



Portland Water District

FROM SEBAGO LAKE TO CASCO BAY

July 14, 2023

Angelo Ciocca
President/Owner
Nova Seafood
555 Commercial St.
Portland, ME 04101

Dear Mr. Ciocca,

Please find enclosed an Industrial Discharge Permit for Nova Seafood. The permit is valid from **July 16, 2023** to **July 15, 2026** for the wastewater discharge at **Nova Seafood**, located at 555 Commercial Street in Portland.

In preparing this permit we considered monitoring data from our treatment facility as well as federal and local discharge limitations. Based on this analysis, we considered whether or not Nova Seafood requires permit-specific limits, conditions, monitoring or pretreatment requirements for any parameters in order to ensure compliance with the Clean Water Act. Nova Seafood is responsible for meeting all of the conditions in this discharge permit. This cover letter summarizes some, but not all, of the important aspects of the permit. Please review the permit carefully in its entirety.

Shown below are the parameters that Nova Seafood must monitor for on a regular basis. Please see the Special Conditions Section of this permit for complete sampling and analysis details:

Monitoring Parameter	Daily Maximum	Monthly Average Limit	Frequency
Biochemical Oxygen Demand	Report Only in lbs/day		Quarterly
Total Suspended Solids	Report Only in lbs/day		
Discharge Flow	Report Only in gallons/day		
Arsenic	0.220 mg/L	N/A	
Total Oil and Grease	500 mg/L		
Non-Polar Oil and Grease	100 mg/L		
pH Standard Units, S.U.	<5.0 prohibited >12.5 prohibited		
Caustic Alkalinity*	1,000 mg/L		

*Caustic Alkalinity analysis is required on grab samples with pH > 10.3 S.U.



Quarterly Monitoring Requirement for BOD and TSS:

Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) limits for industries discharging to the East End wastewater treatment facility in Portland are allocated to industries in pounds/day. Historical monitoring data for each industry is reviewed for concentration and loading values for these parameters to assess whether or not monitoring and/or permit limits are necessary. Generally, the higher and more variable the historical values are, and the more they are in excess of de minimus values, the more necessary monitoring and permit limits are.

Nova Seafood conducted six months of baseline monitoring from November 2022 through April 2023. PWD also collected a sample during the baseline monitoring period. The BOD and TSS results from the baseline monitoring period are summarized below:

Sampling Date	Flow	BOD Concentration (mg/L)	TSS Concentration (mg/L)	BOD Load (lbs/day)	TSS Load (lbs/day)
11/22-11/23/22	2319*	1600	480	31	9
12/7-12/8/22	2319*	210	57	4	1
1/11-1/12/23	3729		53		2
1/26-1/27/23	3447	1200		34	
2/8-2/9/23	4148	710	45	25	2
3/9-3/10/23	3680	1800	41	55	1
3/21-3/22/23 PWD	4525	1637	173	63	7
4/6-4/7/23	3480	1500	41	44	1
Average		1237	127	37	3
<i>De Minimis Values</i>		<i>250 mg/L</i>	<i>300 mg/L</i>	<i>2275 lbs/day</i>	<i>1975 lbs/day</i>

Notes: Flow values marked with a * were estimated using monthly PWD meter reads and dividing by the number of production days. All other flow values were determined using meter reads at start and end of sampling event.

Based on the discharge history above, PWD has determined that Nova Seafood is a medium strength BOD discharger and a low strength TSS discharger. Nova Seafood’s average BOD concentration is above the de minimis concentration value of 250 mg/L but the average BOD load is well below the de minimis loading value. On the other hand, Nova’s average TSS concentration and load are both below the de minimis values. However, the potential exists for high-strength BOD and TSS discharge due to the nature of seafood processing wastewater, particularly if Nova Seafood is not diligent with housekeeping to prevent solids from entering the sewer system. Because of this, Nova Seafood is required to monitor quarterly for BOD and TSS (and to report results in pounds/day), however the monitoring requirement is report only. There are no discharge limits for these parameters. The monthly DMR form (attached) includes space to report BOD and TSS in pounds per day.

As a reminder, pollutant loading is calculated using two factors – flow in million gallons per day, and concentration in mg/L – and the following formula:

$$\text{Pollutant Loading (lbs/day)} = \text{Flow (MGD)} \times \text{Concentration (mg/L)} \times 8.34$$

The lack of a BOD and TSS discharge limit **does not** relieve Nova Seafood from any pretreatment

requirements. Any changes to operational procedures and/or pretreatment equipment must be reported to and approved by the Portland Water District at least 45 days prior to the implementation of the modifications. No changes to Nova's wastewater discharge may be made unless reported to and approved by the Portland Water District (see General Conditions section III).

BOD and TSS discharges will be reassessed with each permit renewal or more frequently as needed. If concentration or load is found to be significantly higher than what was measured during the baseline monitoring period, this permit may be modified to include BOD and TSS discharge limits.

Baseline Monitoring Summary:

Nova Seafood conducted 6 months of baseline monitoring from November 2022 through April 2023. PWD also collected a sample during the baseline monitoring period. BOD and TSS results from baseline monitoring are summarized above. Other results are included in a table at the end of this letter. Note that Nova Seafood was only required to monitor for certain parameters of concern. PWD monitors for all parameters with discharge limits to verify compliance.

