



APPLICATION FOR A STANDARD AQUACULTURE LEASE

NET PEN AQUACULTURE

DISCHARGE

This is an application for a standard aquaculture lease, using net pen culture. A standard aquaculture lease may be up to 100 acres in size and may be issued for a term of no longer than ten years. You are encouraged to review the aquaculture lease regulations to obtain a more complete understanding of the lease process. Applications, rules and statutes are all available at the DMR website – www.maine.gov/dmr/aquaculture.

YOU ARE REQUIRED TO ATTEND A PRE-APPLICATION MEETING WITH THE DEPARTMENT AND A MUNICIPAL REPRESENTATIVE PRIOR TO CONDUCTING FIELD WORK AND COMPLETING THE APPLICATION. CALL THE AQUACULTURE ADMINISTRATOR AT 207-633-9531 OR THE AQUACULTURE ENVIRONMENTAL COORDINATOR, JON LEWIS, AT 207-633-9500 TO SET UP A MEETING. FOLLOWING THE MEETING AND PRIOR TO SUBMITTING YOUR APPLICATION YOU WILL BE REQUIRED TO HOLD AN INFORMAL PUBLIC SCOPING SESSION. AN APPLICATION WILL NOT BE CONSIDERED COMPLETE UNTIL A PRE-APPLICATION MEETING AND A SCOPING SESSION ARE HELD.

This is a joint application to be used by the Maine Department of Marine Resources (“MDMR”), The Maine Department of Environmental Protection (DEP) and the U.S. Army Corps of Engineers (USACOE) in an effort to facilitate the processing of applications for suspended aquaculture permits. Written authorization from all agencies is required before aquaculture activities are conducted. Information regarding the USACOE is available at www.nae.usace.army.mil.

The Maine Department of Marine Resources requires a **non-refundable** fee for aquaculture applications:

Effective January 1, 2007: \$2,000

Mailing Instructions:

Provide one copy of your application to the MDMR address listed below. The applicant shall be notified upon receipt when the application has been reviewed and accepted as complete by the MDMR.

DEPARTMENT OF MARINE RESOURCES
ATTN: Aquaculture Administrator
P.O. Box 8
West Boothbay Harbor, Maine 04575

Provide one copy of your application to the USACOE address listed below.

U.S. ARMY CORPS OF ENGINEERS
MAINE PROJECT OFFICE
675 Western Ave. # 3
Manchester, ME 04351

Provide one copy of your application to the Maine Department of Environmental Protection address listed:

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
Attn: Matthew Young
106 Hogan Rd.
Bangor, ME 04401

Please contact Matthew Young at 207- 561-5704 (matthew.r.young@maine.gov) prior to completing the NPDES portions of this form to clarify current requirements for discharge permits.

A. THE LEASE APPLICATION PROCESS: WHAT TO EXPECT

The following information outlines the process leading to the approval of an aquaculture lease. For more specific information, see the DMR regulations, Chapter 2 and 12 M.R.S.A. § 6072.

1. **Pre-application Meeting.** Prior to completing your application, please contact the Department to set up a pre-application meeting. Applications submitted without a pre-application meeting will not be considered complete.
2. **Pre-application Scoping Session.** Prior to submitting your application, you are required to hold a public scoping session. This will be an informal public meeting intended to familiarize the public with the proposal, allow you to receive information from the public prior to submitting your application, and provide the Department with information prior to the site review.
3. **Submit Application.** Applicant submits application to Department of Marine Resources. DMR will make a determination as to whether or not your application is complete. If incomplete, you will receive a letter asking for further information. If complete, DMR will forward your application to other regulatory agencies, the municipality and riparian landowners.
4. **DMR Site Review.** You will be contacted to schedule a site review of your proposed lease area. This review will be an on-site inspection of the proposed lease area. A number of environmental measurements and a SCUBA dive will be made on the site. Your presence at the site review will be requested. DMR staff will develop a report of the site review.
5. **Public Hearing.** An adjudicatory aquaculture lease hearing is a requirement for all applicants under the MDMR Aquaculture Lease Regulations. MDMR 12 M.R.S.A. §6072(6).
6. **Public Notice.** The Department will issue public notice of the hearing. At least 30 days prior to the public hearing, the applicant shall place visible markers which delineate the area proposed to be leased.
7. **Decision.** The DMR Hearings Officer will prepare a report including proposed findings of fact, conclusions of law, and if requested by the Commissioner, a recommended decision to grant or deny the lease. The Hearing Officer's proposed decision will be sent to all legal parties, who will have ten days to comment on the proposed decision. The Commissioner will make a final decision to grant or deny the lease within 120 days of the public hearing.
8. **Requirements After a Lease is Granted.** The lessee must:
 - a. Establish an escrow account or secure a performance bond in the amount required by DMR in the lease.
 - b. Record the lease in the Registry of Deeds of each county in which the lease area is located. (DMR will assist you with this requirement).
 - c. Publish a notice in a newspaper of general circulation in the area affected. (DMR will assist you with this requirement).
 - d. Mark the lease site with the appropriate buoys as required in DMR regulations, Chapter 2.80 and the U.S. Coast Guard Private Aids to Navigation. You must contact the U.S. Coast Guard Private Aids to Navigation Office for approval of marking devices. If you have internet access, go to <http://www.usharbormaster.com/> and register on site to begin

the application process. If you do not have internet access, you must call the District 1 office at 617-223-8358.

- e. Submit to the Commissioner an annual report of lease activities.
 - f. Pay the annual rental fee of \$100 per acre.
9. **Revocation.** The Commissioner may commence revocation procedures if he determines that substantial aquaculture has not been conducted within the preceding year or that the lease activities are substantially injurious to marine organisms. If any of the conditions or requirements of a lease are not being observed, the Commissioner may revoke the aquaculture lease. 12 M.R.S.A. § 6072(11).
10. **Transfer.** A lessee may apply for Department approval of the transfer of his aquaculture lease to another person for the remaining portion of the lease term. A lease transfer shall be an adjudicatory proceeding.
11. **Renewal.** A lessee must file with the Department an application to renew a lease no later than 90 days prior to the lapse of the prior lease. Renewal of a lease shall be an adjudicatory proceeding.

B. REQUIREMENTS AND RESTRICTIONS

Aquaculture lease must comply with the following state and federal regulations:

1. **Essential Habitats and Eagle Nests:** Aquaculture leases generally must not be closer than 1/4 mile from eagle nests or Essential Habitats as regulated by Maine Department of Inland Fish & Wildlife (MDIF&W) under authority of the Maine State Endangered Species Act and in accordance with guidelines of other endangered and threatened species developed by MDIF&W. MDIF&W Essential Habitat Maps are available **for review** at the following offices: MDIF&W Regional Offices, county government, Registrar of Deeds offices, affected town offices, Regional Planning Commission offices and many state agencies. The maps are also available on the MDIF&W website at www.maine.gov/ifw. Maine State Endangered Species Act 1975, 12 M.R.S.A. §7751 et seq.
2. **Salmon imports prohibited.** It is unlawful to import for introduction into any waters of the State any Atlantic salmon, live or as eggs, that originate in any Icelandic or European territorial waters or any other species of salmon, exclusive of rainbow trout, originating west of the North America continental divide. After January 1, 1995, it is unlawful to introduce into any waters of the State any Atlantic salmon that originate in any Icelandic or European territorial waters or any other species of salmon, exclusive of rainbow trout, originating west of the North America continental divide including any fish raised within the State from eggs or broodstock that are subject to the import prohibition under this subsection. The commissioner may grant an exemption from the provisions of this subsection for a term not to exceed two years, renewable upon application, for legitimate research. Legitimate research does not include pilot, demonstration or full-scale aquaculture production of salmon in the coastal waters of the State. MDMR 12 M.R.S.A. §6071(4).
3. **Lease Required:** Except as provided in paragraphs B and B-1 of 12 M.R.S.A. § 6072, it is unlawful for a person who does not have a lease issued by the commissioner under this section to construct or operate in the coastal waters of the State a facility for the culture of finfish in net, pens or other enclosures or for the suspended culture of any other marine organism. MDMR 12 M.R.S.A. §6072(1-A).

