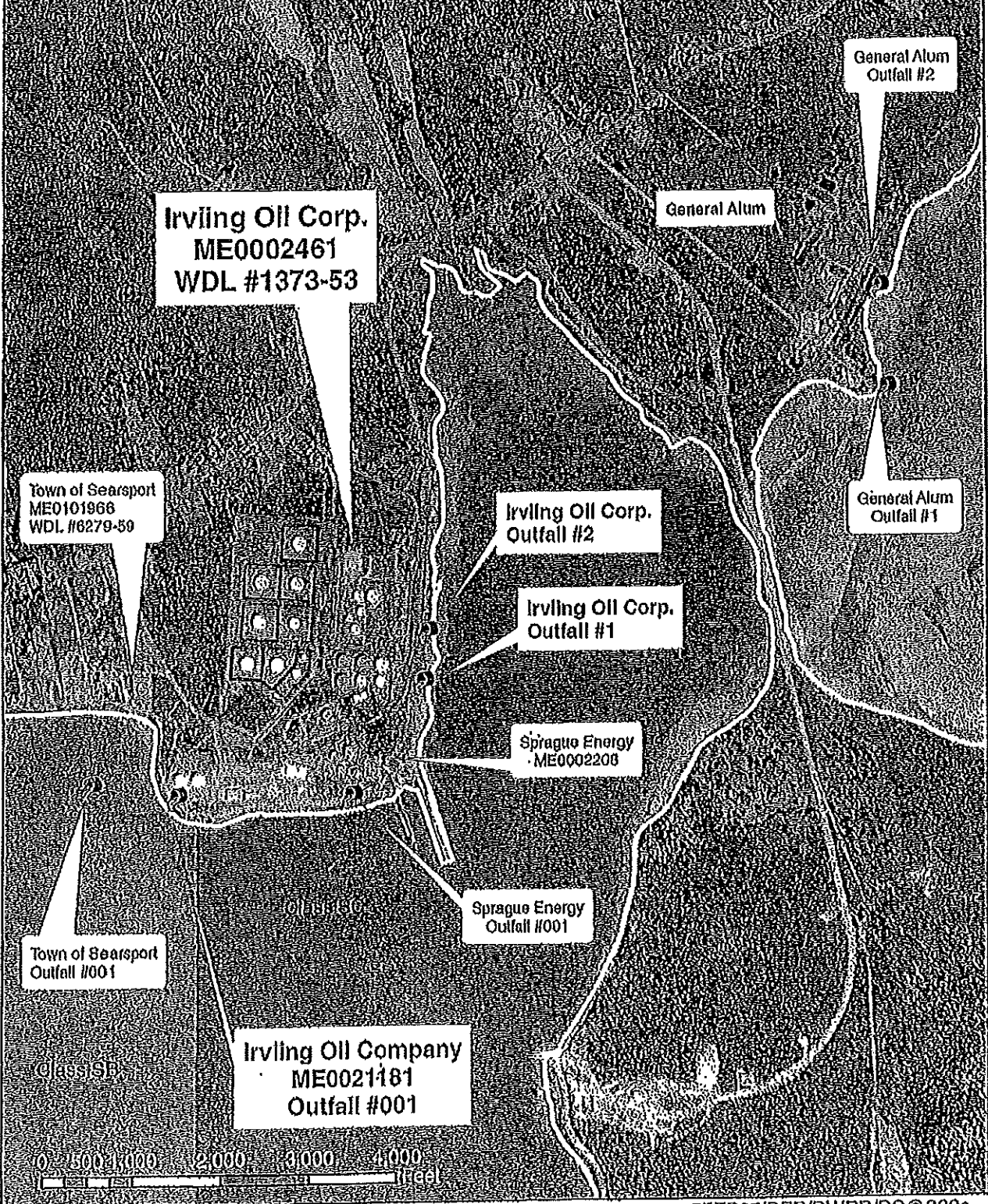
## 10. RESPONSE TO COMMENTS

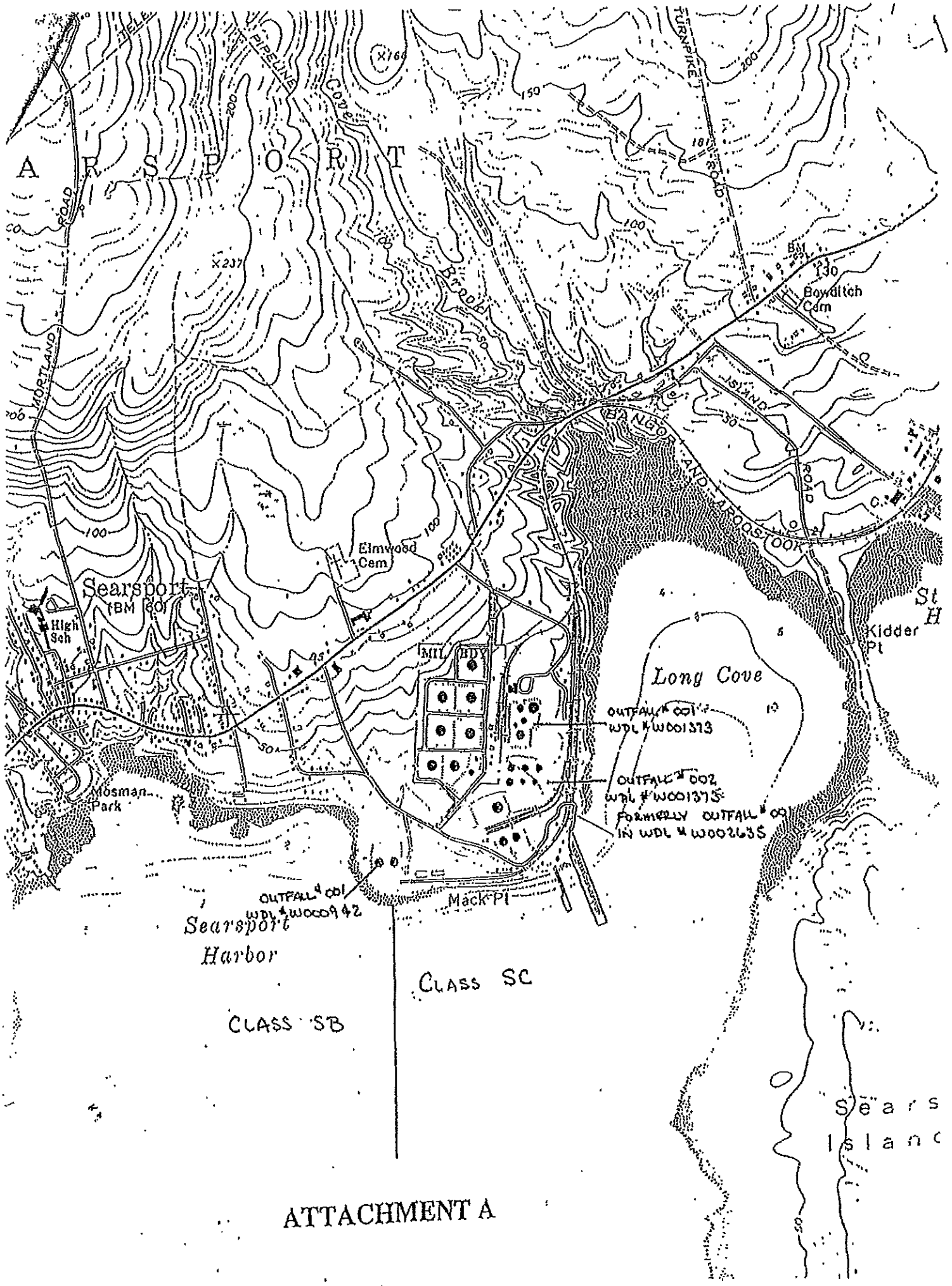
*Reserved until the end of the formal thirty-day comment period*

# ATTACHMENT A



# IRVING OIL Searsport, Maine





A R S P O R T

Searsport  
IBM 801

Long Cove

OUTFALL # 001  
WDL # W000942  
Searsport  
Harbor

OUTFALL # 001  
WDL # W001373

OUTFALL # 002  
WDL # W001373  
FORMERLY OUTFALL # 001  
IN WDL # W002635

CLASS SC

CLASS SB

ATTACHMENT A

Sears  
Island