



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

JAMES P. BROOKS
ACTING COMMISSIONER

May 25, 2011

Mr. Jim Charette
Town of Millinocket
197 Penobscot Avenue
Millinocket, Maine 04462

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100803
Maine Waste Discharge License (WDL) Application # W-002680-6D-G-R
Final Permit, Town of Millinocket POTW, Millinocket, Maine

Dear Jim:

Enclosed please find a copy of your **final** MEPDES permit and Maine WDL 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 order 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 (207) 215-1579 or contact me via email at Robert.D.Stratton@maine.gov.

Sincerely,

Robert D. Stratton
Division of Water Quality Management
Bureau of Land and Water Quality

Enc./cc: Stakeholder Service List (att); Lori Mitchell (MEDEP); Sandy Mojica, Alex Rosenberg (USEPA)

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

IN THE MATTER OF

TOWN OF MILLINOCKET)	MAINE POLLUTANT DISCHARGE
MILLINOCKET, PENOBSCOT COUNTY, ME.)	ELIMINATION SYSTEM PERMIT
PUBLICLY OWNED TREATMENT WORKS)	AND
#W-002680-6D-G-R)	WASTE DISCHARGE LICENSE
#ME0100803)	RENEWAL
		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.A., Section 414-A et seq., and applicable regulations, the Department of Environmental Protection (the Department) has considered the application of the TOWN OF MILLINOCKET (hereinafter, Millinocket), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The applicant has applied for renewal of Maine Pollutant Discharge Elimination System (MEPES) Permit #ME0100803 / Maine Waste Discharge License (WDL) #W-002680-5L-F-M, which was issued on February 11, 2004 for a five-year term. The MEPDES Permit / WDL authorized the discharge of up to a monthly average of 2.33 million gallons per day (MGD) of secondary treated sanitary wastewater from a municipal wastewater treatment facility to the West Branch of the Penobscot River, Class C, in Millinocket, Maine.

PERMIT SUMMARY

This permitting action is similar to the February 11, 2004 MEPDES Permit / Maine WDL in that it is carrying forward all previous terms and conditions with a few exceptions. This permitting action is different in that it is establishing:

1. A daily maximum flow reporting requirement;
2. Revised *E. coli* bacteria seasonal water quality based monthly average concentration limits based on changes in Maine law;
3. Year-round total phosphorus monitoring requirements;
4. Updated whole effluent toxicity, analytical chemistry, and chemical specific (priority pollutant) testing requirements pursuant to *Surface Water Toxics Control Program*, 06-096 CMR 530 and *Surface Water Quality Criteria for Toxic Pollutants* 06-096 CMR 584;
5. Monthly average and daily maximum water quality based mass and concentration limits for total copper;
6. Minimum monitoring frequency and sample type requirements based on Department guidance and best professional judgement;
7. Updated requirements for transported wastes; and

8. Requirements for Ambient Water Quality Monitoring.

CONCLUSIONS

BASED on the findings in the attached Proposed Draft Fact Sheet dated March 22, 2011, revised May 19, 2011, 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 the TOWN OF MILLINOCKET, to discharge up to a monthly average flow of 2.33 million gallons per day (MGD) of secondary treated sanitary wastewaters to the West Branch of the Penobscot River, Class C, in Millinocket, Maine, SUBJET TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations including:

1. *“Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits,”* revised July 1, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This permit and the authorization to discharge become effective upon the date of signature below and expire at midnight five (5) years from the effective date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the authorization to discharge and the terms and conditions of this permit and all 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)* (effective April 1, 2003)]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application January 9, 2009.
Date of application acceptance January 12, 2009.

This Order prepared by Robert D. Stratton, BUREAU OF LAND & WATER QUALITY

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- The permittee is authorized to discharge **secondary treated sanitary wastewater** from **Outfall #001A** to the West Branch of the Penobscot River. Such discharges shall be limited and monitored by the permittee as specified below. The italicized numeric values bracketed in the tables below and in the text on subsequent pages are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports (DMRs). Footnotes are found on Pages 6-9.