4. Water Quality Classification: The State's Water Classification Program prohibits any discharge into Class SA waters. Review MDEP Water Classification Program for restricted areas as described in 38 M.R.S.A. Article 4-A.

5. Water Discharges: Review 38 M.R.S.A. § 413 for information regarding National Pollution Discharge Elimination System Permits.

6. USACOE Standard Siting Requirements

- Finfish pens shall not be located closer than 1000 feet from municipal, State or federally owned beaches, parks or docking facilities.
- Finfish pens shall not be located closer than 1500 feet from any area designated as high use or critical habitat for any threatened or endangered species protected under Federal law. Examples of such areas include bald eagle nest sites and concentration areas used for roosting and feeding. Because bald eagles are protected under the Federal Endangered Species Act of 1973, permits will not be issued to kill eagles that are preying on fish at aquaculture sites (U.S. Fish and Wildlife, National Marine Fisheries Service).
- Finfish pens shall not be located in or within 1500 feet of any area named in acts of Congress or presidential proclamations such as national parks, national wilderness areas, national recreation areas, national lakeshores, national natural landmarks, national wildlife refuges, and such areas as may be established under federal law for similar and related purposes.

C. LEASE CONDITIONS

Upon lease issuance, the following conditions will apply:

1. The applicant shall obtain a Maine Pollution Discharge Elimination Permit in accordance with The Maine Department of Environmental Protection's *Waste Discharge Law 38 M.R.S.A. §413*.
2. The applicant must comply with the New England Salmonid Health Guidelines or State Fish Health Rules (Chapter 24 of the Department's Regulations), whichever are more restrictive. In order to transfer or import fish or eggs, a Transfer Permit must be obtained from the MDMR. The health guidelines must be met before a Transfer Permit can be issued. MDMR 12 M.R.S.A. §6074(7).
3. The Commissioner may establish additional conditions that govern the use of the lease area and impose limitations on aquaculture activities.
4. USACOE Standard Permit Requirements
 - Genetic Restrictions.

- Except as described in this section, the use of reproductively-viable Atlantic salmon originating from non-North American stock is prohibited. Non-North American stock is defined as any Atlantic salmon (*Salmo salar*) that possess genetic material derived partially (hybrids) or entirely (purebreds) from any Atlantic salmon stocks of non-North American heritage, regardless of the number of generations

that have passed since the initial introduction of the non-North American genetic material. For the purposes of this permit, classification of brood fish as either North American or non-North American stock will be based on genetic evaluation of each fish's DNA in accordance with the attached Atlantic Salmon Microsatellite Analysis Protocol (Attachment 1). The Microsatellite Protocol shall be used to classify each brood fish, and only the progeny of brood fish classified as North American stock will be allowed in net pens. No fish classified as non-North American according to Attachment 1 can be utilized to create progeny for stocking in net pens.

- Prior to January 1 of each year, genetic evaluation information developed pursuant to Attachment 1 shall be submitted to the Services, with confirmation sent to the ACOE (according to the Instructions for Genetic Data Submission for Continent of Origin Testing, Attachment 2). Within 30 days of the receipt of complete genetic evaluation information, the Services will provide broodstock classification results to the permittee and the ACOE.
- Prior to the transfer of any eggs from individual family lots, the permittee shall submit to the ACOE confirmation from the Services demonstrating compliance with Condition 1.a. above. The permittee will include in this letter information demonstrating that the origin of the fish is North American, including identification of the hatchery, testing results, and a description of the chain of custody of the fish. In the event any fish or gametes are classified as non-North American pursuant to Attachment 1, the permittee shall also report to the ACOE and the Services the disposition of those fish or gametes. No eggs shall be transferred without prior written approval from the ACOE.
- Effective July 31, 2004, all reproductively-viable Atlantic salmon placed in net pens must be of North American origin. At least 90 days prior to placement in net pens, the facility shall submit information to the ACOE and the Services demonstrating that all fish are the progeny of broodfish previously certified by the Services as North American. This information shall contain relevant tracking information used to confirm the origin of broodfish, identification of the hatchery(ies), and intended disposition of the fish. Within 30 days of the receipt of this information, the Services shall provide the ACOE with confirmation that the facility is in compliance with this condition. No fish will be stocked into net pens without prior written approval from the ACOE.
- All reproductively-viable non-North American Atlantic salmon must be removed from net pens prior to March 1, 2006. Within 30 days after

removal of fish, the facility shall provide the ACOE and the Services with written confirmation regarding compliance with this condition.

- Transgenic salmonids. Transgenic salmonids are prohibited at these facilities. Transgenic salmonids are defined as species of the genera *Salmo*, *Oncorhynchus* and *Salvelinus* of the family Salmonidae and bearing, within their DNA, copies of novel genetic constructs introduced through recombinant DNA technology using genetic material derived from a species different from the recipient, and including descendants of individuals so transfected. This prohibition does not apply to vaccines.
- Alternative salmonid species. No alternative salmonid species shall be stocked at the farm site(s) without prior written approval from the ACOE. Should the permittee wish to utilize such stocks, he shall provide the Services and ACOE with certification from the Maine DMR that the proposed stock meets State disease management standards. Within 30 days of receipt of this certification, the Services shall confirm to the ACOE whether the proposed stock is acceptable. The ACOE shall then provide the permittee with a written response.
- Containment. The facility shall employ a fully functional marine containment management system (CMS) designed, constructed, and operated so as to prevent the accidental or consequential escape of fish to open water. Each CMS plan shall include a site plan or schematic with specifications of that particular system. Each facility shall develop and utilize a CMS consisting of management and auditing methods to describe or address the following: inventory control procedures, predator control procedures, escape response procedures, unusual event management, severe weather procedures, and training. The CMS shall contain a facility-specific list of critical control points (CCP) where escapes have been determined to potentially occur. Each CCP must include the following: the specific location, control mechanisms, critical limits, monitoring procedures, appropriate corrective actions, verification procedures that define adequate CCP monitoring, and a defined recordkeeping system.
 - The CMS will be audited at least once per year and within 30 days of a reportable escape (more than 50 fish two kg or larger) by a party other than the facility operator or owner who is qualified to conduct such audits and is approved by the ACOE and the Services. Third party auditors may be approved in advance. The purpose of the audit is to identify deficiencies or inconsistencies in the CMS that may have facilitated the escape and to recommend corrective action, or to simply update it as necessary. The ACOE, with the approval of the Services, may exempt a facility from an escape-triggered audit when circumstances preclude the possibility that it was the source of the escaped fish. A written report of these audits shall be provided to the facility, the ACOE, and the Services within 30 days of the audit being conducted. If deficiencies are identified during the audit, the report

shall contain a corrective action plan, including a timetable for implementation and re-auditing to verify that deficiencies are addressed in accordance with the corrective action plan. The Corps

requires that the permittee address the deficiencies prior to the re-audit. The facility shall notify the ACOE and the Services upon completion of corrective actions. Additional third party audits to verify correction of deficiencies shall be conducted in accordance with the corrective action plan or upon request of the ACOE.

