



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

June 19, 2007

Daniel Mallett
Madison Paper Industries
P.O. Box 129
Main Street
Madison, Maine 04950

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0036595
Maine Waste Discharge License (WDL) Application #W008063-5R-C-M
Final Permit/License Modification
Abenaki Hydro Project

Dear Mr. Mallett:

Enclosed please find a copy of your **final** MEPDES permit and Maine WDL **modification** which was approved by the Department of Environmental Protection. Please read the permit/license and its attached conditions carefully. You must follow the conditions in the permit/license to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State Law and is subject to enforcement action.

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 Land and Water Quality

Enc.

cc: James Crowley, DEP/CMRO
Sandy Lao, USEPA

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
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PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
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PRESQUE ISLE, MAINE 04769-2094
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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

MADISON PAPER INDUSTRIES)	MAINE POLLUTANT DISCHARGE
MADISON, SOMERSET COUNTY, MAINE)	ELIMINATION SYSTEM PERMIT
COOLING WATER DISCHARGE)	AND
ABENAKI HYDRO PROJECT)	
ME0036595)	WASTE DISCHARGE LICENSE
W008063-5R-C-M APPROVAL)	MODIFICATION

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, Section 1251, et. seq. and 38 MRS Sections 413 and 414-A et. seq., and 06-096 CMR 582 (Regulations Relating to Temperature, effective date February 18, 1989, as amended), the Department of Environmental Protection has considered the application of MADISON PAPER INDUSTRIES with its supportive data, agency review comments, and other related materials on file and **FINDS THE FOLLOWING FACTS:**

APPLICATION SUMMARY

The applicant has applied to the Department for a modification of Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0036595/Maine Waste Discharge License (WDL) #W008063-5R-B-R (permit hereinafter) which was issued on April 1, 2004 and is due to expire on April 1, 2009. The permit authorized the discharge of up to a daily maximum of 129,600 gallons per day (gpd) of non-contact cooling water from the Abenaki Hydro Project to the Kennebec River in Madison, Maine.

The permittee has requested the Department modify the aforementioned permit by increasing the daily maximum flow limitation by 26,000 gpd to 155,000 gpd due to an increase in generating capacity with the installation of turbine generator #6. All other terms and conditions of the 4/1/04 permit will remain unchanged.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated May 14, 2007 and subject to the Conditions listed below, 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 MRSA 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 national resource, that water quality will be maintained and protected;
 - (c) The standards of classification of the receiving water body are met or, 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.

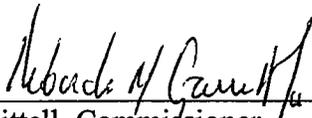
ACTION

THEREFORE, the Department APPROVES the application of MADISON PAPER INDUSTRIES, to discharge up to 155,000 gallons per day of non-contact cooling water at a temperature not to exceed 95 degrees Fahrenheit from the Abenaki Hydro Project to the Kennebec River in Madison, Maine, as described above, SUBJECT TO ALL APPLICABLE STANDARDS AND REGULATIONS AND THE FOLLOWING CONDITIONS:

1. All terms and conditions of MEPDES permit #ME0036595/WDL W008063-5R-B-R dated April 1, 2004 not modified by this permit modification remain in effect and enforceable.
2. This permit modification expires on April 1, 2009 concurrent MEPDES permit #ME0036595/WDL W008063-5R-B-R.

DONE AND DATED AT AUGUSTA, MAINE, THIS 22 DAY OF June 2007.

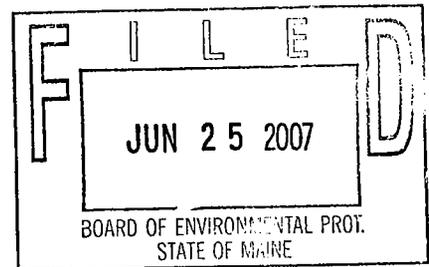
COMMISSIONER OF ENVIRONMENTAL PROTECTION

BY: 
David P. Littell, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application May 3, 2007