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	<u>Monthly Average</u> as specified	<u>Weekly Average</u> as specified	<u>Daily Maximum</u> as specified	<u>Monthly Average</u> as specified	<u>Weekly Average</u> as specified	<u>Daily Maximum</u> as specified	<u>Measurement Frequency</u> as specified	<u>Sample Type</u> as specified
Flow <i>[50050]</i>	2.33 MGD <i>[03]</i>	---	Report MGD <i>[03]</i>	---	---	---	Continuous <i>[99/99]</i>	Recorder <i>[RC]</i>
Biochemical Oxygen Demand (BOD ₅) <i>[00310]</i>	583 lbs/Day <i>[26]</i>	874 lbs/Day <i>[26]</i>	972 lbs/Day <i>[26]</i>	30 mg/L <i>[19]</i>	45 mg/L <i>[19]</i>	50 mg/L <i>[19]</i>	2/Week ⁽¹⁾ <i>[02/07]</i>	24 Hr. Composite <i>[24]</i>
BOD ₅ % Removal <i>[81010]</i>	---	---	---	85% <i>[19]</i>	---	---	1/Month <i>[01/30]</i>	Calculate ⁽²⁾ <i>[CA]</i>
Total Suspended Solids (TSS) <i>[00530]</i>	583 lbs/Day <i>[26]</i>	874 lbs/Day <i>[26]</i>	972 lbs/Day <i>[26]</i>	30 mg/L <i>[19]</i>	45 mg/L <i>[19]</i>	50 mg/L <i>[19]</i>	2/Week ⁽¹⁾ <i>[02/07]</i>	24 Hr. Composite <i>[24]</i>
TSS % Removal <i>[81011]</i>	---	---	---	85% <i>[19]</i>	---	---	1/Month <i>[01/30]</i>	Calculate ⁽²⁾ <i>[CA]</i>
<i>E. coli</i> Bacteria ⁽³⁾ <i>[31633]</i> May 15 – September 30	---	---	---	126/100 ml ⁽⁴⁾ <i>[13]</i>	---	949/100 ml <i>[13]</i>	2/Week ⁽¹⁾ <i>[02/07]</i>	Grab <i>[GR]</i>
Total Residual Chlorine ⁽⁵⁾ <i>[50060]</i>	---	---	---	---	---	1.0 mg/L <i>[19]</i>	5/Week <i>[05/07]</i>	Grab <i>[GR]</i>
Total Phosphorus <i>[00665]</i> June 1 – September 30	report lbs/day <i>[26]</i>	---	report lbs/day <i>[26]</i>	report mg/L <i>[19]</i>	---	report mg/L <i>[19]</i>	2/Month ⁽¹⁾ <i>[02/30]</i>	24 Hr. Composite <i>[24]</i>
Total Phosphorus <i>[00665]</i> October 1 – May 31	report lbs/day <i>[26]</i>	---	report lbs/day <i>[26]</i>	report mg/L <i>[19]</i>	---	report mg/L <i>[19]</i>	1/Month <i>[01/30]</i>	24 Hr. Composite <i>[24]</i>
Copper (Total) <i>[01042]</i>	0.49 lbs/day <i>[26]</i>	---	0.58 lbs/day <i>[26]</i>	50 ug/L <i>[28]</i>	---	60 ug/L <i>[28]</i>	1/Year <i>[01/YR]</i>	Composite <i>[24]</i>
pH (Std. Units) ⁽⁶⁾ <i>[00400]</i>	---	---	---	---	---	6.0-9.0 <i>[12]</i>	2/Week ⁽¹⁾ <i>[02/07]</i>	Grab <i>[GR]</i>

SPECIAL CONDITIONS

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

2. Whole Effluent Toxicity, Analytical Chemistry, and Priority Pollutant Testing, Outfall #001A

SURVEILLANCE LEVEL - Beginning upon issuance of this permit and lasting through 12 months prior to permit expiration.

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Whole Effluent Toxicity⁽⁷⁾ <u>Acute – ANOEL</u> <i>Ceriodaphnia dubia</i> (Water flea) [TDA3B]	---	---	---	Report % _[23]	1 / Year _[01/YR]	Composite _[24]
<u>Chronic – CNOEL</u> <i>Ceriodaphnia dubia</i> (Water flea) [TBP3B]	---	---	---	0.16 % _[23]	1 / Year _[01/YR]	Composite _[24]

SCREENING LEVEL - Beginning 12 months prior to permit expiration and lasting through permit expiration or in the fifth year of the last screening year, whichever is sooner.

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Whole Effluent Toxicity⁽⁷⁾ <u>Acute – ANOEL</u> <i>Ceriodaphnia dubia</i> (Water flea) [TDA3B]	---	---	---	Report % _[23]	1 / Year _[01/YR]	Composite _[24]
<i>Salvelinus fontinalis</i> (Brook trout) [TDA6F]	---	---	---	Report % _[23]	1 / Year _[01/YR]	Composite _[24]
<u>Chronic – CNOEL</u> <i>Ceriodaphnia dubia</i> (Water flea) [TBP3B]	---	---	---	0.16 % _[23]	1 / Year _[01/YR]	Composite _[24]
<i>Salvelinus fontinalis</i> (Brook trout) [TBQ6F]	---	---	---	Report % _[23]	1 / Year _[01/YR]	Composite _[24]
Analytical Chemistry^(8,9) [51477]	---	---	---	Report ug/L _[28]	1 / Quarter _[01/90]	Composite/Grab _[24]
Priority Pollutant⁽⁹⁾ [50008]	---	---	---	Report ug/L _[28]	1 / Year _[01/YR]	Composite/Grab _[24]

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS, Footnotes:

Sampling Locations:

Influent samples for BOD₅ and TSS shall be collected in the wet well of the last pump station prior to being conveyed to the treatment facility.

Effluent samples for all parameters shall be collected after the last treatment process prior to discharge to the receiving water, the chlorine contact chamber. Any change in sampling location(s) must be reviewed and approved by the Department in writing. Sampling and analysis must be conducted in accordance with: a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis shall be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services. Samples that are sent to a POTW licensed pursuant to *Waste discharge licenses*, 38 M.R.S.A. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended February 13, 2000).

All analytical test results shall be reported to the Department including results which are detected below the respective reporting limits (RLs) specified by the Department or as specified by other approved test methods. See **Attachment B** of this permit for a list of the Department's RLs. If a non-detect analytical test result is below the respective RL, the concentration result shall be reported as <Y where Y is the RL achieved by the laboratory for each respective parameter. Reporting a value of <Y that is greater than an established RL or reporting an estimated value ("J" flagged) is not acceptable and will be rejected by the Department. Reporting analytical data and its use in calculations must follow established Department guidelines specified in this permit or in available Department guidance documents.

1. **Two/week and two/month sampling requirements** – There shall be at least one day between sampling events when required to sample two times / week and at least 10 days between sampling events when required to sample two times/month.
2. **Percent removal** – The treatment facility shall maintain a minimum of 85 percent removal of both BOD₅ and TSS for all flows receiving secondary treatment during all months that the facility discharges. If requested to do so, compliance with the limitation shall be based on a twelve-month rolling average. Calendar monthly average percent removal values shall be calculated based on influent and effluent concentrations. For the purposes of this permitting action, the twelve-month rolling average calculation is based on the most recent twelve-month period when the influent concentrations are greater than or equal to 200 mg/L. The percent removal limit shall be waived when the 12-month rolling average influent concentration is less than 200 mg/L. For instances when this occurs, the facility shall record a NODI-9 code on the DMR. The permittee is required to

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PERMIT

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report the percent removal values on the monthly DMR and on the Department's "49" form.