- At each facility, personnel responsible for routine operation shall be properly trained and qualified to implement the CMS.
- Each facility shall maintain complete records, logs, reports of internal and third party audits, and documents related to the CMS. The CMS shall require the submission of standing inventory at the facility, including all transfers in and out and all losses associated with disease, predation, or escapes as reported to the DMR at the pen level of detail on a monthly basis according to the requirements of 12 MRSA Section 6077.
- Failure to implement corrective actions required by the corrective action plan risks ACOE enforcement action including the potential requirement to remove all pens and fish.
- **Escape Reporting.** The permittees shall report any known or suspected escape of 25% or more of a cage population and/or more than 50 fish with an average weight of two kg each or more within 24 hours to the contacts given below. The caller should indicate they are providing notification of a reportable escape event at a marine cage. They should identify the location, DMR site ID for marine cages, contact person and number, time of event, estimated size of escape, and actions being taken. The escape reporting form (Attachment 3) should be faxed to the Services (USFWS: 207-827-6099 and NOAA Fisheries: 207-866-7342) and the ACOE (207-623-8206). Other escape events must be logged according to the CMS and provided to the ACOE and the Services upon request.

Contact during the work week:

(1) Primary: DMR, Aquaculture Coordinator, (207) 624-6554

If voice mail indicates Aquaculture Coordinator is out of the office, contact:

(2) Secondary: DMR, Marine Patrol, Division II, Lamoine, (207) 667-3373

Primary contact during the off-hours:

Orono State Police Dispatch, 1-800-432-7381

- Marking. In accordance with the following dates, Atlantic salmon introduced into net pens must be marked to designate their origin so that in the event they escape from the facility, these fish can be identified.
 - In the event that a commercially-reared Atlantic salmon is found in a river within the range of the GOM DPS, and the facility from which it escaped cannot be identified, all facilities shall conduct third party audits of containment procedures as described in Special Condition number 4 above.
 - After April 1, 2004, all new Atlantic salmon placed in net pens must be identified through external means as commercially reared and be identifiable as having been stocked in Maine waters. At least 90 days prior to marking fish to be stocked, the facility shall submit to the ACOE and the Services for review and approval a description of the marking method(s) to be used for this purpose.
 - After July 31, 2004, all new fish placed in net pens must be identifiable through external means as commercially reared and be identifiable through any means as having been stocked in Maine waters and as to the hatchery from which they came. Prior to marking fish to be stocked, the facility shall submit to the ACOE and the Services for review and approval a description of the marking method(s) to be used for this purpose. In the event similar or conflicting marking systems are proposed by different facilities, the ACOE may require a facility to make changes to assure that each facility owner will be uniquely identifiable.
 - After July 31, 2005, all new Atlantic salmon placed in net pens must be identifiable through external means as commercially reared and be identifiable as having been stocked in Maine waters and to a level that is more specific than the above hatchery mark (e.g., hatchery sublots, facility owners). At least 90 days prior to marking fish to be stocked, the facility shall submit to the ACOE and the Services for review and approval a description of the marking method(s) to be used for this purpose. In the event similar or conflicting marking systems are proposed by different facilities, the ACOE may require a facility to make changes to assure that the hatchery of origin will be uniquely identifiable.
 - By July 31, 2007, all Atlantic salmon placed in net pens must be identifiable through external means as commercially-reared and identifiable as to the individual facility into which they were placed. By September 1, 2006, each permittee must submit to the ACOE and the Services for review and approval a final report describing investigations of methods or procedures that may be used to identify Atlantic salmon as to the facility into which they were placed. The permittee shall specify, to the ACOE and the Services for their review and approval, a description of the marking method(s) it proposes to use for this purpose.

In the event similar or conflicting marking methods are proposed by different facilities, the ACOE may require the permittee to make changes to assure that fish will be uniquely

identifiable as to the facility into which they are placed. During development of the marking method, the facility shall submit periodic progress reports describing proposals for and the results of investigations or trials. At a minimum, the progress reports shall be submitted by January 31 and July 31 of each year, or more frequently as indicated by the nature of the investigations, in order to keep the ACOE and the Services informed of developments and proposals on a timely basis.

- By July 31, 2007, all Atlantic salmon placed in net pens must be identifiable through external means as commercially-reared and identifiable as to the individual facility into which they were placed.
- Personnel from the ACOE and the Services shall be allowed to inspect the work authorized by these permits during normal operation hours. These personnel will provide credentials attesting to their position and will follow the site's biosecurity procedures. These personnel shall be allowed to take tissue samples from fish or, if necessary, take random samples of fish from these facilities (as well as fish at any life stage from the hatcheries that support these facilities) to monitor compliance with Special Conditions No. 1, 2, and 6. Operational records regarding compliance with this permit shall be made available by the permittee to these personnel for their inspection and reproduction upon request.
- Boundary markers around the lease area and the structures themselves shall be placed and maintained in accordance with appropriate Coast Guard Regulations. The permittee shall contact the First Coast Guard District, Aids to Navigation Office at 617-223-8337.
- The permittee shall permit navigation, fishing, and recreational boating in open areas of his State lease area.
- The permittee shall provide environmental monitoring data to the National Marine Fisheries Service (NMFS). A copy of Maine Dept. of Environmental Protection monitoring data is acceptable but it is still the permittee's responsibility to insure that it is provided to NMFS. Point of contact at NMFS shall be Chris Mantzaris at 508-281-9346 at 1 Blackburn Drive, Gloucester, MA 01930. Four copies of the data shall be provided for distribution to the Army Corps of Engineers, Environmental Protection Agency and the United States Fish and Wildlife Service.
- Only antibiotic chemicals approved by the US Food and Drug Administration shall be applied. All applications must comply with 21 CFR 529, 556 and 558. Prophylactic use of antibiotics is prohibited.
- There shall be no discharge of pollutants from the facility other than fish excrement, ammonia excretions, unconsumed fish food and medications

approved by the US FDA.