Arsenic: results show arsenic in the wastewater, but this is typical compared to what we see from other seafood processors. Baseline monitoring results indicate that Nova Seafood should be able to routinely meet the arsenic limit for seafood processors, which is 0.220 mg/L.

Other metals: all other metals results were well below the applicable local limits. Nova Seafood is not required to monitor for other metals besides arsenic. PWD will continue to test for all metals during its annual control authority monitoring.

Oil and Grease: Monitoring results showed that oil and grease does not appear to be a concern. Oil and grease monitoring is required under the federal Seafood Processing rules (see below).

pH: With the exception of the March grab sample, all pH results were compliant. The pH measured in March was 12.0 S.U. This is above the 10.3 S.U. cut-off that requires caustic alkalinity analysis. This analysis was not done as part of the March baseline sample. Nova Seafood was alerted to the fact that caustic alkalinity analysis would normally be required. If caustic alkalinity is not measured, or if the result is above the 1000 mg/L limit, the high pH would result in a discharge violation.

Oil and Grease Monitoring Required:

Nova Seafood is considered a categorical industry under two subparts of 40 CFR 408: Subpart U – Non-Alaskan Conventional Bottom Fish Processing; and Subpart AD – Non-Alaskan Scallop Processing. Both subparts require the analysis of oil and grease, thus this parameter has been included in Nova Seafood's monitoring requirements. Non-polar oil and grease must also be analyzed on a quarterly basis. Nova Seafood must meet a total oil and grease limit of 500 mg/L and a non-polar oil and grease limit of 100 mg/L. The requirement to test for non-polar oil and grease may be waived if the total oil and grease result is less than 100 mg/L. Total and non-polar oil and grease analysis must be done using Standard Method 1664A or equivalent.

Flow Monitoring:

Nova Seafood must report wastewater flow on the DMR form for each monitoring event (the DMR form is attached to this permit). Wastewater flow measurements must be determined in a manner outlined in

Nova's Flow Measurement Proposal dated 12/16/22. Per the December 2022 proposal, Nova will use the difference in water meter reads at the beginning and end of each sampling event to determine an estimate of wastewater volume discharged during the event.

Certification Statements

This discharge permit requires all reports to include the following statement, signed by an authorized representative of your company:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

In addition, Nova Seafood must certify all flow readings with the following statement:

"I certify under penalty of law that the wastewater flow reported is consistent with the flow monitoring plan on file with PWD. The flow reflects industrial operating conditions during the entire course of the composite sample collection."

Nova Seafood is required to abide by the City of Portland's Rules and Regulations for Use of the Sewer System. You may view these rules by visiting the city website at www.portlandmaine.gov. The rules prohibit any user from introducing pollutant(s) that cause pass through or interference with the City or District's wastewater treatment facilities. Wastewater discharge from the Nova Seafood facility that causes pass-through or interference is not acceptable and requires immediate action to correct or eliminate.

Please do not hesitate to contact me at 207-523-5202 or by email at pretreatment@pwd.org with questions or requests for further information.

Sincerely,



Industrial Pretreatment Coordinator
Portland Water District

Cc: George Branco, General Manager, Nova Seafood
Dave Nealley, Sales Representative, Nova Seafood
Ben Pearson, Compliance Coordinator, City of Portland
Paul Hunt, Environmental Services Manager, Portland Water District

Nova Seafood Baseline Monitoring Summary

		November Baseline	December Baseline	January Baseline	February Baseline	March Baseline	PWD Sampling	April Baseline
Sampling Dates	Applicable Limit (mg/L)	11/22/22	12/7-12/8/22	1/11-1/12/23	2/8-2/9/23	3/9-3/10/23	3/21-3/22/23	4/6-4/7/23
Arsenic	0.220	0.132	0.044	0.050	0.069	0.069	0.110	0.073
Cadmium	0.024						0.0017	
Chromium	1.90						0.036	
Copper	1.88						0.16	
Lead	0.60						0.0067	
Mercury	0.014						<0.0005	
Nickel	0.76						0.018	
Silver	0.42						0.0012	
Zinc	2.57						0.21	
Total Oil and Grease	500	<25.0	<5.0	<9.6	<25.0	<5.0	5.8	<6.0
Non-Polar Oil and Grease	100	Not analyzed	Not analyzed	Not analyzed	Not analyzed	Not analyzed	<4.2	Not analyzed
pH	<5.0 S.U. prohibited >12.5 S.U. prohibited	7.4	7.5	7.7	8.0	12.0	7.0	8.6
Caustic Alkalinity*	1000	Not required	Not required	Not required	Not required	Not analyzed	Not required	Not required

*Required on grab samples with pH above 10.3 S.U.

CITY OF PORTLAND



DEPARTMENT OF PUBLIC WORKS

AUTHORIZATION TO DISCHARGE INDUSTRIAL WASTEWATER TO THE CITY OF PORTLAND AND PORTLAND WATER DISTRICT TREATMENT FACILITIES

Company Name: **Nova Seafood**
Mailing Address: **555 Commercial St.**
Portland, ME 04101

Effective Date: **July 16, 2023**
Expiration Date: **July 15, 2026**

Nova Seafood is hereby authorized by the City of Portland to discharge wastewater from their **555 Commercial Street** facility into the City of Portland wastewater collection and treatment facilities subject to the general and specific conditions attached hereto, Section 24 of the City's Code of Ordinances and the Rules & Regulations for the Use of the Sewer System, and applicable Federal and State laws.