SPECIAL CONDITIONS

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

3. ***E. coli* bacteria limits and monitoring requirements** – *E. coli* bacteria limits and monitoring requirements are seasonal and apply between May 15th and September 30th of each year. The Department reserves the right to require year round disinfection to protect the health, safety, and welfare of the public.
4. **Geometric mean** – The monthly average *E. coli* limitation is a geometric mean and shall be calculated and reported as such.
5. **Total residual chlorine (TRC) limits and monitoring requirements** – TRC limits and monitoring requirements are applicable whenever elemental chlorine or chlorine based compounds are being used to disinfect the discharge.
6. **pH** - The pH value of the effluent shall not be lower than 6.0 SU nor higher than 9.0 SU at any time unless due to natural causes.
7. **Whole Effluent Toxicity (WET)** - Definitive WET testing is a multi-concentration testing event (a minimum of five dilutions bracketing the acute and chronic critical thresholds of 0.72% and 0.16% respectively), which provides a point estimate of toxicity in terms of No Observed Effect Level, commonly referred to as NOEL or NOEC. A-NOEL is defined as the acute no observed effect level with survival as the end point. C-NOEL is defined as the chronic no observed effect level with survival, reproduction and growth as the end points. The critical acute and chronic thresholds were derived as the mathematic inverse of the applicable acute and chronic dilution factors of 140:1 and 617:1 respectively.
 - a. **Surveillance level testing** - Beginning upon permit issuance and lasting until 12 months prior to permit expiration, the permittee shall conduct acute and chronic surveillance level WET testing on the water flea (*Ceriodaphnia dubia*) at a frequency of once every year (1/Year). Tests required once/year shall be conducted in different calendar quarters in four successive years. It is noted pursuant to 06-096 CMR 530, *Surface Water Toxics Control Program*, surveillance level WET testing for the brook trout (*Salvelinus fontinalis*) is being waived for the first four years of the term of the permit.
 - b. **Screening level testing** - Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter, the permittee shall conduct screening level WET testing at a minimum frequency of once per year (1/Year) on the water flea (*Ceriodaphnia dubia*) and the brook trout (*Salvelinus fontinalis*).

SPECIAL CONDITIONS

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

WET test results must be submitted to the Department not later than the next Discharge Monitoring Report (DMR) required by the permit provided, however, that the permittee may review the toxicity reports for up to 10 business days of their availability before submitting them. The permittee shall evaluate test results being submitted and identify to the Department possible exceedences of the critical acute and chronic water quality thresholds of 0.72% and 0.16% respectively. Toxicity tests must be conducted by an experienced laboratory approved by the Department. The laboratory must follow procedures as described in the following U.S.E.P.A. methods manuals.

- a. Short Term Methods for Estimating the Chronic Toxicity of Effluent and Receiving Water to Freshwater Organisms, 4th Edition, October 2002, EPA-821-R-02-013.
- b. Methods for Measuring the Acute Toxicity of Effluent and Receiving Waters to Freshwater and Marine Organisms, 5th Edition, October 2002, EPA-821-R-02-012.

The permittee is also required to analyze the effluent for the nine (9) parameters specified in the WET chemistry section, and the twelve (12) parameters specified in the Analytical Chemistry section, of the form in Attachment B of this permit each time a WET test is performed.

8. **Analytical chemistry** – Refers to a suite of twelve (12) chemical tests that consist of ammonia nitrogen (as N), total aluminum, total arsenic, total cadmium, total chromium, total copper, total cyanide, total lead, total nickel, total silver, total zinc and total residual chlorine.
 - a. **Screening level testing** – Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter, the permittee shall conduct analytical chemistry testing at a minimum frequency of once per calendar quarter (1/Quarter) for four consecutive calendar quarters. It is noted pursuant to Department rule 06-096 CMR 530, *Surface Water Toxics Control Program*, surveillance level analytical chemistry testing is being waived for the first four years of the term of the permit, with the exception of total copper.
9. **Priority pollutant testing** – Priority pollutants are those parameters listed by Department rule, *Effluent Guidelines and Standards*, 06-096 CMR 525(4)(IV).
 - a. **Screening level testing** – Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter, the permittee shall conduct screening level priority pollutant testing at a minimum frequency of once per year (1/Year). It is noted 06-096 CMR 530 does not establish routine surveillance level Priority Pollutant testing in the first four years of the term of this permit.

SPECIAL CONDITIONS

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

Priority pollutant and analytical chemistry testing shall be conducted on samples collected at the same time as those collected for whole effluent toxicity tests when applicable. Priority pollutant and analytical chemistry testing shall be conducted using methods that permit detection of a pollutant at existing levels in the effluent or that achieve minimum reporting levels of detection as specified by the Department. See Attachment B of this permit for a list of the Department's reporting levels (RLs) of detection. Test results must be submitted to the Department not later than the next DMR required by the permit provided, however, that the permittee may review the toxicity reports for up to 10 business days of their availability before submitting them. The permittee shall evaluate test results being submitted and identify to the Department, possible exceedences of the acute, chronic or human health AWQC as established in 06-096 CMR 584. For the purposes of Discharge Monitoring Report (DMR) reporting, enter a "1" for yes, testing done this monitoring period or "NODI-9" monitoring not required this period.

