

STATE OF MAINE
DEPARTMENT OF
ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

PAUL MERCER
COMMISSIONER

May 10, 2016

Ms. Kathryn Zeigler
Mallinckrodt US LLC
444 McDonnell Blvd.
Hazelwood, MO. 63402

RE: Maine Pollutant Discharge Elimination System (MEPDES) permit ME0000639
Maine Waste Discharge License (WDL) #W001048-5N-E-M
Minor Revision - Flow Increase

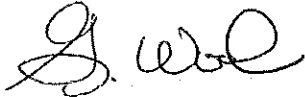
Dear Ms. Zeigler:

Enclosed please find a copy of your **final** MEPDES permit and Maine WDL **minor revision** which was approved by the Department of Environmental Protection. Please read this minor revision and its attached conditions carefully.

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

If you have any questions regarding the matter, please feel free to call me at 287-7693.

Sincerely,



Gregg Wood
Division of Water Quality Management
Bureau of Water Quality

Enc.

cc: Tanya Hovell, DEP/EMRO
Sandy Mojica, USEPA
Tracey Planinsek, Woodard & Curran

Chris Swain, DEP/CMRO
Marelyn Vega, USEPA

Lori Mitchell, DEP/CMRO
Olga Vergara, USEPA
Paul McCusker, Woodard & Curran

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

DEPARTMENT ORDER

IN THE MATTER OF

MALLINCKRODT US LLC &)	MAINE POLLUTANT DISCHARGE
U.S. SURGICAL CORPORATION)	ELIMINATION SYSTEM PERMIT
ORRINGTON, PENOBSCOT COUNTY, MAINE)	
GROUND WATER REMEDIATION)	AND
ME0000639)	WASTE DISCHARGE LICENSE
W001048-5N-E-M)	MINOR REVISION
APPROVAL)	

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, Section 1251, et. seq., and Maine Law 38 M.R.S., Section 414-A et. seq., and all applicable regulations, the Department of Environmental Protection (Department hereinafter) has considered a request by MALLINCKRODT US LLC & U.S. SURGICAL CORPORATION (Mallinckrodt/permittee hereinafter), to modify Maine Pollutant Discharge Elimination System (MEPDES) permit ME0000639/Maine Waste Discharge License (WDL) #W001048-5N-D-R (permit hereinafter) issued by the Department on July 3, 2013, for a five-year term. With its supportive data, agency review comments, and other related materials on file, the Department FINDS THE FOLLOWING FACTS:

MODIFICATION REQUEST

The July 3, 2013, permit authorized the permittee to discharge a monthly average flow of 60,000 gallons per day (gpd) of treated groundwater. The permittee is requesting an increase in the flow limitation from 60,000 gpd to 100,000 gpd due to new remedial construction/soil excavation activities across the site that have and will, continue to result in additional flows to the treatment facility.

MODIFICATIONS GRANTED/DENIED

The proposal to increase the flow limitation from 60,000 gpd to 100,000 gpd is acceptable to the Department. Therefore, this minor revision is modifying the monthly average flow limitation in Special Condition A, *Effluent Limitations and Monitoring Requirements*, of the July 3, 2013, permit.

CONCLUSIONS

BASED on the findings on page one of this order and subject to the terms and conditions contained herein, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, 38 M.R.S.A., Section 464(4)(F), will be met, in that:
 - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding natural resource, that water quality will be maintained and protected;
 - (c) Where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification.
 - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and
 - (e) Where a discharge will result in lowering the existing quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharge will be subject to effluent limitations that require application of best practicable treatment.

ACTION

THEREFORE, the Department APPROVES the above noted request by MALLINCKRODT US LLC and U.S. SURGICAL CORPORATION, to modify MEPDES permit ME0000639/WDL #W001048-5N-D-R issued by the Department on July 3, 2013, to increase the monthly average flow limitation from 60,000 gpd to 100,000 gpd, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:.

1. "Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits," revised July 1, 2002, copy attached to MEPDES permit ME0000639/WDL #W001048-5N-D-R issued by the Department on July 3, 2013.
2. The attached Special Conditions, including effluent limitations and monitoring requirements.
3. All terms and conditions of MEPDES permit ME0000639/WDL #W001048-5N-D-R issued by the Department on July 3, 2013, not modified by this minor revision remain in effect and enforceable.
4. This permit becomes effective upon the date of signature below and expires at midnight five July 3 2018. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this minor revision, the terms and conditions of this minor revision and all subsequent modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [Maine Administrative Procedure Act, 5 M.R.S.A. §10002 and Rules Concerning the Processing of Applications and Other Administrative Matters, 06-096 CMR 2(21)(A) (last amended on October 19, 2015)].