Date: July 16, 2023

Approved by: _____
Michael Murray, Acting Director
Department of Public Works

**Nova Seafood
Industrial Wastewater Discharge Permit**

SPECIAL CONDITIONS

Effective July 16, 2023 – July 15, 2026

**Nova Seafood
SPECIAL CONDITIONS**

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SPECIAL CONDITIONS

Discharge Limitations and Monitoring Requirements:

During the period beginning July 16, 2023 and lasting through July 15, 2026 the following discharges are authorized:

1. PERMITTEE CLASSIFICATION

The permittee is a CATEGORICAL industrial user and shall not discharge any pollutant that exceeds the limits set forth by the applicable federal or local pretreatment standard. Nova Seafood is governed by two subparts of 40 CFR 408, the Seafood Processing Category: Subpart U - Non-Alaskan Conventional Bottom Fishing Processing; and Subpart AD - Non-Alaskan Scallop Processing.

Both of these subparts (40 CFR 408.216 and 40 CFR 408.306) require analysis of BOD, TSS, pH, and Oil and Grease. Neither of the subcategories promulgate any numerical limits for these parameters.

In addition, the permittee is a SIGNIFICANT industrial user as defined by the Portland Water District and City of Portland and must comply with the federal pretreatment standards found in 40 CFR part 403. The permittee shall not discharge any pollutant which exceeds the limits set forth by the applicable local pretreatment standard. All local limits apply to Nova Seafood's wastewater discharge. Local limits are defined in the Portland Water District's Rules and Regulations for Use of the Wastewater System (Section 7.8, Schedule B), as well as in the City of Portland's Rules and Regulations for Use of the Sewer System (Section 9, Schedule A).

Shown below are the local limits, permit limits and ordinance limits for parameters Nova Seafood is required to monitor for on a regular basis (see Special Conditions Sections #2, #3 and #4).

Portland Discharge Limits	Daily Maximum
Biochemical Oxygen Demand (BOD), lbs/day	Report only
Total Suspended Solids (TSS), lbs/day	Report only
Discharge Flow, Gallons Per Day, GPD	Report only
Arsenic, mg/L	0.220
Total Oil & Grease, mg/L (by EPA Method 1664A or equivalent)	500

Non-Polar Oil and Grease, mg/L (by EPA Method 1664A or equivalent)	100
pH, Standard Units, S.U.	<5.0 prohibited; >12.5 prohibited (see General Conditions XII (D) (2))
Caustic Alkalinity, mg/L* *Caustic Alkalinity analysis is required on grab samples with pH > 10.3 S.U.	1000 mg/L

2. QUARTERLY SELF MONITORING REQUIREMENTS

The permittee shall provide the Portland Water District with the results of the analysis of **BOD, TSS, Flow, Arsenic, Total Oil and Grease, Non-Polar Oil and Grease, pH, and Caustic Alkalinity** (as needed, see table below) on a quarterly wastewater discharge sample (see Special Conditions section #4 for sample location). The wastewater flow for the composite sample period must also be reported with each sampling event to allow calculation of BOD and TSS pollutant load in pounds/day using the following formula:

$$\text{Pounds of pollutant (lbs/day)} = \text{Concentration (mg/L)} * \text{Flow (MGD)} * 8.34$$

All analyses for quarterly self-monitoring must be done by a laboratory certified in the state of Maine. A copy of the original lab report and all chain of custody paperwork must be submitted. The parameters must be analyzed according to the following schedule:

Parameter	Frequency of Monitoring	Sample Type (Grab or Comp)
BOD, lbs/day	Quarterly	24-hour Composite
TSS, lbs/day		
Flow, GPD		
Arsenic, mg/L		Grab
Total Oil and Grease, mg/L		
Non-Polar Oil and Grease, mg/L		
pH, S.U.*		From pH Grab Sample
Caustic Alkalinity, mg/L		
*pH less than 5.0 standard units is prohibited; any pH result over 10.3 standard units MUST be accompanied by a result for caustic (hydroxide) alkalinity from the same sample. pH above 12.5 standard units is prohibited (see General Conditions XII (D) (2) and/or EPA hazardous waste rules at 40 CFR 261.22).		

Composite samples may be collected over a time interval shorter than 24-hours but only if the permittee can certify that no process or cleaning activities occurred during the time period not covered by the composite sample. If process discharge does not occur around the clock, the composite sample may be collected over the course of a single daily process discharge. If the composite sample covers less than 24-hours, the permittee must include the following certification statement with the report:

“I certify under penalty of law that process discharge does not occur around the clock and that the composite sample collected during this sampling event captured an entire day’s worth of process discharge (including cleaning and sanitation activities if applicable). There was no discharge to the sewer system during the time period not covered by the composite sample other than domestic waste.”

The following certification statement must be submitted with all monitoring reports and correspondence:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.”