- All mortalities (dead fish), feed bags, fish food fines and other waste materials excluding fish excrements and secretions and unconsumed food, shall be removed to the mainland shore and disposed of properly.
- The permittee must report any incidental take of marine mammals allowed under the 1988 amendment to the Marine Mammal Protection Act of 1972, as amended 16 USC Section 1372. For information, contact: Protected Species Coordinator, Habitat and Protected Resources Division, National Marine Fisheries Service, Northeast Region, 1 Blackburn Drive, Gloucester, MA 01930–2298; telephone 978–281–9254.
- This authorization only allows the raising of Atlantic salmon in the permitted structures. No other species of fish may be raised at this site without prior written approval from the Corps.
- If, based on a review of environmental monitoring data, degradation of environmental resources, to include Federal and State water quality standards, is indicated, this permit may be modified, suspended or revoked.
- The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
- This permit authorizes a specific number and size of structure in navigable waters. Site conditions, technological or operational improvements, or environmental factors may warrant modifications to the size, number, and distribution of structures. Minor modifications within the same polygonal shaped area (State Lease) that do not adversely impact navigation do not require prior written authorization from the Corps. For minor modifications, the permittee shall provide the Corps with a copy of a plan depicting the revised layout within 30 days of the modification. For other than minor modifications, the permittee shall obtain written authorization prior to performing the work.

These STANDARD SITING REQUIREMENTS and STANDARD PERMIT CONDITIONS will be fully employed unless a decision to deviate from them is made by the Division Engineer after a meeting between the objecting Federal Resource Agency(s) Regional Director/Administrator and the Division Engineer and/or Commander, U.S. Coast Guard (or the designated acting Director/Administrator/Commander) is held pursuant to the local procedures under the 404Q MOA.

D: APPLICATION COVER SHEET FOR NET PEN CULTURE

Name: _____

Address: _____

City: _____

County: _____

State, zip _____

Telephone: business _____ home _____ cell _____

Email address: _____

Date of Pre-application meeting: _____

Date of Scoping Session: _____

town county waterbody

Location of lease site: _____

Additional description
(e.g. south of B Island) _____

Total acreage requested: _____
(100-acre maximum)

Lease Term requested: _____
(10-year maximum)

Name of species to be cultivated, common and scientific names:

Name, address and phone number of the source of seed stock, juveniles, smolts, etc., to be cultivated:

\$2,000 fee enclosed: _____

I hereby state that the information included in this application is true and correct and that I have read and understand the requirements of the Department's rules governing aquaculture.

Signature: _____ Date: _____

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

D. APPLICATION INFORMATION REQUIREMENTS

Answer all questions under each Section as completely as possible.

This application includes questions on general information, site location, site development, operation, baseline field survey, area resources, surrounding area use, technical capabilities, financial capabilities, and a list of certifications, licenses, etc.

Definitions from the MDMR Aquaculture Lease Regulations:

Aquaculture: The culture or husbandry of marine organisms by any person. Storage or any other form of impounding or holding wild marine organisms, without more, shall not qualify as aquaculture. In order to qualify as aquaculture, a project must involve affirmative action by the lessee to improve the growth rate or quality of the marine organism.

Culture or Husbandry: The production, development or improvement of a marine organism.

Riparian Owner: A shorefront property owner whose property boundaries are within 1000 feet of the proposed lease boundaries.

Existing or Potential Uses: All water-related activities and resources including, but not limited to, commercial and recreation fisheries, marine transportation, aquaculture, and boating.

Adverse Effects: Impediments to water-related activities or unreasonable interference with natural processes supporting those activities. This includes, but is not limited to, floating or submerged obstruction, habitat destruction, natural flora and fauna displacement, current flow alteration, and lowered water quality.

Please read all instructions before completing. Applications must be typed and **reproducible**. Please use 8 1/2" x 11" paper with a 3/4" margin at the top; **use the numbering system listed for each item requested**. All drawings, charts and plans must adequately show the proposed project. It is recommended that any plans, drafts, charts, etc., be certified by a professional engineer.

1. SITE LOCATION

a. Vicinity Map

Use a NOAA chart or USGS Topographic map to show the waters and shorelands within the general vicinity of the lease tracts depicting the lease area.

b. Plan View

An enlargement of a NOAA chart or USGS Topographic map is suggested to provide this information. Exact location of lease described as follows:

1. Mark entire lease boundary.
2. Show depth contours and indicate mean low water and mean high water on all land adjacent or nearest site.
3. Show primary ebb and flood directions.
4. Mark true north with arrow.
5. Include scale used.
6. Label the location of Federal projects, navigational channels, any structures, weirs, existing aquaculture leases within 2000 feet or state or federal beaches, parks or docking facilities within 1000 feet.
7. Provide the latitude, longitude and State Plane Coordinates for each corner of the entire lease or the metes and bounds of the lease with coordinates for one starting point.

c. Aerial photo

If available, please provide an aerial photograph of the proposed lease area. Mark the boundary of the lease area with dimensions and true north arrow. The photo must have been taken during the twelve-month period prior to the filing of the application, preferably between July 1 and September 1, and the date on which it was taken must be noted. Note: this requirement is for the USACOE permit only.

2. SITE DEVELOPMENT

This section is intended to provide accurate plans depicting the physical structures to be placed on the proposed operation.

a. Single Pen Schematic - Top View

Provide dimensions, materials, labels, etc.

b. Single Pen Schematic - Cross Section

Provide dimensions, materials, labels, etc.

- c. Pen System and Mooring System Schematic - Top View
Provide a schematic of the pen system to be used on site, as well as the mooring system to be use. Provide dimensions, materials, etc.
- d. Pen System and Mooring System Schematic - Cross Section
Provide a cross section schematic of the pen system to be used on site, as well as the mooring system to be use. Provide dimensions, materials, etc. Include depths from structure(s) to sea-floor relative to MLW and MHW. Please note that all moorings must be contained within the lease site.
- e. On-Site Support Structures
1. Describe structures such as barges, sheds, etc., to be located on-site. Provide a schematic and indicate the dimensions, including height above sea level, materials, etc.
 2. Describe the storage and use of oil, gasoline or other hazardous material on this facility. If petroleum products are to be used, provide a spill prevention plan.
 3. Describe the type and location of any sanitary facility.
- f. Mooring System Adequacy
Provide a schematic of the mooring array for a pen system and a description of its ability to withstand severe storms, surge, equipment break-up, etc. Include dimensions and materials, etc. If the system has been specifically engineered for the site, provide a copy of any engineering analysis that is available.
- g. Equipment Layout
Provide schematic or photographic renderings of the generalized layout of the equipment as depicted from two vantage points on the water. Provide the locations of the two vantage points.
- h. Gear Color
Provide the color of the gear and structures proposed to be used at the lease site.
- i. Marking
According to Department rules, all lease sites are to be marked with a floating device, such as a buoy, which displays the lease identifier assigned by the Department and the words "SEA FARM" in letters of at least 2 inches in height in colors contrasting to the background of the device. The marked floating devices shall be displayed at each corner of the lease area that is occupied or at the outermost corners. If such marking requirements are unnecessary or impractical in your proposed location, provide information as to why that is so and suggest alternate markings.