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent shall not contain a visible oil sheen, foam or floating solids at any time which would impair the usages designated by the classification of the receiving waters.
2. The effluent shall not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated by the classification of the receiving waters.
3. The discharges shall not cause visible discoloration or turbidity in the receiving waters which would impair the usages designated by the classification of the receiving waters.
4. Notwithstanding specific conditions of this permit the effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

C. DISINFECTION

If chlorination is used as a means of disinfection, an approved chlorine contact tank providing the proper detention time consistent with good engineering practice must be utilized, followed by a dechlorination system if the Total Residual Chlorine (TRC) cannot be met by dissipation in the detention tank. The TRC in the effluent shall at no time cause any demonstrable harm to aquatic life in the receiving waters. The dose of chlorine applied shall be sufficient to leave a TRC concentration that will effectively reduce bacteria to levels below those specified in Special Condition A, "*Effluent Limitations and Monitoring Requirements*", of this permit.

SPECIAL CONDITIONS

D. TREATMENT PLANT OPERATOR

The person who has the management responsibility over the treatment facility must hold a **Grade III** certificate (or higher) or must be a Maine Registered Professional Engineer pursuant to *Sewerage Treatment Operators*, Title 32 M.R.S.A., Sections 4171-4182 and *Regulations for Wastewater Operator Certification*, 06-096 CMR 531 (effective May 8, 2006). All proposed contracts for facility operation by any person must be approved by the Department before the permittee may engage the services of the contract operator.

E. LIMITATIONS FOR INDUSTRIAL USERS

Pollutants introduced into the wastewater collection and treatment system by a non-domestic source (user) shall not pass through or interfere with the operation of the treatment system.

F. NOTIFICATION REQUIREMENT

In accordance with Standard Condition D, the permittee shall notify the Department of the following.

1. Any introduction of pollutants into the waste water collection and treatment system from an indirect discharger in a primary industrial category discharging process wastewater.
2. Any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system.
3. For the purposes of this section, notice regarding substantial change shall include information on:
 - (a) the quality and quantity of wastewater introduced to the waste water collection and treatment system; and
 - (b) any anticipated impact caused by the change in the quantity or quality of the wastewater to be discharged from the treatment system.

G. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on January 12, 2009; 2) the terms and conditions of this permit; and 3) only from Outfall #001A. Discharges of wastewater from any other point source are not authorized under this permit, and shall be reported in accordance with Standard Condition B(5), *Bypasses*, of this permit.

SPECIAL CONDITIONS

H. WET WEATHER FLOW MANAGEMENT PLAN

The treatment facility staff shall maintain a current Wet Weather Management Plan to direct the staff on how to operate the facility effectively during periods of high flow. The Department acknowledges that the existing collection system may deliver flows in excess of the monthly average design capacity of the treatment plant during periods of high infiltration and rainfall. The plan shall include operating procedures for a range of intensities, address solids handling procedures (including septic waste and other high strength wastes if applicable) and provide written operating and maintenance procedures to be adhered to during the events.

The permittee shall review their plan annually and record any necessary changes to keep the plan up-to-date.

I. OPERATION & MAINTENANCE (O&M) PLAN

This facility shall have a current written comprehensive Operation & Maintenance (O&M) Plan. The plan shall provide a systematic approach by which the permittee shall at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit.

By December 31 of each year, or within 90 days of any process changes or minor equipment upgrades, the permittee shall evaluate and modify the O&M Plan including site plan(s) and schematic(s) for the waste water treatment facility to ensure that it is up-to-date. The O&M Plan shall be kept on-site at all times and made available to Department and EPA personnel upon request.

Within 90 days of completion of new and or substantial upgrades of the wastewater treatment facility, the permittee shall submit the updated O&M Plan to their Department inspector for review and comment.

J. DISPOSAL OF TRANSPORTED WASTES

During the effective period of this permit, the permittee is authorized to receive and introduce into the treatment process or solids handling process up to **a maximum of 2,000 gallons per day** of untreated transported wastes, subject to the following terms and conditions:

SPECIAL CONDITIONS

J. DISPOSAL OF TRANSPORTED WASTES (cont'd)

1. "Transported wastes" means any liquid non-hazardous waste delivered to a wastewater treatment facility by a truck or other similar conveyance that has different chemical constituents or a greater strength than the influent described on the facility's application for a waste discharge license. Such wastes may include, but are not limited to septage, industrial wastes or other wastes to which chemicals in quantities potentially harmful to the treatment facility or receiving water have been added.
2. The character and handling of all transported wastes received must be consistent with the information and management plans provided in application materials submitted to and approved by the Department.
3. At no time shall the addition of transported wastes cause or contribute to effluent quality violations. Transported wastes may not cause an upset of or pass through the treatment process or have any adverse impact on the sludge disposal practices of the wastewater treatment facility. Wastes that contain heavy metals, toxic chemicals, extreme pH, flammable or corrosive materials in concentrations harmful to the treatment operation must be refused. Odors and traffic from the handling of transported wastes may not result in adverse impacts to the surrounding community. If any adverse effects exist, the receipt or introduction of transported wastes into the treatment process or solids handling stream shall be suspended until there is no further risk of adverse effects.
4. The permittee shall maintain records for each load of transported wastes in a daily log which shall include at a minimum the following.
 - (a) The date;
 - (b) The volume of transported wastes received;
 - (b) The source of the transported wastes;
 - (d) The person transporting the transported wastes;
 - (e) The results of inspections or testing conducted;
 - (f) The volumes of transported wastes added to each treatment stream; and
 - (g) The information in (a) through (d) for any transported wastes refused for acceptance.

These records shall be maintained at the treatment facility for a minimum of five years.

