



PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
BUREAU OF PARKS & LANDS  
22 STATE HOUSE STATION  
AUGUSTA, MAINE 04333

General Application Permit  
Question 9  
Attachment 6

WALTER E. WHITCOMB  
COMMISSIONER

October 10, 2018

Joanna Tourangeau, Esq.  
Drummond Woodsum  
84 Marginal Way, Suite 600  
Portland ME 04101

RE: Submerged Lands Application - Nordic Aquafarms, Inc.

Dear Ms. Tourangeau:

The Bureau of Parks and Lands (Bureau), within the Maine Department of Agriculture, Conservation and Forestry, has received your client's Submerged Lands Application to install pipes at its property in Belfast. Pursuant to Title 12 M.R.S.A., Section 1801 & 1862, the Bureau of Parks and Lands serves as trustee of submerged lands for the State of Maine. Submerged lands include all land below the mean low-water mark seaward to the 3-mile territorial state boundary, including all land below the mean low-water mark of tidal rivers upstream to the farthest natural reaches of the tides.

Because the proposal will involve new structures over 500 square feet in size on submerged lands, a lease from the Bureau is required. The lease gives your client the right to use submerged lands as proposed in the application for a term not exceeding 30 years. There is a 30-day review and public comment period to determine if the proposed use will not:

- unreasonably interfere with customary or traditional public access ways to, or public trust rights (fishing, fowling, recreation, and navigation) in, on or over the submerged lands;
- unreasonably interfere with fishing or other existing marine uses of the area;
- unreasonably diminish the availability of services and facilities necessary for commercial marine activities; and
- unreasonably interfere with ingress and egress of riparian owners

The public comment period ends on **November 9, 2018**. The request for a lease may be granted, granted with conditions, or denied. If the application is approved, a lease will be sent to your client for signature and payment. If we receive comments in opposition or the application is denied, we will issue our preliminary decision and there will be a 30-day reconsideration period.

THOMAS A. DESJARDIN, DIRECTOR  
BUREAU OF PARKS & LANDS  
18 ELKINS LANE, HARLOW BUILDING



PHONE: (207) 287-3821  
FAX: (207) 287-6170  
WWW.MAINE.GOV/DACF/

Annual rent is charged for a lease and the minimum amount is \$150.00 per year. The submerged lands lease year runs from January 1st to December 31st with payment due February 1st of each year. Pro-rated rent for the current year is due and payable upon execution of the lease. Please note that any approval will be conditional upon the Bureau receiving proof of title, right or interest in the upland property. The Purchase and Sale agreement is adequate for processing of the application.

The lease fee for the proposed 15-foot-wide pipe corridor is calculated at a base rate of \$0.05/square foot (sf) of leased area plus an adjustment factor derived from the municipally assessed value of the adjacent upland lot. Based on this information, the estimated annual lease fee would be \$4,517.69 for 83,550 square feet of submerged lands. The lease fee may be adjusted once in every five-year period if the upland is reassessed by the municipality or to conform to applicable regulations and laws.

Additional information about the Submerged Lands Program is available on our website at [www.maine.gov/dacf/publiclands](http://www.maine.gov/dacf/publiclands). If you have any questions, please feel free to contact me at (207) 287-4922 or by email to [carol.dibello@maine.gov](mailto:carol.dibello@maine.gov). Thank you.