3. OPERATIONS

a. Production Activities

1. List and describe your proposed activities including the number and type of vessels that will service the proposed site, frequency and duration of vessel traffic, feed schedule, feed techniques, monitoring schedule, transport schedule, predator control methods, net cleaning and maintenance (methods, frequency and location), antibiotic usage, harvest schedule, harvest technique and processing methods.
2. Describe the start-up and projected maximum production on a 12-month basis per pen and system. State the maximum stocking density in pounds per cubic foot.
3. Estimate the monthly pounds of feed per pen system over 12 months at start-up and maximum production.
4. Provide documentation that the equipment that will be used on the lease site is the best available technology for the proposed activity.
5. Describe the anticipated number and type of employment opportunities created by the project at start-up and proposed maximum production. Note: this requirement is for the USACOE permit only.

b. Noise and Light

1. Provide the type of powered equipment, if any, that will be used on site, including, but not limited to boats, barges, power washers, generators, upweller motors, harvesting or seeding equipment, and feeding equipment. Vessels moving to and from the site are considered exempt from the noise impact consideration.
2. Indicate generally when, how often and for how long this equipment will be used (i.e. daily, weekly, only during harvesting).
3. Specify what will be used to reduce the noise level from the powered equipment, i.e., mufflers, etc. You do not need to provide decibel or frequency ratings unless they are known or provided by the equipment manufacturer.
4. Provide the number, type (whether the fixtures are shielded), wattage and location of lights, other than those used for navigation or marking, that will be used at the proposed lease site.
5. Indicate under what circumstances you might work at your site beyond daylight hours.

c. Upland Facilities or Holdings

Describe shoreside facilities or holdings to be used for various activities including feed transport, processing, etc.

d. Current Operations

Describe your existing water-based facilities and operations.

4. ENVIRONMENTAL BASELINE FIELD SURVEY

All proposed operations will require on-site field studies to characterize existing environmental conditions as reference data for future comparisons after operation start-up. The Baseline Field Survey includes components for diver observation, hydrography, water quality, benthic analyses, sediment analyses, and macro-faunal communities. Please use the same numbering system provided in this application to report the Baseline information requested.

The MDMR aquaculture lease regulations specify applicants may do more than one site evaluation, but one evaluation must be completed between April 1 and November 15, dates inclusive.

a. Diver Survey

Objective: To determine the relative abundance of the macro-fauna/flora, sediment type, and other unique features of the substrate including Beggiatoa species or like species, epibenthic algae layers, prominent ledges, depressions, etc., prior to an operation start-up.

Methods: Except as provided below a diver survey shall be documented with a video camera. The dive should be conducted along the axis of current and through the center of the proposed lease area. The applicant shall confirm the number and the extent of survey transects with the Department prior to conducting the visual survey. The diver shall document the sediment types and features noting erosional or depositional areas. Also document the flora/fauna observed as to their relative abundance. Relative abundance characterized approximately as follows: abundant, always present within the diver's view; common, seen occasionally throughout the dive, may be patchy; rare, only seen once or in a few places throughout the dive.

One copy of the video tape on standard VHS tape format shall accompany the application. Note: Video format is preferred but photographs taken at 10 meter (30 foot) intervals may be submitted if video is not available. If a site is too deep or deemed to be unsafe to be surveyed by SCUBA diver, then remote video or still photography documentation shall suffice. A brief narrative with the tape or photos describing reference points shall be provided. All documentation must include the dates on which it was taken.

b. Hydrography

Objective: To measure current speed and direction; to predict the fate of fecal material and/or unconsumed feed.

Methods: The current shall be measured at three depths: surface, net-pen bottom and 1 meter (3 feet) off the ocean floor. Collect a 15-minute sample at each of the three depths

every hour for a continuous period of 16 hours. This represents one tidal cycle. Select an average tide; spring or neap tides should be avoided. Subsurface current meters are preferred. However, flow meters may be used with concurrent surface direction estimated.

Please provide the current data in a tabular format and include the date and tide predictions for that day.

c. Water Quality

Objective: To measure water temperature, salinity, and dissolved oxygen concentrations

during peak stratification periods (usually August or September) as an indication of existing or potential water quality problems at the site.

Methods: Water column quality shall be characterized on two separate occasions, one of which shall be conducted between August 15 and September 15. Characterization of water temperature, dissolved oxygen concentrations, and salinity shall encompass two tidal cycles in order to provide a representative description of conditions at the site. At least one profile shall be taken no later than 2 hours after sunrise. A detailed dissolved oxygen profile, consisting of 10 equally-spaced samples over the entire vertical depth, will be measured at the center of the site. This is the same location where hydrography data is collected. Water samples may be collected or an electronic membrane probe may be used to measure the concentrations. Temperature and salinity measurements are also required from the same samples and depths. Readings shall be at intervals of no less than 3 readings per hour. This data will determine percent saturation and evidence of stratification. Data shall be included in both summarized, or graphical format, and unsummarized format in the application.

Water column dissolved oxygen acceptable methodology and quality assurance procedures to monitor compliance with water quality standards are discussed in the following paragraph.

Although the preferred method is the "Winkler Titration" (Azide modification), of Standard Methods (APHA, AWWA, WPCF, most current edition), the use of the membrane electrode method is acceptable, considering the multiple depths required for the profile. The zero and standard calibration methods described in the most current edition of Standard Methods and the instrument manufacturer's instructions must be followed. Air calibration readings must be recorded at the beginning and end of each interval during which the meter is on. One duplicate reading per profile shall be taken and reported to verify that the meter is reading consistently. Furthermore, at the beginning and end of each sample season, calibration curves comparing probe to Winkler readings for at least four dissolved oxygen concentrations ranging from less than 20% to 100% saturation shall be constructed. If more than one meter is used, curves shall be developed for each meter. These curves shall be submitted with all data.

d. Benthic Analyses

Objective: To establish substrate reference data by which future detection of impact to the existing benthos can be measured.

Methods: The applicant must prepare a sediment sampling plan which includes the number and location of sediment samples to be collected for grain size, chemical and biological analysis. Single sediment cores must be collected in an array of samples representative of bottom characteristics of the site. The precise design, number and location are not specified here because of the variety of potential pen configurations and

sizes. However, a systematic sampling design (samples at equidistant intervals) which covers the entire area of the total pen area plus 60 meters in each tidal direction (ebb and flood) is required.

We strongly recommend the proposed plan be coordinated with MDEP prior to implementation to insure the data in your application will be acceptable. This guidance applies to both sediment analysis and infauna samples.

e. Sediments

Objective: To use sediment cores to analyze sediment grain size (% gravel, sand, silt, clay), the depth of the redox discontinuity layer, the depth of the unconsolidated organic layer and Total Organic Carbon (TOC).

Methods: Single core samples collected according to the proposed sampling plan must be inserted to resistance or 15 cm, whichever is less. Depth of the core, depth of any unconsolidated organic material, total organic carbon (cg/g or centigrams per gram) in percent, and grain size distribution (%) from coarse gravel to clay size fractions shall be reported. The depth of the discontinuity layer shall be measured from the surface using a Plexiglas type corer. The depth of the unconsolidated organic layer can also be measured visually with a Plexiglas corer. Each core's location shall be accurately described. Sediment cores may be taken as a subsample of the benthic cores described in section d above.

Grain size analyses should be performed using the Wet Sieving methods described in Buchanan (1984) (pp. 47-48) or a similar procedure. The standard sieve sizes for gravel, sand, silt and clay shall be used. Full analyses of the silt-clay fractions may be calculated as the difference in dry weight between the original sample and the sum of the sieve fractions down to the 0.062 mm sieve (very fine sand). The fraction in each sieve shall be reported in grams (dry weight) and percent of total (dry weight) including the total dry weight of the initial sample.