The following certification statement must be submitted with all flow monitoring results:

“I certify under penalty of law that the wastewater flow reported is consistent with the flow monitoring plan on file with PWD. The flow reflects industrial operating conditions during the entire course of the composite sample collection.”

Certification statements must be signed by a responsible company official. The Portland Water District has a list of authorized signers on file for Nova Seafood. Unsigned reports or those signed by an unauthorized representative will be rejected. See General Conditions Section XVI for more information.

The monitoring reports will be due according to the schedule specified in Special Conditions #3.

3. REPORTING DUE DATES

The permittee shall submit self-monitoring reports quarterly to the Portland Water District on the due dates specified below for each year covered by the permit. The permit term begins on July 16, 2023

and ends on July 15, 2026. The reporting schedule is as follows:

Quarterly Self-Monitoring Reports

<u>Sample Collected During:</u>	<u>Report Due By:</u>
August-October 2023	Due November 15, 2023
November 2023-January 2024	Due February 15, 2024
February-April 2024	Due May 15, 2024
May-July 2024	Due August 15, 2024
August-October 2024	Due November 15, 2024
November 2024-January 2025	Due February 15, 2025
February-April 2025	Due May 15, 2025
May-July 2025	Due August 15, 2025
August-October 2025	Due November 15, 2025
November 2025-January 2026	Due February 15, 2026
February-April 2026	Due May 15, 2026
May-July 2026	Due August 15, 2026

Quarterly self-monitoring reports shall include, at a minimum: a cover letter on company letterhead with authorized signature (see General Condition Section XVI), properly completed DMR form (attached) appropriate certification statements (see Special Condition #2), actual approved and complete laboratory analysis reports from all laboratories involved, and properly completed chain of custody documents.

Copies of actual laboratory reports and all chain of custody information must be kept by the permittee for a minimum of 3 years (see General Conditions XVII). Through an initiative to reduce paper storage, PWD encourages the submission of electronic (digital) reports to the email address pretreatment@pwd.org, provided an original document could be obtained as necessary.

All monitoring reports must conform to General Condition Section XIV of this permit.

4. SAMPLE LOCATION

Sampling of the wastewater discharge, unless otherwise specified, must be performed at the floor drain cleanout in Nova Seafood's processing room.

5. NOTIFICATION OF VIOLATIONS

If sampling performed by Nova Seafood (or contracted laboratory) indicates a violation, Nova must notify the Portland Water District within 24 hours of becoming aware of the violation. The notification shall follow guidelines as described in General Condition Section

XVIII and XX. Following notification of a violation, PWD will issue a Notice of Violation. Nova Seafood may be required to repeat the sampling and submit the results, and/or provide other response(s) as required by the deadline(s) established by PWD in the Notice of Violation.

Contact information for notification of violations is as follows: By phone at (207)761-8300 or by email at pretreatment@pwd.org. A voice message left at the above number OR an email to the above email address will be considered adequate notification, as long as it is within 24 hours of industry awareness of the violation. Please follow up all voice messages with an email as well.

The Portland Water District will also sample the facility discharge at least once per year. If sampling by the Portland Water District indicates a violation, PWD shall notify the permittee. Resampling by the permittee may be required.

Any violations of this permit may result in enforcement actions as outlined in the Portland Water District Industrial Pretreatment Program Enforcement Response Plan. A copy of the plan is available on PWD's website at <https://www.pwd.org/industrial-pretreatment-portland>.

6. WASTEWATER PRETREATMENT FACILITY

A. The permittee shall at all times maintain in good working order and operate at maximum efficiency all wastewater treatment and/or control facilities.

Nova Seafood has screening on floor drains.

B. If applicable, the permittee shall collect all waste flows and discharge them into its Wastewater Treatment Facility in such a manner as to maximize removal of pollutants, unless authorization to the contrary is obtained by the Director of Public Works or his/her authorized representative.

C. If accurate flow measurements of discharge are required, the permittee shall install flow-measuring facilities of a design approved by the City of Portland and the Portland Water District. Final plans and specifications must be submitted to the Portland Water District and approved prior to the construction of the facility.

Wastewater flow measurements must be determined in a manner outlined in Nova Seafood's Flow Measurement Proposal dated 12/16/22. The proposal is on file with the Portland Water

District and is in effect until superseded by another approved proposal from Nova Seafood. Per the December 2022 Flow Monitoring Proposal, Nova will use the difference in water meter reads at the beginning and end of each sampling event to determine an estimate of wastewater volume discharged during the event. The water meter is located in the basement of Nova Seafood's facility on Commercial Street in Portland.

D. If applicable, in order to maintain compliance with the effluent limitations and prohibitions of this permit, the permittee shall either:

1. Provide an alternative power source sufficient to operate the waste control facilities; or, if such alternative power source is not in existence,
2. Halt, reduce, or otherwise control production and/or all discharges upon the reduction, loss, or failure of the primary source of power to the wastewater control facilities.

7. PERMIT ACCEPTANCE CLAUSE

Nova Seafood shall be deemed to agree to all of the terms of this permit upon its receipt of the permit. See General Conditions Section IV for information concerning the permit appeals process.

8. IMPLEMENTATION SCHEDULE

If installation or substantial modification of pretreatment or other facilities are required by state or federal laws or by the Portland Water District, then an implementation schedule for compliance acceptable to the Portland Water District shall be developed.

