

**MARYLAND DEPARTMENT OF THE ENVIRONMENT
WATER AND SCIENCE ADMINISTRATION**

NOTICE OF FINAL DETERMINATION

Dorchester County

Application for State Discharge Permit, 04DP0024, NPDES Permit MD0003247:

Valley Proteins, Inc., 5420 Linkwood Rd., Linkwood, MD 21835, submitted an application for renewal of a permit to discharge an average of 150,000 gallons per day of process wastewater and variable volumes of stormwater from a poultry rendering facility located at 5420 Linkwood Rd., Linkwood, MD to an unnamed tributary to Higgins Millpond and Transquaking River (Use I waters). The applicant has also requested expansion of the process wastewater flow up to a potential average of 575,000 gallons per day.

A virtual public hearing for this permit process was held on October 20, 2021. The tentative determination notice for the virtual public hearing was advertised twice in The Daily Banner, on September 15 and 22, 2021. From that notice, a request was made for an in-person public hearing. The in-person public hearing was held on November 16, 2021. The notice of an in-person public hearing was advertised twice on October 13 and 20, 2021 in The Daily Banner. The close of the comment period for the draft permit was initially Wednesday, December 15, 2021. Upon request by a third party, the comment period was further extended and ended on Friday, January 14, 2022. In addition to the hearings, the Department received written comments regarding the proposed draft permit.

After considering all comments received, the Department has made a final determination to issue the permit with the following changes from the tentative determination:

- For condition I.A.2.: biochemical oxygen demand monthly average now has a year-round limit of 4.0 mg/L; the total Kjeldahl nitrogen annual average limit is 3.9 mg/L; and the dissolved oxygen minimum limit is 6.5 mg/L. For condition I.A.3.: biochemical oxygen demand monthly average now has a year-round limit of 4.0 mg/L; the total Kjeldahl nitrogen annual average limit is 3.6 mg/L; and the dissolved oxygen minimum limit is 6.5 mg/L all year.
- The final permit contains daily temperature monitoring at Outfall 001 and new language (condition I.V.) to protect the water quality standard for temperature in the receiving stream. In addition, condition I.V. from the tentative determination, "Stormwater Associated with Industrial Activities," is now condition I.W. in the final permit.

- The language of condition II.B.2. has been updated to require 24-hour reporting upon acquiring knowledge of any noncompliance with the permit which may endanger human health or the environment.
- The typographical error in the third paragraph of condition I.P.3. has been corrected in the final permit.
- Condition I.T. in the final permit was updated to add two conditions to help ensure that the upgraded wastewater treatment works are adequately staffed.
- The permit language on the cover page was changed to read "an unnamed tributary of the Transquaking River."
- The fifth sentence of the first paragraph under condition I.A.3 was changed to read "...will become active the first day of the month...".
- The language of condition I.P.1., second paragraph, 1st sentence now reads "Within two months from the effective date of the permit...".
- Condition I.W.1. in the final permit requires complying with the terms of the General Permit for Discharges from Stormwater Associated with Industrial Activities that is effective at the time of issuance and its successor permits.

All other terms and conditions remain unchanged from the tentative determination.

Copies of the responses to comments and the final permit may be downloaded from the Department's website at <https://mdewwp.page.link/WWPPortal>. On that web page, search for State Number 04DP0024, click "More Info," and then select the desired document(s) to download. There is also a webpage dedicated to this permit renewal located at <https://mdewwp.page.link/permitsofinterest>.

Any person adversely affected by this final determination may request a judicial review. The judicial review must be filed no later than **February 17, 2023** in the circuit court of the county where the activity will occur.

Persons wishing to review the final permit may do so by contacting Mr. Jonathan Rice, Chief, Industrial and General Permits Division at 410-537-3859 to make an appointment. Copies of documents may be obtained at a cost of \$0.36 per page.

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