The unconsolidated material and the top 2 cm of inorganic sediments shall be collected for the analysis of TOC. The applicant must insure that a minimum of 30 grams are collected for analysis. Multiple cores (which include the top 2 cm of inorganic material) if warranted, will be required.

Total Organic Carbon shall be analyzed using the methods described in the Puget Sound Estuary Program (1986), Hedges and Stern (1984) or Verardo et al. (1990). Methods for TOC and sediment analyses are in appendix 1 and 2.

f. Infauna

Objective: To establish reference data of existing benthic infauna prior to placing fish in the pens. In this way future changes to the infauna can be compared.

Methods: Infauna samples shall be sieved through a 1.0 mm sieve (collection techniques are presented with metric measurements) and organisms identified to species or to the lowest practical taxonomic level. A general characterization of the community structure must be provided with the infauna data and sampling methods shall be described.

Single cores collected according to the proposed sampling plan along the axis of the current. Cores must be inserted to resistance or 15 cm, whichever is less. Depth of the core shall be reported. Individual benthic infauna cores collected by a diver shall have an area of at least 81 cm² (a four inch diameter PVC pipe will suffice). Alternatively, cores may be collected from a grab or box type corer having an area of at least 0.1 m² (1000 cm²). If subsamples are taken from a grab or box type corer for the sediment analysis and the remaining sample used for infauna analysis, no more than one-quarter of the surface of each sample can have been removed for the sediment analysis.

5. AREA RESOURCES

a. Shellfish Beds, Fish Migration Routes and Submerged Vegetation Beds

Provide a description of shellfish beds, fish migration routes and other marine resources in the surrounding area. Note the presence and extent of any submerged aquatic vegetation beds, i.e. eelgrass, within the proposed lease area. Provide a map of these resources if available from the local municipality or state agencies.

Provide the shellfish growing area classification for the area of the proposed lease. The classifications are available at either the town office or from the Public Health Division of DMR. Contact information is available at the DMR website:

www.maine.gov/dmr/rm/public_health

b. Essential Habitats/Endangered Species

Under the Maine Endangered Species Act a state agency or municipal government shall not permit, license, fund, or carry out projects occurring partly or wholly within an **Essential Habitat** without the approval of the Commissioner of MDIFW. Applicants are strongly encouraged to contact the Environmental Coordinator, Maine Inland Fisheries and Wildlife, 284 State Street, State House Station 41, Augusta, Maine 04333; Telephone (207) 287-3286. Applicants are requested to provide a signed statement to confirm the proposed lease **either** does not fall within the boundary of an Essential Habitat or that the applicant has contacted MDIF&W and by preliminary review MDIF&W will grant approval for the MDMR to issue an aquaculture lease within part or all of the boundary of a designated Essential Habitat.

7. SURROUNDING AREA USE

a. Riparian Property

1. Provide a tax map, chart, or topographic map showing the locations of the lease tract(s), the waters, shorelands and general vicinity of the lease tract(s). Property lines must be clearly marked.
2. List the names and addresses of every riparian owner of land within 1000 feet of the lease tract(s) and the location of their property marked as shown on the map. The map and list of riparian owners must be certified by the tax collector or clerk of the municipality in which the lease tract is located as being an accurate copy of this information as maintained by the municipality.
3. The written permission of every riparian owner whose land to the low mark will actually be used to access the lease site or upon which the lease activities will take place.
4. A description of riparian owner's current use of lease site for purposes of access to riparian owned land.

b. Existing Uses

1. Describe the navigational or other uses of the area(s) by type (recreational, commercial), volume, time (seasonal patterns of use), duration (in the vicinity), direction of traffic, amount of activity.
2. Describe the degree of exclusive use required by the proposed lease and the impact on existing or potential uses of the area.
3. If available, provide the name and address of individuals, ie. mooring owners, fishermen, draggers, etc. who actively use the proposed site. Note: this requirement is for the USACOE permit only.

8. TECHNICAL CAPABILITY

Provide information regarding professional expertise such as a resume and documentation of technical expertise and practical experience necessary to accomplish the proposed project.

9. FINANCIAL CAPABILITY

a. Financial Capability

Provide documentation to prove the applicant has the necessary financial resources for the proposed project. For example, the applicant may provide copies of bank statements or other evidence indicating availability of the unencumbered funds or other proof that equipment and seed stock are available to the applicant. See MDMR Aquaculture Regulations chapter 2.10(3)(9).

- b. Cost Estimates
Provide documentation of accurate and complete cost estimates of the proposed aquaculture activities.

- c. Other Lease Interests and Multiple Ownership
List all other aquaculture leases held by the applicant or in which the applicant has a financial interest.

- d. Other Lease Interests and Multiple Ownership Continued
If the applicant is a corporation, submit information as requested under A (Corporate Applicants). If the applicant is in a partnership, submit information as requested under B (Partnership Applicant). MDMR Aquaculture Regulations chapter 2.12(1)-(3).

A. Corporate Applicants

- 1. The date and State in which Incorporated and a copy of the Articles of Incorporation;
- 2. The names, addresses, and titles of all officers;
- 3. The names and addresses of all directors;
- 4. Whether the corporation, or any stockholder, director, or officer had applied for an aquaculture lease for Maine lands in the past, and the outcome or current status of that application or lease;
- 5. The names and addresses of all stockholders who own or control at least 5% of the outstanding stock and the percentage of outstanding stock currently owned or controlled by each such stockholder;
- 6. The names and addresses of stockholders, directors, or officers owning an interest, either directly or beneficially, in any other Maine aquaculture leases, as well as the quantity of acreage from existing aquaculture leases attributed to each such person under MDMR Aquaculture Regulations chapter 2.12(3);
- 7. Whether the corporation or any officer, director, or shareholder listed in item 5 above has ever been arrested, indicted, convicted of, or adjudicated to be responsible for any violation of any marine resources or environmental protection law, whether state or federal.

B. Partnership Applicant

1. The date and state in which the partnership was formed and a copy of either the Certificate of Limited Partnership or documentation of the formation of a General Partnership;
2. The names, addresses, and ownership shares of all partners;
3. Whether the partnership or any partner has applied for an aquaculture lease for Maine lands in the past and the outcome or current status of that application or lease;
4. Whether the partnership or any partner owns an interest, either directly or beneficially, in any other Maine aquaculture leases as well as the quantity of acreage from existing aquaculture leases attributed to the partnership or partner under MDMR Aquaculture Regulations chapter 2.12(3);
6. Whether the partnership or any partner has been arrested, indicted or convicted of or adjudicated to be responsible for any violation or marine resources or environmental protection law, whether State or Federal.

10. OTHER REQUIREMENTS

The following items must accompany the application:

- a. Performance Bond

Documentation confirming that the applicant has read MDMR Aquaculture Regulations chapter 2.40 and that upon issuance of a lease by the MDMR the lessee will either open an escrow account or obtain a performance bond determined by the nature of the aquaculture activities proposed as follows -

Structure, discharge	\$ 25,000.00
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General Application for Waste Discharge Permit

For all discharges to surface waters, except for Over Board Discharges

Regulatory requirements for the preparation and filing of applications may be found in Chapters 2, 521 and 522 of the Department's rules.