5. The addition of transported wastes into the treatment process or solids handling stream shall not cause the treatment facility's design capacity to be exceeded. If, for any reason, the treatment process or solids handling facilities become overloaded, introduction of transported wastes into the treatment process or solids handling stream shall be reduced or terminated in order to eliminate the overload condition.

SPECIAL CONDITIONS

J. DISPOSAL OF TRANSPORTED WASTES (cont'd)

6. Holding tank wastewater from domestic sources to which no chemicals in quantities potentially harmful to the treatment process have been added shall not be recorded as transported wastes but should be reported in the treatment facility's influent flow.
7. During wet weather events, transported wastes may be added to the treatment process or solids handling facilities only in accordance with a current Wet Weather Flow Management Plan approved by the Department that provides for full treatment of transported wastes without adverse impacts.
8. In consultation with the Department, chemical analysis is required prior to receiving transported wastes from new sources that are not of the same nature as wastes previously received. The analysis must be specific to the type of source and designed to identify concentrations of pollutants that may pass through, upset or otherwise interfere with the facility's operation.
9. Access to transported waste receiving facilities may be permitted only during the times specified in the application materials and under the control and supervision of the person responsible for the wastewater treatment facility or his/her designated representative.
10. The authorization is subject to annual review and, with notice to the permittee and other interested parties of record, may be suspended or reduced by the Department as necessary to ensure full compliance with Department rule 06-096 CMR 555 (effective March 9, 2009) and the terms and conditions of this permit.

K. MERCURY

All mercury sampling (4/Year) required by this permit or required to determine compliance with interim limitations established pursuant to Department rule 06-096 CMR 519 (last amended October 6, 2001), shall be conducted in accordance with EPA's "clean sampling techniques" found in EPA Method 1669, Sampling Ambient Water For Trace Metals At EPA Water Quality Criteria Levels. All mercury analyses shall be conducted in accordance with EPA Method 1631, Determination of Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Fluorescence Spectrometry. See **Attachment C, Effluent Mercury Test Report**, of this permit for the Department's form for reporting mercury test results.

L. AMBIENT WATER QUALITY MONITORING

Between July 1 and September 30 of each year, the permittee is required to participate in the monitoring of ambient water quality on the Penobscot River pursuant to a Department prepared monitoring plan. The total cost to the permittee for the monitoring program shall not exceed a five-year (term of the permit) cap of \$1,000.

SPECIAL CONDITIONS

M. CHAPTER 530(2)(D)(4) CERTIFICATION

On or before December 31 of each year, the permittee shall provide the Department with a certification describing any of the following that have occurred since the effective date of this permit. *[PCS code 95799]*

1. Increases in the number, types and flows of industrial, commercial or domestic discharges to the facility that in the judgment of the Department may cause the receiving water to become toxic.
2. Changes in the condition or operations of the facility that may increase the toxicity of the discharge.
3. Changes in storm water collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge.
4. Increases in the type or volume of hauled wastes accepted by the facility.
5. The Department reserves the right to reinstate annual (surveillance level) testing or other toxicity testing if new information becomes available that indicates the discharge may cause or have a reasonable potential to cause exceedences of ambient water quality criteria/thresholds.

N. MONITORING AND REPORTING

Monitoring results obtained during the previous month shall be summarized for each month and reported on separate Discharge Monitoring Report (DMR) forms provided by the Department and **shall be postmarked on or before the thirteenth (13th) day of the month or hand-delivered to a Department Regional Office such that the DMRs are received by the Department on or before the fifteenth (15th) day of the month following the completed reporting period.** A signed copy of the DMR and all other reports required herein shall be submitted to the Department assigned compliance inspector (unless otherwise specified) at the following address:

Department of Environmental Protection
Bureau of Land and Water Quality
Eastern Maine Regional Office
106 Hogan Road
Bangor, Maine 04401

SPECIAL CONDITIONS

N. MONITORING AND REPORTING (cont'd)

Alternatively, if you are submitting an electronic DMR (eDMR), the completed eDMR must be electronically submitted to the Department by a facility authorized DMR Signatory **not later than close of business on the 15th day of the month** following the completed reporting period. **Hard copy documentation** submitted in support of the eDMR must be **postmarked on or before the thirteenth (13th) day of the month or hand-delivered to the Department's Regional Office such that it is received by the Department on or before the fifteenth (15th) day of the month** following the completed reporting period. **Electronic documentation** in support of the eDMR must be submitted **not later than close of business on the 15th day of the month** following the completed reporting period.

O. REOPENING OF THE PERMIT FOR MODIFICATIONS

Upon evaluation of the tests results or monitoring requirements specified in Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at any time, and with notice to the permittee, modify this permit to: (1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded; (2) require additional effluent or ambient water quality monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information including, but not limited to, new information from ambient water quality studies of the receiving waters.

P. 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.

ATTACHMENT A

(Protocol for Total Phosphorus Sample Collection and Analysis)

Protocol for Total Phosphorus Sample Collection and Analysis for Waste Water and Receiving Water Monitoring Required by Permits

Approved Analytical Methods: EPA 365.1 (Rev. 2.0), 365.3, 365.4; SM 4500-P B.5, 4500-P E, 4500-P F; ASTM D515-88(A), D515-88(B); USGS I-4600-85, I-4610-91; OMAAOAC 973.55, 973.56

Sample Collection: The Maine DEP is requesting that total phosphorus analysis be conducted on composite effluent samples, unless a facility's Permit specifically designates grab sampling for this parameter. Facilities can use individual collection bottles or a single jug made out of glass or polyethylene. Bottles and/or jugs should be cleaned prior to each use with dilute HCL. This cleaning should be followed by several rinses with distilled water. Commercially purchased, pre-cleaned sample containers are an acceptable alternative. The sampler hoses should be cleaned, as needed.