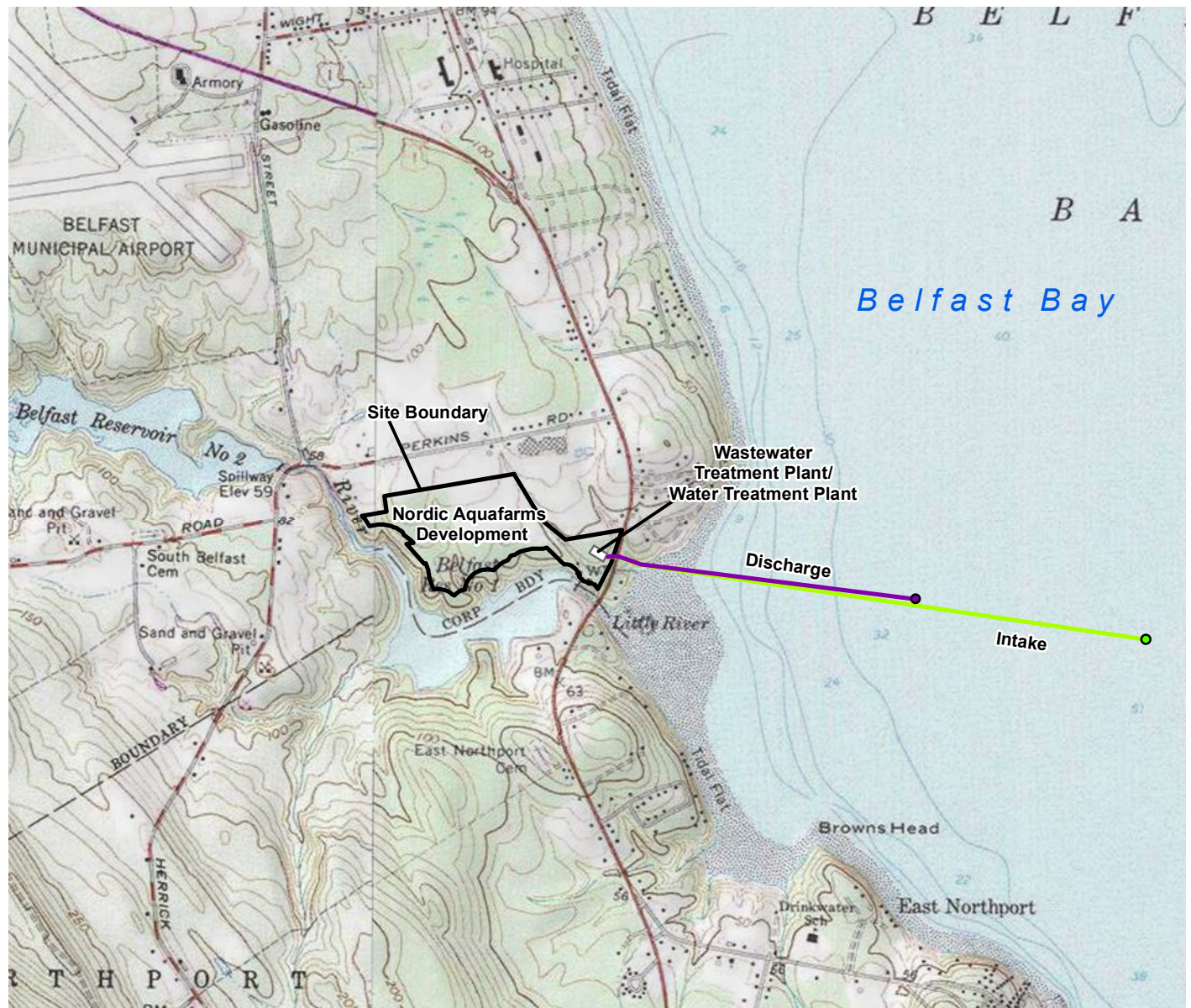
Sincerely,



Carol DiBello  
Submerged Lands Coordinator

cc: Erik Heim (via email)





TAKEN FROM U.S.G.S. 7.5 MINUTE BELFAST AND SEASPORT,  
MAINE—1976 (REVISED 1979).

CONTOUR INTERVAL IS 20 FEET

SITE COORDINATES: LATITUDE 44° 23'43.8"N  
LONGITUDE 68° 59'17.0"W



0 1,000 2,000 4,000  
SCALE in FEET 1:24,000

**RANSOM** Consulting Engineers  
and Scientists

PREPARED FOR:

NORDIC AQUAFARMS, INC.  
159 HIGH STREET  
PO BOX 283  
BELFAST, MAINE

SITE:

PROPOSED COMMERCIAL LAND-BASED  
AQUACULTURE FACILITY  
285 NORTHPORT AVENUE  
BELFAST, MAINE

*SITE LOCATION MAP*

PROJECT: 171.05027.008

FIGURE: 1

13. 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 treating sanitary wastewaters?			DEP Form: Publicly Owned Treatment Facilities (DEPLW0106)
B. Does this application seek authorization to introduce septage into treatment works?			DEP Form: Disposal of Septage and Holding Tank Wastes in Wastewater Treatment Facility (DEPLW0507-A2004)
C. Is this application for a subsurface wastewater disposal system?			DEP Form: Application for Subsurface Wastewater Disposal System (DEPLW0313-B2005)
D. Is this application for a land surface (including spray irrigation) wastewater disposal system?			DEP Form: Application for Surface Wastewater Disposal System (DEPLW0450-B2005)
E. Is this a food processing facility or POTW that treats food processing wastewaters?			DEP Form: Food Processing Facilities (DEPLW1999-19)
F. Is this an existing discharge of industrial process wastewater?			EPA Form: 2C
G. Is this to be a new discharge of industrial process wastewater?			EPA Form: 2D
H. Is this a discharge of non-contact cooling water?			EPA Form: 2E
I. Is this discharge of storm water associated with an industrial activity?			EPA Form: 2F
J. Is this a discharge of non-process wastewater?			EPA Form 2E
K. Is this application for an Atlantic salmon net pen facility?			DEP Form: Supplemental Information for Atlantic Salmon Aquaculture Net Pen (for Individual Permit) (DEPLW0956)
L. Is this a fish hatchery or rearing facility?			DEP Form: Fish Rearing Facilities (DEPLW1999-18)
M. Does this application involve a new or modified outfall structure?			DEP Form: Outfall Information (DEPLW1999-17)
N. Is this application for a waste snow dump?			DEP Form: Supplemental Information for Snow Dumps (DEPLW0249)