No such schedule is required as of the date of this permit.

PORTLAND WATER DISTRICT DISCHARGE MONITORING REPORT

Facility or discharge location: **NOVA SEAFOOD**



Name:	Nova Seafood	Expiration Date of Permit:	July 15, 2026
Address:	555 Commercial St.	Report Due Dates:	5/15, 8/15, 11/15 & 2/15
City State/Zip Code:	Portland, ME 04101	Date Sample Taken:	
Telephone Number:	(207) 774-6324	Date Submitted:	

MUST INCLUDE FLOW DATA BELOW

Page 1 of 2

PARAMETER		CONCENTRATION	UNITS	FREQUENCY of ANALYSIS	SAMPLE TYPE	COMPLIANCE (Yes/No)	NOTES			
BOD	Calculated		lbs/day	Quarterly	24 Hr Composite		BOD Load (lbs/day) = BOD Concentration (mg/L) * Flow (MGD) * 8.34			
	Permit Condition	Report only								
TSS	Calculated		lbs/day			Quarterly		24 Hr Composite		TSS Load (lbs/day) = TSS Concentration (mg/L) * Flow (MGD) * 8.34
	Permit Condition	Report only								
Flow	Reported		GPD	Quarterly	24 Hr Composite				Flow (GPD) = HCF * 748	
Arsenic	Reported		mg/L				Quarterly			
	Permit Condition	0.220								

A COPY OF THE ORIGINAL LAB ANALYSIS MUST BE INCLUDED WITH THIS REPORT

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fines and imprisonment for knowing violations.

I certify under penalty of law that the wastewater flow reported is consistent with the flow monitoring plan on file with PWD. The flow reflects industrial operating conditions during the entire course of the composite sample collection.

SIGN HERE: _____

DATE: _____

PORTLAND WATER DISTRICT DISCHARGE MONITORING REPORT

Facility or discharge location: **NOVA SEAFOOD**



Name:	Nova Seafood	Expiration Date of Permit:	July 15, 2026
Address:	555 Commercial St.	Report Due Dates:	5/15, 8/15, 11/15 & 2/15
City State/Zip Code:	Portland, ME 04101	Date Sample Taken:	
Telephone Number:	(207) 774-6324	Date Submitted:	

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PARAMETER		CONCENTRATION	UNITS	FREQUENCY of ANALYSIS	SAMPLE TYPE	COMPLIANCE (Yes/No)	NOTES	
Oil and Grease Method 1664A	Reported		mg/L	Quarterly	Grab		Must be analyzed by EPA Method 1664A or equivalent.	
	Permit Condition	500						
Non-Polar Oil and Grease Method 1664A	Reported		mg/L					Not required if total oil and grease result is less than 100 mg/L.
	Permit Condition	100						
pH	Reported		S. U.			*Results over 10.3 must be accompanied by a report of caustic alkalinity.		
	Permit Condition	5 - 10.3 *						
Caustic Alkalinity	Reported		mg/L	As required	From pH Grab			
	Permit Condition	1000						

****A COPY OF THE ORIGINAL LAB ANALYSIS MUST BE INCLUDED WITH THIS REPORT****

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fines and imprisonment for knowing violations.

SIGN HERE: _____

DATE: _____

General Conditions – Portland
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Updated 8/29/18

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I. DEFINITIONS

Unless the context clearly indicates otherwise, the meaning of terms or abbreviations used in this discharge permit shall be as defined in the City of Portland Rules and Regulations for use of the Wastewater System and Section 24 of the City's Code of Ordinances or as defined below.

FOR THE PURPOSE OF THIS PERMIT, THE FOLLOWING DEFINITIONS SHALL APPLY:

1. Grab Sample: An individual sample collected in a period of less than 15 minutes.
2. Composite Sample: A sample consisting of a minimum of eight grab samples collected at regular intervals over a normal operating day (unless otherwise specified) and combined proportional to flow, or a sample continuously collected proportional to flow over a normal operating day.
3. Daily Maximum: The maximum value not to be exceeded during any 24 hour period.
4. Daily Average: The value of a composite sample or the mean value of the analysis of the specified number of samples collected at regular intervals over a normal operating day.
5. Designee: The person or organization selected to manage and administer the Industrial Pretreatment Program. As of May 1st, 2018, the Portland Water District is the City of Portland's designee.
6. Average: The arithmetic average.
7. Continuous: Continuous monitoring of the characteristic in question.
8. 30 Day Average: Average of all daily values obtained from samples taken within thirty (30) consecutive days. Also known as monthly average.
9. Caustic Alkalinity: A specified portion of the total alkalinity; Commonly referred to as hydroxide alkalinity in the literature.
10. Organic Scan: Testing for all toxic organic compounds listed on the latest EPA priority pollutant list; including pesticides and PCBs.
11. BOD: 5-day biochemical oxygen demand.
12. COD: Chemical oxygen demand.
13. TSS: Total suspended solids.
14. Mg/L: Milligrams per liter.
15. µg/L: Micrograms per liter.
16. GPM: Gallons per minute.
17. MGD: Million gallons per day.