Date of application acceptance May 7, 2007



Date filed with Board of Environmental Protection _____

This Order prepared by GREGG WOOD, Bureau of Land and Water Quality

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The discharge shall not contain a visible oil sheen, foam, or floating solids at any time that would impair the designated uses or habitat characteristics of the receiving waters or would otherwise lower the quality of the receiving water below its assigned classification.
2. The discharge shall not impart color, taste, turbidity, toxicity, or other properties that would impair the designated uses or habitat characteristics of the receiving waters or would otherwise lower the quality of the receiving water below its assigned classification.
3. The permittee shall notify DEP immediately of the discharge of any pollutants other than heat from the facility. The permittee shall also notify DEP of any changes in facility design, operation or generating capacity that may affect the flow or temperature of the cooling water discharge.
4. All miscellaneous facility leakage and lubrication waters that may become contaminated with oil or grease shall be subject to Best Management Practices (BMPs) designed to prevent the release of contaminants to the waters of the state. Within 90 days of permit issuance, BMPs shall be developed by the permittee and shall be available in writing for DEP review and approval upon request. BMPs may consist of, but not be limited to, the following, as appropriate: development and implementation of a spill prevention plan; use of oil absorbent pads or booms and/or physical berms to contain spills or leaks of hydraulic and lubrication oils; and the treatment of water collected in floor drains and sumps through an oil/grease trap or oil-water separator. Where bearing cooling water is used, BMPs shall include the maintenance of a written log or record of bearing oil levels and maintenance activities. Where floor drains and sumps are used, BMPs shall include (1) written procedures for the cleaning and maintenance of any oil-grease trap, oil skimmer or oil-water separator and (2) maintenance of a written log or record of visual inspections of sumps for oil and grease and of actions taken to prevent the discharge of oil or grease from the facility.

B. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit. Discharges of waste water from any other point source are not authorized under this permit, but shall be reported in accordance with Standard Condition B(5) (*Bypass*) of this permit.

SPECIAL CONDITIONS

C. NOTIFICATION REQUIREMENT

In accordance with Standard Condition D, the permittee shall notify the Department of any substantial change in the volume or character of pollutants being discharged.

D. REOPENING OF PERMIT FOR MODIFICATIONS

Based upon site inspections, additional site specific or any other pertinent information or test results obtained during the term of this permit, the Department may, at anytime and with notice to the permittee, modify this permit to establish limitations or require additional monitoring, inspections and/or reporting based on the new information.

E. SEVERABILITY

In the event that any provision or part thereof, of this permit is declared to be unlawful by a reviewing court, the remainder of the permit shall remain in full force and effect, and shall be construed and enforced in all aspects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court

**MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
MAINE WASTE DISCHARGE LICENSE**

FACT SHEET

Date: **May 14, 2007**

PERMIT NUMBER: **ME0036595**

LICENSE NUMBER: **W008063-5R-C-M**

NAME AND ADDRESS OF APPLICANT:

**Madison Paper Industries
P.O. Box 129
Main Street
Madison, Maine 04950**

COUNTY: **Somerset**

NAME AND ADDRESS WHERE DISCHARGE(S) OCCUR(S):

**Abenaki Hydro Project
c/o Madison Paper Industries
1 Main Street
Madison, Maine 04950**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Daniel Mallett
(207) 696-1116**

1. APPLICATION SUMMARY

- a. Application: The applicant has applied to the Department for a modification of Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0036595/Maine Waste Discharge License (WDL) #W008063-5R-B-R (permit hereinafter) which was issued on April 1, 2004 and is due to expire on April 1, 2009. The permit authorized the discharge of up to a daily maximum of 129,600 gallons per day (gpd) of non-contact cooling water from the Abenaki Hydro Project to the Kennebec River in Madison, Maine.

The permittee has requested the Department modify the aforementioned permit by increasing the daily maximum flow limitation by 26,000 gpd to 155,000 gpd due to an increase in generating capacity with the installation of turbine generator #6. All other terms and conditions of the 4/1/04 permit will remain unchanged.

1. APPLICATION SUMMARY (cont'd)

- a. History: The most current relevant regulatory actions and or significant events include the following:

February 23, 1999 - The Department issued new WDL #W008063-5R-A-N to Madison Paper Industries for a five-year term.

April 1, 2004 - The Department issued combination MEPDES permit #ME0036595/WDL #W008063-5R-B-R to Madison Paper Industries for a five-year term.

May 3, 2007 - The Department received an application from Madison Paper Industries requesting a modification of the 4/1/04 permit to increase the flow limitation from 129,600 gpd to 155,000 gpd.

- b. Source Description: The source of the discharge is a hydroelectric generating facility. The discharge consists of non-contact cooling water. Up until the installation of the new turbine generator #6, the discharge flow rate was variable, depending on cooling needs, up to a maximum flow of 129,600 gallons per day (maximum cooling system capacity, based on information from applicant). With the installation of turbine generator #6, an additional 26,000 gpd of non-contact cooling water will be discharged for a total of 155,000 gpd. The discharges occur from five separate outfalls.