GENERAL INSTRUCTIONS

1. This general form is to be used to make application for the discharge of pollutants to the surface waters of the State, from all source except from privately owned discharges subject to the Over Board Discharge Program requirements.
2. Applicants are responsible for publishing public notice of their application at the time it is filed with the Department. See pages 7 and 8.
3. For a proposed new discharge of wastewater of more than 25,000 gallons per day or a project involving licenses from more than two bureaus in DEP, an applicant must conduct a public informational meeting before submitting an application to the Department. See page 7.
4. In some circumstances an applicant must have a pre-application or pre-submission meeting with the Department prior to filing of an application. See page 9.
5. At the time an application is filed with the Department, a copy must be provided to the municipal office and notice provided to all abutters by certified mail. See page 7.
6. Application fees must be paid at the time an application for a **new** discharge or permit is filed. Contact the Department for additional information and calculation of the fee amount. For existing discharges, fees are charged on an annual basis and application fees are not required with an application for permit renewal.
7. Attach additional sheets as necessary in answering specific questions. Be sure to number each sheet to identify the question to which it pertains.
8. Failure to fully complete all required forms or to pay necessary application fees will result in the application being returned.
9. After completing the application, submit 2 copies to:

Maine Department of Environmental Protection
Bureau of Land and Water Quality
Division of Water Resource Regulation
State House Station 17
Augusta, Maine 04333-0017

10. Please read the entire application form before furnishing any information. If you need any assistance in filling out the form or required attachments, please contact the Department at the above address or by calling (207) 287-3901.
-

this application is for:

- New discharge
- Renewal
- Increased discharge
- Transfer of owner
- Modification
- Other: _____

If assigned:

Permit number: ME _____

DEP number: W- _____ - _____

FACILITY AND APPLICANT INFORMATION

1. Name of Facility: _____

2. Name of Receiving Water(s): _____

3. Name of Owner: _____ Telephone: _____
 Address: _____ e-mail: _____

 Town: _____ State: _____ Zip: _____

4. Person to whom correspondence regarding this application should be sent (if different from owner)

Name: _____ Telephone: _____
 Address: _____ e-mail: _____
 Town: _____ State: _____ Zip: _____

5. Facility Address: _____

Town: _____ State: _____ Zip: _____

6. Operator Information (if different from owner)

Name: _____
 Address: _____

 Town: _____ State: _____ Zip: _____

7. Operator Status: Federal State Other Public Private Other _____

NOTE: If a wastewater treatment facility is operated under a contract with third party, the contract for services must be reviewed and approved by the Department.

8. Person in responsible charge of the treatment facility operations

Name: _____ Telephone: _____
 Operators license #: _____ Grade: _____ Professional Engineer? _____

9. Nature of business and activities requiring Waste Discharge Permit:

10. Standard Industrial Codes for primary activities, in order of importance.

Code # Name		Code #	Name
#1		#2	
#3		#4	

11. Is this treatment facility or activity located on Indian Lands? Yes No

12. List other existing or required environmental permits needed for operation of the facility

Permit	Permit Number	Remarks
Sludge disposal or use		
Air emissions		
Hazardous waste		
Site location		
Underground Injection		
Other (specify)		
Other (specify)		

SUPPORTING MATERIALS AND REQUIRED ATTACHMENTS

12. For **new and transfer applications only** from privately owned facilities, include:

- A Certificate of Good Standing issued by the Maine Secretary of State.
- Proof of Title, Right or Interest in the property on which the treatment system and outfall pipes and structures are or will be located. A deed, lease or purchase agreement is required. If any part of the facility or outfall is located on property owned or controlled by another person, submit a copy of a lease or deed easements.

13. For **transfer applications only**, answer the following and skip to the Certification on page 6.

- A. Name of current/former owner: _____
- B. Describe any planned changes in the current discharge: _____
- C. Provide a statement describing the technical and financial capacity to comply with the current permit conditions and applicable laws and rules.

14. Unless submitted previously and there have been no changes, provide a topographic map (or other map if a topographic map is unavailable) extending one mile beyond the property boundaries of the source, depicting the facility and each of its intake and discharge structures (showing latitude and longitude to the nearest 15 seconds), each of its hazardous waste treatment, storage, or disposal facilities; each well where fluids from the facility are injected underground; and those wells, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant in the map area.

15. If modification of an existing permit is being requested, attach a statement describing the nature of the modification and the reasons or circumstances necessitating the change.

16. Attachments for specific activities and circumstances. For each specific question, check 'Yes' or 'No' to indicate if the statement is applicable to a discharge or activity described in this application. Where 'Yes' is checked, attach the applicable form.

Specific Question	Yes	No	Applicable Form
A. Is this facility a publicly owned treatment works?			DEP Form: Publicly Owned Treatment Facilities (DEPLW1999-21)
B. Is this an existing discharge of industrial process wastewater?			EPA Form 2C
C. Is this to be a new discharge of industrial process wastewater?			EPA Form 2D
D. Is this a discharge of non-contact cooling water?			EPA Form 2E
E. Is this a discharge of non-process wastewater?			EPA Form 2E
E. Is this activity a concentrated animal feeding operation or an aquatic animal production facility?			EPA Form 2B
G. Is this a fish hatchery or rearing facility?			DEP Form: Fish Rearing Facilities (DEPLW1999-18)
H. Is this discharge of storm water associated with an industrial activity?			EPA Form 2F
I. Is this a food processing facility?			DEP Form: Food Processing Facilities (DEPLW1999-19)
J. Is this an application for the use of aquatic pesticides?			DEP Form: Aquatic Pesticides (DEPLW-A99)
K. Does this application involve a new or modified outfall structure?			DEP Form: Outfall Information (DEPLW17)
L. Is this an application for a snow dump?			DEP Form: Snow Dumps DEPLW2000-132

OUTFALL AND TREATMENT INFORMATION

Use attachments as necessary to provide details for each discharge point and treatment system.

17. Describe each discharge location. Include all overflows, bypasses, emergency discharge points, etc. Combined overflow points from municipal sewerage systems need not be listed.

Number Description, volume and Receiving Water

18. If any discharges (other than combined overflow points from municipal sewerage systems) are intermittent or seasonal, please describe the nature, circumstances and duration of each.

19. Briefly describe current treatment facilities or methods for each discharge.

20. If this is a renewal application, please describe any modifications to the treatment facilities since the last permit application was filed.

21. Are new or expanded treatment facilities or outfall structures being proposed? ____ If so, please include a construction schedule. Plans and specifications must be submitted to the Department for review and approval prior to construction of the facilities.

22. If this application is for a new or increased discharge, include a statement that:

- A. describes in detail the nature of and reason for the requested increase in pollutant loading to the receiving water;
- B. if the Department determines that the discharge will diminish the remaining assimilative capacity of the receiving water, demonstrates that alternative methods to reduce or eliminate the increased discharge are not feasible. Include engineering and economic analyses that consider alternative methods of production, process controls, wastewater minimization methods, improved wastewater treatment methods and alternate disposal sites; and
- C. if the Department determines that the discharge will diminish the remaining assimilative capacity of the receiving water, demonstrates that the increased pollutant load will result in important social and economic benefits to the State.