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS 10th DAY OF May 2016.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhns
for Paul Mercer, Commissioner

Date of initial receipt of application April 15, 2016

Date of application acceptance April 25, 2016

Filed
MAY 10 2016
State of Maine Board of Environmental Protection

Date filed with Board of Environmental Protection _____

SPECIAL CONDITIONS

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

OUTFALL #001 – Final Effluent - The permittee is authorized to discharge treated waste waters from Outfall #001 to the Penobscot River. Such discharges shall be limited and monitored by the permittee as specified below⁽¹⁾

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average as specified	Daily Maximum as specified	Monthly Average as specified ⁽²⁾	Daily Maximum as specified ⁽²⁾	Measurement Frequency as specified	Sample Type as specified
Flow [50050]	100,000 gpd [07]	Report gpd [07]	---	---	Continuous [99/99]	Meter [MT]
Carbon tetrachloride [32102]	0.0025 lbs/day[26]	0.0025 lbs/day[26]	5 ug/L[28]	5 ug/L[28]	1/Month [01/30]	Grab [GR]
Chloropicrin [77548]	0.015 lbs/day[26]	0.015 lbs/day[26]	30 ug/L[28]	30 ug/L[28]	1/Month [01/30]	Grab [GR]
Hexachloroethane [34396]	0.0025 lbs/day[26]	0.0025 lbs/day[26]	5 ug/L[28]	5 ug/L[28]	1/Month [01/30]	Grab [GR]
Mercury (Total) ^(3a) [71900]	0.00046 lbs/day[26]	0.00085 lbs/day[26]	0.91 ug/L[28]	1.7 ug/L[28]	3/Week [03/07]	Grab [GR]
pH [00400]	---	---	---	6.0 – 9.0 SU ⁽⁴⁾ [12]	Continuous [99/99]	Meter [MT]

SPECIAL CONDITIONS

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

OUTFALL #002 – Internal waste stream - treated ground water. Sampling must be conducted at a point prior to mixing with any other waste stream whether it be treated or untreated.

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly <u>Average</u> as specified	Daily <u>Maximum</u> as specified	Monthly <u>Average</u> as specified ⁽²⁾	Daily <u>Maximum</u> as specified ⁽²⁾	Measurement <u>Frequency</u> as specified	Sample <u>Type</u> as specified
Flow [50050]	Report gpd [07]	Report gpd [07]	---	---	Continuous [99/99]	Meter [MT]
Mercury (Total) ^(3b) [71900]	Report lbs/day[26]	Report lbs/day[26]	Report ug/L[28]	Report ug/L[28]	1/Discharge Day [01/DD]	Grab [GR]
pH [00400]	---	---	---	6.0 – 9.0 SU ⁽⁴⁾ [12]	Continuous [99/99]	Meter [MT]

SPECIAL CONDITIONS

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

Beginning upon receipt of any new waste stream for treatment and lasting through at least ten (months) thereafter. ⁽⁶⁾

OUTFALL #001 – Final Effluent - The permittee is authorized to discharge **treated waste waters from Outfall #001** to the Penobscot River. Such discharges shall be limited and monitored by the permittee as specified below⁽¹⁾

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly <u>Average</u> as specified	Daily <u>Maximum</u> as specified	Monthly <u>Average</u> as specified ⁽²⁾	Daily <u>Maximum</u> as specified ⁽²⁾	Measurement <u>Frequency</u> as specified	Sample <u>Type</u> as specified
Flow [50050]	100,000 gpd [07]	Report gpd [07]	—	—	Continuous [99/99]	Meter [MT]
1,1-Dichloroethane [34496]	Report lbs/day[26]	Report lbs/day[26]	Report ug/L[28]	Report ug/L[28]	1/Month [01/30]	Grab [GR]
1,1-Dichloroethene [34499]	Report lbs/day[26]	Report lbs/day[26]	Report ug/L[28]	Report ug/L[28]	1/Month [01/30]	Grab [GR]
2,4,5-T [39740]	Report lbs/day[26]	Report lbs/day[26]	Report ug/L[28]	Report ug/L[28]	1/Month [01/30]	Grab [GR]
Acetone [81552]	Report lbs/day[26]	Report lbs/day[26]	Report ug/L[28]	Report ug/L[28]	1/Month [01/30]	Grab [GR]
Bromodichloromethane [51073]	Report lbs/day[26]	Report lbs/day[26]	Report ug/L[28]	Report ug/L[28]	1/Month [01/30]	Grab [GR]
Bromoform [32104]	Report lbs/day[26]	Report lbs/day[26]	Report ug/L[28]	Report ug/L[28]	1/Month [01/30]	Grab [GR]
Carbon disulfide [77041]	Report lbs/day[26]	Report lbs/day[26]	Report ug/L[28]	Report ug/L[28]	1/Month [01/30]	Grab [GR]
Carbon tetrachloride [32102]	0.0025 lbs/day[26]	0.0025 lbs/day[26]	5 ug/L[28]	5 ug/L[28]	1/Month [01/30]	Grab [GR]
Chloroform [32106]	Report lbs/day[26]	Report lbs/day[26]	Report ug/L[28]	Report ug/L[28]	1/Month [01/30]	Grab [GR]