Other miscellaneous discharges from the facility consist of shaft lubrication waters, foundation leakage waters, and/or leakage from wicket gates and other equipment. In the event of unplanned leaks, spills or equipment failure, these discharges may become contaminated with hydraulic or lubrication oil and grease.

2. CONDITIONS OF PERMITS

Maine law, 38 M.R.S.A. Section 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, 38 M.R.S.A., Section 420 and Department rule 06-096 CMR Chapter 530, *Surface Water Toxics Control Program*, require the regulation of toxic substances not to exceed levels set forth in Department rule 06-096 CMR Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants*, and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

2. CONDITIONS OF PERMITS (cont'd)

Maine law, 38 MRSA Section 414-A requires that a discharge, either by itself or in combination with other discharges, not lower the quality of any classified body of water below its assigned classification. Therefore, discharges shall be subject to any additional effluent limitations required to meet applicable water quality standards.

3. RECEIVING WATER QUALITY STANDARDS

At the point of discharge, the Kennebec River is classified as having Class B waters.

Class B waters shall be of such quality that they are suitable for the designated uses of drinking water after treatment; fishing; recreation in and on the water; industrial process and cooling water supply; hydroelectric power generation, except as prohibited under Title 12, section 403; navigation; and as habitat for fish and other aquatic life. The habitat shall be characterized as unimpaired. The dissolved oxygen content of Class B waters shall be not less than 7 parts per million or 75% of saturation, whichever is higher, except that for the period from October 1st to May 14th, in order to ensure spawning and egg incubation of indigenous fish species, the 7-day mean dissolved oxygen concentration shall not be less than 9.5 parts per million and the 1-day minimum dissolved oxygen concentration shall not be less than 8.0 parts per million in identified salmonid spawning areas. Discharges to Class B waters shall not cause adverse impact to aquatic life in that the receiving waters shall be of sufficient quality to support all aquatic species indigenous to the receiving water without detrimental changes in the resident biological community.

4. REGULATIONS RELATING TO TEMPERATURE

The Department's Chapter 582, *Regulations Relating to Temperature* states that no discharge shall cause the ambient temperature of any freshwater body to be raised more than 5 degrees Fahrenheit, nor shall any discharge cause the temperature of any waters to exceed the U.S. Environmental Protection Agency's (EPA) national ambient water quality criteria established to protect all species of fish that are indigenous to the receiving waters. When the ambient temperature of any body of water naturally exceeds the applicable EPA criteria, no thermal discharge may be allowed which alone or in combination with other discharges would raise the ambient temperature of the receiving water more than 0.5 degrees Fahrenheit.

The Department has established that cold water fish species are indigenous to all Maine rivers and streams. EPA has established maximum temperatures for the protection of growth and survival of cold water fish as follows: a weekly average temperature of 66 degrees Fahrenheit; and a daily maximum temperature of 73 degrees Fahrenheit.

5. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

EPA has not promulgated National Effluent Guidelines for non-contact cooling water. The DEP has made a Best Professional Judgment (BPJ) determination that BPT for hydro project cooling water is no treatment.

The Department has calculated that, under worst case conditions of maximum cooling water flow (155,000 gpd), maximum cooling water temperature (assumed 95 degrees Fahrenheit, based on staff analysis of industry data), and 7Q10 receiving water flow (1840 cfs), and without any treatment to reduce thermal loading, the discharge will raise the ambient temperature of the receiving water by less than 1/100th of a degree Fahrenheit. Therefore, the Department has determined that neither effluent limitations nor monitoring requirements are necessary to ensure that applicable water quality standards are met.

6. PUBLIC COMMENTS

Public notice of this application was made in the Morning Sentinel on or about April 25, 2007. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

7. DEPARTMENT CONTACTS

Additional information concerning this permitting action may be obtained from and written comments should be sent to:

Gregg Wood
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone (207) 287-3901

8. RESPONSE TO COMMENTS

During the period of May 14, 2007, through the issuance date of this permit modification, the Department solicited comments on the proposed draft modification to be issued for the permittee's facility. The Department did not receive comments from the permittee, state or federal agencies or interested parties that resulted in any substantive change(s) in the terms and conditions of the permit. Therefore, the Department has not prepared a Response to Comments.