Sample Preservation: During compositing the sample must be at 0-6 degrees C (without freezing). If the sample is being sent to a commercial laboratory or analysis cannot be performed the day of collection then the sample must be preserved using H₂SO₄ to obtain a sample pH of <2 su and refrigerated at 0-6 degrees C (without freezing). The holding time for a preserved sample is 28 days.

Note: Ideally, Total P samples are preserved as described above. However, if a facility is using a commercial laboratory then that laboratory may choose to add acid to the sample once it arrives at the laboratory. The Maine DEP will accept results that use either of these preservation methods.

Laboratory QA/QC: Laboratories must follow the appropriate QA/QC procedures that are described in each of the approved methods.

Sampling QA/QC: If a composite sample is being collected using an automated sampler, then once per month run a blank on the composite sampler. Automatically, draw distilled water into the sample jug using the sample collection line. Let this water set in the jug for 24 hours and then analyze for total phosphorus. Preserve this sample as described above.

ATTACHMENT B

*(Whole Effluent Toxicity, Analytical Chemistry, and
Chemical Specific Test Reporting Forms and Reporting
Limits)*

**MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
WHOLE EFFLUENT TOXICITY REPORT
FRESH WATERS**

Facility Name _____ MEPDES Permit # _____

Facility Representative _____ Signature _____

By signing this form, I attest that to the best of my knowledge that the information provided is true, accurate, and complete.

Facility Telephone # _____ Date Collected _____ Date Tested _____
mm/dd/yy mm/dd/yy

Chlorinated? _____ Dechlorinated? _____

Results	% effluent		Effluent Limitations
	water flea	trout	
A-NOEL			A-NOEL
C-NOEL			C-NOEL

Data summary	water flea			trout		
	% survival		no. young	% survival		final weight (mg)
QC standard	A>90	C>80	>15/female	A>90	C>80	> 2% increase
lab control						
receiving water control						
conc. 1 (%)						
conc. 2 (%)						
conc. 3 (%)						
conc. 4 (%)						
conc. 5 (%)						
conc. 6 (%)						
stat test used						

place * next to values statistically different from controls

for trout show final wt and % incr for both controls

Reference toxicant	water flea		trout	
	A-NOEL	C-NOEL	A-NOEL	C-NOEL
toxicant / date				
limits (mg/L)				
results (mg/L)				

Comments _____

Laboratory conducting test

Company Name _____ Company Rep. Name (Printed) _____

Mailing Address _____ Company Rep. Signature _____

City, State, ZIP _____ Company Telephone # _____

Report WET chemistry on DEP Form "ToxSheet (Fresh Water Version), March 2007."

Maine Department of Environmental Protection
WET and Chemical Specific Data Report Form
This form is for reporting laboratory data and facility information. Official compliance reviews will be done by DEP.

Facility Name _____ MEPDES # _____ Pipe # _____ Facility Representative Signature _____
To the best of my knowledge this information is true, accurate and complete.

Licensed Flow (MGD)
Acute dilution factor
Chronic dilution factor
Human health dilution factor
Criteria type: M(marine) or F(fresh)

Flow for Day (MGD)⁽¹⁾ _____ Flow Avg. for Month (MGD)⁽²⁾ _____
Date Sample Collected _____ Date Sample Analyzed _____

Laboratory Address _____ Telephone _____
Lab Contact _____ Lab ID # _____

FRESH WATER VERSION

ERROR WARNING ! Essential facility information is missing. Please check required entries in bold above.

Please see the footnotes on the last page.

WHOLE EFFLUENT TOXICITY		Effluent Limits, %		Receiving Water or Ambient	Effluent Concentration (ug/L or as noted)	Reporting Limit Check	Possible Exceedance ⁽⁷⁾	
		Acute	Chronic				Acute	Chronic
	Trout - Acute							
	Trout - Chronic							
	Water Flea - Acute							
	Water Flea - Chronic							
WET CHEMISTRY								
	pH (S.U.) ⁽⁹⁾			(8)				
	Total Organic Carbon (mg/L)			(8)				
	Total Solids (mg/L)							
	Total Suspended Solids (mg/L)							
	Alkalinity (mg/L)			(8)				
	Specific Conductance (umhos)							
	Total Hardness (mg/L)			(8)				
	Total Magnesium (mg/L)			(8)				
	Total Calcium (mg/L)			(8)				
ANALYTICAL CHEMISTRY⁽³⁾								
Also do these tests on the effluent with WET. Testing on the receiving water is optional		Effluent Limits, ug/L				Reporting Limit Check	Possible Exceedance ⁽⁷⁾	
		Reporting Limit	Acute ⁽⁶⁾	Chronic ⁽⁶⁾	Health ⁽⁶⁾		Acute	Chronic
	TOTAL RESIDUAL CHLORINE (mg/L) ⁽⁹⁾	0.05						
	AMMONIA	NA			NA			
M	ALUMINUM	NA			(8)			
M	ARSENIC	5			(8)			
M	CADMIUM	1			(8)			
M	CHROMIUM	10			(8)			
M	COPPER	3			(8)			
M	CYANIDE	5			(8)			
M	LEAD	3			(8)			
M	NICKEL	5			(8)			
M	SILVER	1			(8)			
M	ZINC	5			(8)			

Maine Department of Environmental Protection
WET and Chemical Specific Data Report Form
This form is for reporting laboratory data and facility information. Official compliance reviews will be done by DEP.