<b>OUTFALL AND TREATMENT INFORMATION</b>
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Use attachments as necessary to provide details for each discharge point and treatment system.

14. Describe each discharge location. Include all combined sewer overflow (CSO) points, bypasses, emergency discharge points, at pump stations, etc.

<u>Outfall Number/Name</u>	Description, Volume Discharged and Receiving Water One 36" diameter pipe discharging 7.7 million gallons per day (mgd) to Belfast Bay. The outfall will be located approximately 3300 feet (1000 meters) from shore in approximately 35 feet (10.7 meters) of water at mean low tide.
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If any of the above-listed discharges (other than CSOs) are intermittent or seasonal, please describe the nature, circumstances and duration of each.

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

16. If this is a renewal application, please describe all significant modifications to the treatment facilities (and collection system if applicable) since the last permit application was filed.

17. 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. See Attachment 9.

18. 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.

See Attachments 10 through 14 for a statement addressing subsections A through C above, reports utilizing CORMIX and ADCIRC software to model effluent discharge dilution in Belfast Bay, a review of the technical CORMIX and ADCIRC reports, and a summary of water quality data collected from Belfast Bay.

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 Bangor Daily News** newspaper circulated in the area where the project site is located on or about **September 21, 2018** (a copy of advertising form is included in this application); (2) notice has been sent by certified mail or Certificate of mailing to owners of land abutting the discharge site (a copy of the list of abutters is included in this application); and (3) notice and a copy of this application have been provided to the clerk of the municipality(ies) where the discharge is located. (4) Further, if this is a new discharge over 25,000 gallons per day, a public meeting attended by approximately **175-200** members of the public was held on **October 4, 2018**.

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:

Printed Name: Joanna B. Tourangeau  
Title: Counsel for Nordic Aquafarms

Date:

Telephone: 207-772-1941

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

Signature:

Printed Name: Elizabeth Ransom  
Affiliation: Ransom Consulting, Inc.  
Address: 400 Commercial Street, Suite 404  
Town: Portland State: Maine  
Professional Certification: Professional Geologist, License #505

Date:

Telephone: 207-772-2891

Zip: 04101

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

See Attachment 15 for a letter authorizing Joanna B. Tourangeau and Elizabeth Ransom to act as agents on behalf of Nordic Aquafarms, Inc. and Attachment 16 for documentation of notifications.



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 or Certificate of Mailing to all abutting property owners within 30 days prior to the application being filed with the Department. For the purposes of public notice of this application, an “abutter” is any person who owns property that is both (1) adjoining and (2) within 1 mile of the delineated project boundary, including owners of property directly across a public or private right of way. Additionally, include a copy of the form with the application 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. Applicants 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 LICENSE / MAINE POLLUTANT DISCHARGE ELIMINATION  
SYSTEM PERMIT APPLICATION

Please take note that, pursuant to 38 MRSA, Sections 413 and 414-A, \_\_\_\_\_ of \_\_\_\_\_ intends to file a wastewater discharge permit application with the Department of Environmental Protection (DEP). The application is for the discharge of \_\_\_\_\_ of \_\_\_\_\_ to the \_\_\_\_\_ in \_\_\_\_\_, Maine.

*Include as applicable:*

*CSO:* Included in this application is the discharge from \_\_\_\_\_ Combined Sewer Overflows to \_\_\_\_\_.

*Multiple industrial point sources:* The application includes \_\_\_\_\_ 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, pursuant to 38 MRSA, Section 451.

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

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

Maine Department of Environmental Protection  
Division of Water Quality Management  
Department of Environmental Protection  
State House Station #17  
Augusta, Maine 04333-0017  
Telephone (207) 287-7688



## **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.

See Attachment 17 for pre-submission meeting waiver.