II. DUTY TO COMPLY

- A. All discharges authorized herein shall comply with the City of Portland Rules and Regulations for use of the Wastewater System and the City of Portland's Sewer Use Ordinance (Section 24 of the City's Code of Ordinances) and with the terms and conditions of this permit. The discharge of any pollutant more frequently than, or at a level in excess of, that identified and authorized by this permit, the Sewer Use Ordinance and the Rules and Regulations for use of the Wastewater System shall constitute a violation of the terms and conditions of this permit. Such a violation may result in the imposition of penalties as provided for in the City of Portland Sewer Use Ordinance and the Rules and Regulations for use of the Wastewater System, and/or Federal Clean Water Act (PL 92-500 and its amendments).
- B. In addition, all permittees must comply with "CMR Chapter 528 Pretreatment Program" and the Federal Pretreatment standards found in Title 40 of the Code of Federal Regulations, Part 403 (typically referred to as 40 CFR Part 403). If the permittee is defined as a Categorical user, they must also comply with the applicable Federal Categorical Pretreatment standards.

III. FACILITY MODIFICATION

Modifications, additions, expansions and/or closures that cause a substantial change in the volume and/or character of wastewater discharged to the treatment works must be reported to the City of Portland and its designee, in writing, *at least forty-five (45) days prior to the proposed modification*. This permit may then be modified or reissued to reflect such changes. No change in the permittee's discharge may be made unless reported to and approved by the City of Portland and its designee. In no case shall new connections, increased flows, or significant changes in effluent quantity and/or quality be permitted if such will cause violation of the effluent limits specified herein.

IV. PERMIT MODIFICATION

- A. After notice and opportunity for a hearing as provided by Section 24-57 of the City's Code of Ordinances and/or Section 5.3 of the City of Portland Rules and Regulations for use of the Wastewater System, this permit may be modified, suspended, or revoked in whole or in part during its term for causes including the following:
1. Violation of any terms or conditions of this permit.
 2. Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.
 3. A change in conditions or the existence of a condition which requires either a temporary or permanent reduction or elimination of the authorized discharge.
 4. Promulgation of a more stringent pretreatment standard by State or Federal agencies having jurisdiction over receiving waters. Permits modified under this section may include implementation schedules, self-monitoring requirements, revised effluent limitations and other provisions necessary to assure compliance.
- B. Revisions - The City of Portland or its designee reserves the right to make appropriate revisions to this permit in order to establish any appropriate effluent limitations, schedule or compliance, or other provisions which may be authorized under Federal, State or City acts in order to bring all such discharges into compliance with these acts.

V. STATEMENT OF NON-TRANSFERABILITY

This permit may not be transferred to the permittee's successor or assigns. In the event of any change in control or ownership of the facility which is the source of the permitted discharge, the new owner shall be required to apply for a new permit for the discharge *at least sixty (60) days prior to the transfer*. This permit, upon such transfer, shall be void.

VI. **RE-APPLICATION**

If the permittee desires to continue to discharge after the expiration of this permit, it shall reapply on the application forms then in use *at least sixty (60) days before this permit expires. Under no circumstances shall the permittee continue to discharge after the expiration of the permit.*

VII. **ACCESSIBILITY**

The permittee shall permit the City of Portland or its designee and/or other duly authorized Department of Public Works or Portland Water District personnel upon the presentation of proper credentials:

1. To have access to all points of user's facility and grounds;
2. To have access to and copy any records required to be kept under the terms and conditions of this permit;
3. To inspect any monitoring equipment or monitoring method required by this permit; or,
4. To measure and/or sample any intake, wastewater facility, or effluent so covered under the terms and conditions of this permit.

VIII. **OTHER REGULATORY REQUIREMENTS**

This permit does not preclude obtaining any other required Federal, State, or Local permits.

IX. **SEVERABILITY CLAUSE**

The provisions of this permit are severable, and the validity of any condition or subdivision thereof shall not make void any other condition or subdivision thereof.

X. **RELIEF FROM PENALTIES**

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance, whether or not noncompliance is due to accident, equipment breakdown, labor dispute, or natural disasters.

XI. **DISCHARGE LIMITATIONS**

- A. The discharge from Categorical users must conform to the limitations established by the applicable Federal Categorical Pretreatment standard(s); except as may be otherwise authorized or limited by this permit. See "Special Conditions, Section 1" for details.
- B. The permittee is authorized to discharge wastewater whose effluent characteristics shall not exceed the values listed in Section 24-47 of the City's Sewer Use Ordinance and / or Schedule "A" of the City of Portland Rules and Regulations for use of the Wastewater System as may be specified herein.
- C. All limitations are conditional and may be revised should the concentrations prove detrimental to the proper operation and maintenance of the Treatment Facilities. Upon notification to reduce the specified concentrations, the permittee shall be responsible for all costs incurred at the Treatment Facilities, resulting from excessive discharge concentrations.

XII. **PROHIBITED DISCHARGES**

- A. The permittee shall not discharge any prohibited waste identified in section 24-47(a) of the City's Sewer Use Ordinance and / or Section 2.2 of the City of Portland Rules and Regulations for use of the Wastewater System.