PRIORITY POLLUTANTS ⁽⁴⁾		Reporting Limit				Effluent Limits		Possible Exceedence ⁽⁷⁾			
								Reporting Limit Check	Acute	Chronic	Health
M	ANTIMONY	5									
M	BERYLLIUM	2									
M	MERCURY (5)	0.2									
M	SELENIUM	5									
M	THALLIUM	4									
A	2,4,6-TRICHLOROPHENOL	3									
A	2,4-DICHLOROPHENOL	5									
A	2,4-DIMETHYLPHENOL	5									
A	2,4-DINITROPHENOL	45									
A	2-CHLOROPHENOL	5									
A	2-NITROPHENOL	5									
A	4,6-DINITRO-O-CRESOL (2-Methyl-4,6-dinitrophenol)	25									
A	4-NITROPHENOL	20									
A	P-CHLORO-M-CRESOL (3-methyl-4-chlorophenol)+B80	5									
A	PENTACHLOROPHENOL	20									
A	PHENOL	5									
BN	1,2,4-TRICHLOROBENZENE	5									
BN	1,2-(O)DICHLOROBENZENE	5									
BN	1,2-DIPHENYLHYDRAZINE	10									
BN	1,3-(M)DICHLOROBENZENE	5									
BN	1,4-(P)DICHLOROBENZENE	5									
BN	2,4-DINITROTOLUENE	6									
BN	2,6-DINITROTOLUENE	5									
BN	2-CHLORONAPHTHALENE	5									
BN	3,3'-DICHLOROBENZIDINE	16.5									
BN	3,4-BENZO(B)FLUORANTHENE	5									
BN	4-BROMOPHENYLPHENYL ETHER	2									
BN	4-CHLOROPHENYL PHENYL ETHER	5									
BN	ACENAPHTHENE	5									
BN	ACENAPHTHYLENE	5									
BN	ANTHRACENE	5									
BN	BENZIDINE	45									
BN	BENZO(A)ANTHRACENE	8									
BN	BENZO(A)PYRENE	3									
BN	BENZO(G,H,I)PERYLENE	5									
BN	BENZO(K)FLUORANTHENE	3									
BN	BIS(2-CHLOROETHOXY)METHANE	5									
BN	BIS(2-CHLOROETHYL)ETHER	6									
BN	BIS(2-CHLOROISOPROPYL)ETHER	6									
BN	BIS(2-ETHYLHEXYL)PHTHALATE	3									
BN	BUTYLBENZYL PHTHALATE	5									
BN	CHRYSENE	3									
BN	DI-N-BUTYL PHTHALATE	5									
BN	DI-N-OCTYL PHTHALATE	5									
BN	DIBENZO(A,H)ANTHRACENE	5									
BN	DIETHYL PHTHALATE	5									
BN	DIMETHYL PHTHALATE	5									

This form is for reporting laboratory data and facility information. Official compliance reviews will be done by DEP.

[illegible]

This form is for reporting laboratory data and facility information. Official compliance reviews will be done by DEP.

[illegible]

Notes:

- (1) Flow average for day pertains to WET/PP composite sample day.
- (2) Flow average for month is for month in which WET/PP sample was taken.
- (3) Analytical chemistry parameters must be done as part of the WET test chemistry.
- (4) Priority Pollutants should be reported in micrograms per liter (ug/L).
- (5) Mercury is often reported in nanograms per liter (ng/L) by the contract laboratory, so be sure to convert to micrograms per liter on this spreadsheet.
- (6) Effluent Limits are calculated based on dilution factor, background allocation (10%) and water quality reserves (15% - to allow for new or changed discharges or non-point sources).
- (7) Possible Exceedence determinations are done for a single sample only on a mass basis using the actual pounds discharged. This analysis does not consider watershed wide allocations for fresh water discharges.
- (8) These tests are optional for the receiving water. However, where possible samples of the receiving water should be preserved and saved for the duration of the WET test. In the event of questions about the receiving water's possible effect on the WET results, chemistry tests should then be conducted.
- (9) pH and Total Residual Chlorine must be conducted at the time of sample collection. Tests for Total Residual Chlorine need be conducted only when an effluent has been chlorinated or residual chlorine is believed to be present for any other reason.

Comments:

ATTACHMENT C

(Mercury Testing Reporting Form)

Effluent Mercury Test Report

Name of Facility: _____ Federal Permit # ME _____

Purpose of this test: ☐ Initial limit determination
☐ Compliance monitoring for: year _____ calendar quarter _____
☐ Supplemental or extra test

SAMPLE COLLECTION INFORMATION

Sampling Date:	<table border="1"><tr><td></td><td></td><td></td></tr><tr><td>mm</td><td>dd</td><td>yy</td></tr></table>				mm	dd	yy	Sampling time:	_____ AM/PM
mm	dd	yy							
Sampling Location:									
Weather Conditions: _____									
Please describe any unusual conditions with the influent or at the facility during or preceding the time of sample collection:									
Optional test - not required but recommended where possible to allow for the most meaningful evaluation of mercury results:									
Suspended Solids _____ mg/L Sample type: _____ Grab (recommended) or _____ Composite									

ANALYTICAL RESULT FOR EFFLUENT MERCURY

Name of Laboratory: _____	
Date of analysis: _____	Result: ng/L (PPT)
Please Enter Effluent Limits for your facility	
Effluent Limits: Average = _____ ng/L	Maximum = _____ ng/L
Please attach any remarks or comments from the laboratory that may have a bearing on the results or their interpretation. If duplicate samples were taken at the same time please report the average.	