SPECIAL CONDITIONS

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

Beginning upon receipt of any new waste stream for treatment and lasting through at least ten (months) thereafter. ⁽⁶⁾

OUTFALL #001 – Final Effluent

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average as specified	Daily Maximum as specified	Monthly Average as specified ⁽²⁾	Daily Maximum as specified ⁽²⁾	Measurement Frequency as specified	Sample Type as specified
Chloropicrin [77548]	0.015 lbs/day ^[26]	0.015 lbs/day ^[26]	30 ug/L ^[28]	30 ug/L ^[28]	1/Month [01/30]	Grab [GR]
Cis-1,2-Dichloroethene [81686]	Report lbs/day ^[26]	Report lbs/day ^[26]	Report ug/L ^[28]	Report ug/L ^[28]	1/Month [01/30]	Grab [GR]
Dibromochloromethane [32105]	Report lbs/day ^[26]	Report lbs/day ^[26]	Report ug/L ^[28]	Report ug/L ^[28]	1/Month [01/30]	Grab [GR]
Hexachloroethane [34396]	0.0025 lbs/day ^[26]	0.0025 lbs/day ^[26]	5 ug/L ^[28]	5 ug/L ^[28]	1/Month [01/30]	Grab [GR]
Manganese (Total) [82060]	Report lbs/day ^[26]	Report lbs/day ^[26]	Report ug/L ^[28]	Report ug/L ^[28]	1/Month [01/30]	Grab [GR]
Mercury (Total) ^(3a) [71900]	0.00046 lbs/day ^[26]	0.00085 lbs/day ^[26]	0.91 ug/L ^[28]	1.7 ug/L ^[28]	3/Week [03/07]	Grab [GR]
Methylene Chloride [34423]	Report lbs/day ^[26]	Report lbs/day ^[26]	Report ug/L ^[28]	Report ug/L ^[28]	1/Month [01/30]	Grab [GR]
Cresol (Total) [79778]	Report lbs/day ^[26]	Report lbs/day ^[26]	Report ug/L ^[28]	Report ug/L ^[28]	1/Month [01/30]	Grab [GR]

SPECIAL CONDITIONS

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

Beginning upon receipt of any new waste stream for treatment and lasting through at least ten (months) thereafter. ⁽⁶⁾

OUTFALL #001 – Final Effluent

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average as specified	Daily Maximum as specified	Monthly Average as specified ⁽²⁾	Daily Maximum as specified ⁽²⁾	Measurement Frequency as specified	Sample Type as specified
Pentachloroethane [81501]	Report lbs/day ^[26]	Report lbs/day ^[26]	Report ug/L ^[28]	Report ug/L ^[28]	1/Month ^[01/30]	Grab ^[GR]
pH ^[00400]	---	---	---	6.0 – 9.0 SU ⁽⁴⁾ ^[12]	Continuous ^[99/99]	Meter ^[MT]
Tetrachloroethene ^[78389]	Report lbs/day ^[26]	Report lbs/day ^[26]	Report ug/L ^[28]	Report ug/L ^[28]	1/Month ^[01/30]	Grab ^[GR]
Trans-1,2-Dichloroethene ^[78376]	Report lbs/day ^[26]	Report lbs/day ^[26]	Report ug/L ^[28]	Report ug/L ^[28]	1/Month ^[01/30]	Grab ^[GR]
Trichloroethylene ^[39180]	Report lbs/day ^[26]	Report lbs/day ^[26]	Report ug/L ^[28]	Report ug/L ^[28]	1/Month ^[01/30]	Grab ^[GR]