B. Slug discharges are prohibited. A slug discharge is defined as any discharge of a non-routine, episodic nature, including, but not limited, to an accidental spill or a non-customary batch discharge. For the purpose of this permit, any discharge of wastewaters whose characteristics are identified in Section 24-47 (a) of the City's Code of Ordinances and / or Section 2.2 of the City of Portland Rules and Regulations for use of the Wastewater System shall be considered a slug discharge and require immediate notification to the City of Portland or its designee. (See Section XVIII for notification requirements.)

C. General Prohibitions:

An Industrial User may not introduce into the Publicly Owned Treatment Works (POTW) any pollutants which cause Pass Through or Interference.

1. Pass Through is defined as a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the National Pollutant Discharge Elimination System (NPDES) permit (including an increase in the magnitude or duration of a violation).
2. Interference is defined as a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
 - (a) Inhibits or disrupts the POTW treatment processes or operations, or its sludge processes, use, or disposal; and
 - (b) therefore is a cause of a violation of any requirement of the POTW NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, The Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

D. Specific Prohibitions:

In addition, the following pollutants shall not be introduced into the POTW:

- (1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
- (2) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0 standard units or equal to or greater than 12.5 standard units;
- (3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference;
- (4) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.
- (5) Wastewater having a temperature greater than 140 degrees F (60 degrees C), or which will inhibit biological activity or cause damage in the Facility resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 40 degrees Centigrade (104 degrees Fahrenheit).
- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

Additional discharge prohibitions can be found in Section 2.2 of the Rules and Regulations for Use of the Sewer System.

XIII. MONITORING AND REPORTING STATEMENT

This permit shall be subject to such monitoring requirements as may be reasonably required by the City of Portland or its designee, including the installation, use, and maintenance of monitoring equipment or methods, including, when appropriate, biological monitoring methods. The permittee shall provide the City of Portland or its designee with periodic monitoring reports as required in the special conditions section of this permit.

XIV. MONITORING/SAMPLING REQUIREMENTS

- A. At each connection between the permittee's sewer system and the City's collection system, the permittee, if required by the City of Portland or its designee, shall install a flow meter(s), sampling station, or other device(s) that shall measure, sample and record the quantity/quality of wastewater flow from the industry at the times required by the monitoring schedule. All monitoring devices and sampling stations must be approved by the City of Portland or its designee. The permittee shall accept the estimates of quantities of wastewater flow as established by the City of Portland or its designee during all periods in which the meters fail to measure the wastewater flow correctly.
- B. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at regular intervals to ensure accuracy of measurement.
- C. The permittee shall provide the above records and shall demonstrate the accuracy of the monitoring devices upon request of the City of Portland or its designee.
- D. Monitoring and sampling shall be conducted as follows:
 - 1. Samples and measurements taken as required herein shall be representative of the typical volume and nature of the monitored discharge.
 - 2. The sampling, preservation, handling and analytical methods used shall conform to the requirements of 40 CFR 136.
 - 3. The results of the above monitoring requirements shall be reported at the frequencies stated in the Special Conditions section of this permit.
 - 4. Any reports or records of monitoring activities and results shall include for all samples:
 - (a) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
 - (b) The dates analyses were performed;
 - (c) Who performed the analyses;
 - (d) The analytical techniques/methods used, including sampling, handling, and preservation techniques; and
 - (e) The results of such analyses.
 - 5. All correspondence regarding monitoring facilities should be directed to:

**Portland Water District
c/o Pretreatment Program Supervisor
PO Box 3553
Portland, ME 04104
(207) 774-5961**

Or preferably by email at pretreatment@pwd.org

- 6. Results of any effluent monitoring for any pollutant more frequently than required by this permit shall be submitted to the City of Portland or its designee.

7. Information and data provided to the City of Portland or its designee, unless otherwise specified, shall be available to the public without restriction.

XV. PRETREATMENT FACILITIES OPERATION

All pretreatment facilities shall be operated in a manner consistent with the City of Portland Sewer Use Ordinance, the Rules and Regulations for use of the Wastewater System and any applicable Federal, State, or local regulations and guidelines. The permittee shall at all times maintain in good working order and operate as efficiently as possible any facilities or systems of control installed or utilized to achieve compliance with the terms and conditions of this permit.

XVI. SIGNATORY AUTHORIZATION

A. All reports shall be signed:

1. By a responsible corporate officer, if the permittee submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means
 - (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs a similar policy or decision-making function for the corporation, or
 - (ii) the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1997 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. By a general partner or proprietor if the permittee submitting the reports is a partnership or sole proprietorship respectively.
3. By a duly authorized representative of the individual designated in paragraph 1 or 2 of this section if:
 - (i) The authorization is made in writing by the individual described in paragraph 1 or 2;
 - (ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - (iii) the written authorization is submitted to the City of Portland or its designee.
4. If an authorization under paragraph 3 of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph 3 of this section must be submitted to the City of Portland or its designee prior to or together with any reports to be signed by an authorized representative.

B. Approved signatory authorization forms must be on file with the City of Portland or its designee.

XVII. RECORDS RETENTION

All records and information resulting from any effluent monitoring activities, including all records of analyses performed, and calibration and maintenance of instrumentation and recordings from continuous monitoring and instrumentation shall be retained for a minimum of three (3) years.