CERTIFICATION

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 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 fine and imprisonment for knowing violations.

Additionally, by signing below, I certify that (1) notice of this application has been made by publication in the _____ newspaper on or about _____ (a copy of the advertising form is included in this application); (2) notice has been provided to owners of land abutting the discharge site; and (3) notice and a copy of this application have been provided to the clerk of the municipality(ies) where the discharge is located. Further, if this is a new discharge over 25, 000 gallons per day, a public meeting attended by approximately _____ members of the public was held on _____. The forgoing steps have been taken in accordance with the instructions attached to this application and the provisions of Chapters 2 and 522 of the Department's rules.

By:

Signature: _____ Date: _____
Printed Name: _____
Title: _____

Assisting Parties. If the applicant has been assisted in preparing this application, the person assisting must sign below.

Signature: _____ Date: _____
Printed Name: _____ Telephone: _____
Affiliation: _____
Address: _____
Town: _____ State: _____ Zip: _____
Professional Registration or Certification: _____

See following pages for requirements on public notice, public meetings, pre-applications meetings and pre-submission meetings.....

Instructions for providing notices of the application. For all applications, the first 3 items must be completed. If the application is for a new discharge, you must also complete item 4.

1. *Publication of Public Notice.* Applicants for waste discharge permits are required to publish a public notice that the application is being filed with the Department of Environmental Protection. The notice must be published within 30 days prior to the application being sent to the Department. The notice should be published in the legal advertisement section of a daily or weekly newspaper having general circulation in the area where the discharge will occur. If the public notice is not published at the proper time or if the application is returned because it is incomplete, you may be asked to have the notice published a second time.

Using the form on the next page, fill in the blanks with the appropriate information. Strike out all of the items (CSO, multiple discharge sources, etc.) in the second paragraph that do not apply to your discharge. The form may then be sent to the newspaper that is to publish the notice. Additionally, include a copy of the form with the application filed with the Department.

2. *Notice to Abutters.* Applicants are also required to send a copy of the public notice by certified mail to all abutting property owners within 30 days prior to the application being filed with the Department.

3. *Notice to Municipal Office.* Applicants are required to send a copy of the public notice by certified mail to the town or city clerk of each municipality where the discharge is located within 30 days prior to the application being filed with the Department. Applicant must also file a duplicate copy of the application with each municipality.

4. *Public Meeting.* Where the application is for a new discharge of greater than 25,000 gallons per day, you must hold a public meeting in accordance with Chapter 2, Section 8, of the Department's rules. Notice of the meeting must be sent to abutters and the clerk of the municipality(ies) where the discharge is located at least 10 days prior to the meeting. Notice of the meeting must be published in the same newspaper used to publish the notice of filing.

After all required notices have been made, sign the statement on the Certification page of the application.

NOTICE OF INTENT TO FILE
MAINE WASTE DISCHARGE PERMIT APPLICATION

Please take note that, pursuant to 38 MRSA, Sections 413 and 414-A, _____ of _____ (name) _____ (address) intends to file a wastewater discharge permit application with the Department of Environmental Protection (DEP). The application is for the discharge of _____ of _____ (volume) _____ to the _____ in _____, Maine. (describe waste source) (receiving water) (municipality)

Include as applicable:

CSO: Included in this application is the discharge from _____ Combined Sewer Overflows to _____ (number of points) (list all receiving water)

Multiple industrial point sources: The application includes _____ (describe all additional or secondary point sources) associated with the primary activity described above.

Antidegradation: The application proposes a new or increased discharge that may lower existing receiving water quality within its legal classification, and the application contains a statement regarding important social and economic benefits resulting from the activity causing the discharge, pursuant to 38 MRSA, Section 464.

Mixing Zone: The application includes a request for establishment of a mixing zone in the _____, inside of which classifications standards and uses not need to be met, (receiving water) pursuant to 38 MRSA, Section 451.

The application will filed on or about _____ and will be available for public inspection at DEP's _____ (date) Augusta office during normal business hours. A copy may also be seen at the municipal offices in _____ (municipality).

A request for a public hearing or request that the Board of Environmental Protection assume jurisdiction over this application must be received by the DEP, in writing, no later than 20 days after the application is found acceptable for processing, or 30 days from the date of this notice, whichever is longer. Requests shall state the nature of the issue(s) to be raised. Unless otherwise provided by law, a hearing is discretionary and may be held if the Commissioner or the Board finds significant public interest or there is conflicting technical information.

During the time specified above, persons wishing to receive copies of draft permits and supporting documents, when available, may request them from DEP. Persons receiving a draft permit shall have 30 days in which to submit comments or to request a public hearing on the draft.

Public comment will be accepted until a final administrative action is taken to approve, approve with conditions or deny this application. Written public comments or requests for information may be made to the Division of Water Resource Regulation, Department of Environmental Protection, State House Station #17, Augusta, Maine 04333. Telephone (207) 287-3901.

Pre-application and pre-submission meetings

Pre-application meetings. Pre-application meetings between the applicant and the Department are an opportunity for the applicant to determine the statutory and regulatory requirements that apply to a specific project and to identify a Project Manager for the application. The purpose of these meetings is to identify issues, processing times, fees and the types of information and documentation necessary for the Department to properly assess the project. The applicant shall consult the appropriate bureau Permit Assistance Coordinator to determine what information the applicant must provide before or during a pre-application meeting. Any applicant may request a pre-application meeting. The Department shall make a date available for the meeting as expeditiously as possible, but no later than 30 days from receipt of a written request and receipt of all information required for a pre-application meeting by the bureau. The Department shall prepare a written summary of all pre-application meetings.

For waste discharge permits, pre-application meetings are required prior to submission to or acceptance by the Department of an application for the following:

New wastewater discharge license for a discharge greater than 25,000 gallons per day (38 M.R.S.A. Sections 413, et seq.);

Projects requiring new or amended licenses involving more than two bureaus.

Pre-submission meetings. Pre-submission meetings between the applicant and the Department occur after the applicant has finished preparing the application for submission. These meetings are an opportunity to review the assembled application to ensure that the necessary information has been included prior to filing the application with the Department. An applicant may request a pre-submission meeting by contacting the Project Manager, or the Permit Assistance Coordinator for the bureau if no Project Manager has been identified. The Department shall make a date available for the meeting as expeditiously as possible, but no later than 20 days from receipt of a written request.

For waste discharge permits, a pre-submission meeting is required prior to submission to or acceptance by the Department of an application for the following:

Any application for which a pre-application meeting was held; or

Any application that has been previously rejected by the Department (see Chapter 2, Section 7-B of the Department's rules).

Waivers. The requirement of a pre-application or pre-submission meeting may be waived by written notice from the Department and agreement by the applicant. The Department will agree to waive a pre-application or pre-submission meeting if the Department is satisfied that such a meeting would be of no value in achieving the purposes noted above.

Note: The waiver of a pre-application or pre-submission meeting does not waive the public informational meeting required for new discharges of more than 25,000 gallons per day.