XVIII. NONCOMPLIANCE REQUIREMENTS

The permittee shall immediately notify the City of Portland Director of Public Works in care of the Compliance Coordinator, or its designee if they are unable to comply with any of the conditions of this permit. The telephone number for notification is 774-5961 and the email address is pretreatment@pwd.org. Oral notification must be received within twenty-four (24) hours of knowledge of the violation. Within five (5) days of such noncompliance and oral notification, the permittee shall provide the City of Portland or its designee a detailed written report specifying (at a minimum) the following information:

1. The nature of the violation;
2. When and how the permittee became aware of the violation and the cause of noncompliance;
3. Anticipated time the condition of noncompliance is expected to continue, or if such conditions have been corrected, the duration of the period of noncompliance;
4. Steps taken by the permittee to reduce and eliminate the noncomplying discharge; and
5. Steps to be taken by the permittee to prevent recurrence of the condition of noncompliance.

Failure to make such notification may result in penalties; see Section XXII of this permit.

XIX. UNSPECIFIED DISCHARGE

Other materials ordinarily produced or used in operation of this facility which have not been specifically identified may be discharged provided

1. They are not
 - (a) Designated as toxic or hazardous under the provisions of Sections 307 and 311 respectively of the Federal Water Pollution Act, Title 38, Section 420 Maine Revised Statutes, or other applicable State Laws; or as identified in Section 24-47 (a) of the City's Code of Ordinances and / or Section 2.2 of the City of Portland Rules and Regulations for Use of the Wastewater System.
 - (b) In violation of Federal standards or requirements.
 - (c) Known to be hazardous or toxic by the permittee.
2. The discharge of such materials shall not interfere with the operation of the treatment facilities of the City of Portland or their ability to treat such materials to the extent covered by the City's permit to discharge. (See Section XII for more detail.)

XX. SPILL NOTIFICATION

The permittee shall immediately notify the City of Portland Director of Public Works in care of the Compliance Coordinator, or its designee upon the occurrence of an accidental discharge of substances prohibited by Section 24-47 (a) of the City's Code of Ordinances and/or Section 2.2 of the City of Portland Rules and Regulations for use of the Wastewater System or any slug discharges or spills that may enter the public sewer. The telephone number for notification is 774-5961 and the email address is pretreatment@pwd.org. Notification must occur within twenty-four (24) hours of knowledge of the spill. The notification shall include the location of discharge, volume, and corrective action taken. The permittee's notification of accidental releases in accordance with this section does not relieve it of other reporting requirements that arise under local, State, or Federal Laws, or from liability for costs to the City associated with corrective actions.

Within five (5) days following an accidental discharge, the permittee shall submit to the City of Portland or its designee a detailed written report. The report shall specify:

1. Description of the upset, slug load or accidental discharge, the cause thereof, and the impact on the permittee's compliance status. The description should also include location of discharge, type, concentration and volume of waste.

2. Duration of noncompliance, including exact dates and time of noncompliance and, if the noncompliance is continuing, the time by which compliance is reasonably expected to occur.
3. All steps taken or to be taken to reduce, eliminate, and/or prevent recurrence of such an upset, slug load, accidental discharge, or other conditions of noncompliance.

Failure to make such notification may result in penalties; see Section XXII of this permit.

XXI. CONFIDENTIALITY

Records or information submitted to the City of Portland may be claimed to be confidential by the submitter. All such claims of confidentiality shall be handled in accordance with 40 CFR 403.14, to the extent permitted by Maine law.

XXII. PENALTIES FOR VIOLATION

A. From Section 24-56 of the City's Sewer Use Ordinance and/or Section 5.2 of the City of Portland Rules and Regulations for use of the Wastewater System

"Any person failing to comply with or violating any provision of this article shall be served by the public works authority with written notice stating the nature of the failure or violation and providing a reasonable time limit for the satisfactory correction thereof. Such person shall, within the period of time stated in such notice, permanently cease or correct all such failures or violations. Any person who shall continue any failure or violation beyond the time limit required for compliance in any notice given pursuant to this section shall be guilty of an offense. Any person violating any of the provisions of this article shall be liable to the city and shall be assessed a civil penalty of a minimum of one thousand dollars (\$1,000.00) per day for each violation of industrial pretreatment standards and requirements, and in addition, shall be liable for any expense, loss or damage occasioned by the city by reason of such violation. The City may seek injunctive relief for the purposes of enforcing this article."

- B. In addition, violations of discharge limits, and/or reporting due dates as established in this permit may cause the permittee to be placed in significant non-compliance with the Portland Water District and City of Portland's Pretreatment Program.
- C. At least annually the City of Portland or its designee must provide public notification in the largest daily newspaper of all industrial discharge permittees who were classified as being in significant non-compliance during the previous twelve months. Publication costs to meet this requirement shall be reimbursed to the city as part of the permit issuance fee as provided in Section 24-50 of the City's Sewer Use Ordinance.

XXIII. COST REIMBURSEMENT

The permittee shall reimburse the Portland Water District, the City of Portland and their agents for expenditures incurred for the special handling, monitoring, treatment or disposal of the wastewater from their facility. This includes, but is not limited to, additional costs for maintaining the treatment plant, additional costs for disposal of sewage sludge and costs of additional wastewater monitoring and analyses as long as these costs are attributable to the wastewater discharge of the permittee.