CERTIFICATION

I certify that to the best of my knowledge the foregoing information is correct and representative of conditions at the time of sample collection. The sample for mercury was collected and analyzed using EPA Methods 1669 (clean sampling) and 1631 (trace level analysis) in accordance with instructions from the DEP.	
By: _____	Date: _____
Title: _____	

PLEASE MAIL THIS FORM TO YOUR ASSIGNED INSPECTOR

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: **March 22, 2011**

Revised: **May 19, 2011**

PERMIT NUMBER: #ME0100803
 LICENSE NUMBER: #W-002680-6D-G-R

NAME AND ADDRESS OF APPLICANT:

**Town of Millinocket
197 Penobscot Avenue
Millinocket, Maine 04462**

COUNTY: **Penobscot County**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

Millinocket Wastewater Treatment Facility
36 Lagoon Road
Millinocket, Maine 04462

RECEIVING WATER/CLASSIFICATION: **West Branch of the Penobscot River/Class C**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. James Charette**
(207) 723-7040
wastewater@millinocket.org

1. APPLICATION SUMMARY

- a. Application: The applicant has applied for renewal of Maine Pollutant Discharge Elimination System (MEPES) Permit #ME0100803 / Maine Waste Discharge License (WDL) #W-002680-5L-F-M, which was issued on February 11, 2004 for a five-year term. The MEPDES Permit / WDL authorized the discharge of up to a monthly average of 2.33 million gallons per day (MGD) of secondary treated sanitary wastewater from a municipal wastewater treatment facility to the West Branch of the Penobscot River, Class C, in Millinocket, Maine.

2. PERMIT SUMMARY

- a. Regulatory: On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency (USEPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine, excluding areas of special interest to Maine Indian Tribes. On October 30, 2003, after consultation with the U.S. Department of Justice, USEPA extended Maine's NPDES program delegation to all but tribally owned discharges. That decision was subsequently appealed. On August 8, 2007, a panel of the U.S. First Circuit Court of Appeals ruled that Maine's environmental regulatory jurisdiction applies uniformly throughout the State. From January 12, 2001 forward, the program has been referred to as the MEPDES program and permit #ME0100803 (same as NPDES permit number) utilized as the primary reference number for Millinocket.
- b. Terms and Conditions: This permitting action is similar to the February 11, 2004 MEPDES Permit / Maine WDL in that it is carrying forward all previous terms and conditions with a few exceptions. This permitting action is different in that it is establishing:
 1. A daily maximum flow reporting requirement;
 2. Revised *E. coli* bacteria seasonal water quality based monthly average concentration limits based on changes in Maine law;
 3. Year-round total phosphorus monitoring requirements;
 4. Updated whole effluent toxicity, analytical chemistry, and chemical specific (priority pollutant) testing requirements pursuant to *Surface Water Toxics Control Program*, 06-096 CMR 530 and *Surface Water Quality Criteria for Toxic Pollutants* 06-096 CMR 584;
 5. Monthly average and daily maximum water quality based mass and concentration limits for total copper;
 6. Minimum monitoring frequency and sample type requirements based on Department guidance and best professional judgement;
 7. Updated requirements for transported wastes; and
 8. Requirements for Ambient Water Quality Monitoring.
- c. History – The most recent relevant regulatory actions include the following:

June 26, 1992 - The USEPA issued NPDES permit #ME0100803 to the town of Millinocket for a five-year term. This constituted the last USEPA permitting action for the facility.

April 30, 1997 - The Department issued WDL #W-002680-46-D-R for a five-year term.

2. PERMIT SUMMARY (cont'd)

May 25, 2000 – The Department administratively modified WDL #W-002680-46-D-R by establishing interim monthly average and daily maximum concentration limits for the discharge of mercury.

May 6, 2003 – The Department issued WDL #W-002680-5L-E-R for a five-year term.

February 11, 2004 – The Department issued WDL #W-002680-5L-F-M / MEPDES Permit #ME0100803 to the town of Millinocket for the discharge of up to a monthly average of 2.33 MGD of secondary treated sanitary wastewater to the West Branch of the Penobscot River. The Permit/WDL incorporated the terms and conditions of the MEPDES permit program and was issued for a five-year term.

January 9, 2009 – The town of Millinocket submitted a timely application for renewal of its WDL / MEPDES Permit. The application was assigned WDL #W-002680-5L-G-R / MEPDES Permit #ME0100803.

March 3, 2009 – The Department issued a Preliminary Draft MEPDES Permit / Maine WDL for renewal of Millinocket's wastewater discharge to the West Branch of the Penobscot River

March 17, 2009 – The Department issued a working Proposed Draft MEPDES Permit / Maine WDL for renewal of Millinocket's wastewater discharge to the West Branch of the Penobscot River. A formal Proposed Draft was not issued, as all permitting actions on the Penobscot River were placed on hold pending completion of modeling of water quality impacts and necessary nutrient limits for the Penobscot River.

- d. Source Description: The wastewater treatment facility receives sanitary wastewater flows from a population of approximately 5,200 residential and commercial users within the Town of Millinocket. The wastewater treatment facility is currently permitted to accept up to 2,000 gpd of septage. Septage is received at the main pump station, located 1.3 miles from the treatment facility. The town has an up-to-date septage management plan for the facility as required by Department rule 06-096 CMR 555, that has been reviewed and approved by the Department.

The town owns and maintains a sewer collection system that is approximately 36 miles in length and is 100% separated. The collection system has five (5) pump stations (one dedicated to a public school), all with emergency power provisions and audio/visual alarm systems.

2. PERMIT SUMMARY (cont'd)

- e. Wastewater Treatment: The wastewater treatment facility provides for a secondary level of treatment via three aerated facultative lagoons each with fine bubble diffused aeration (Pond #2 upgraded in 1999 and Pond #1 upgraded in 2001) that can be operated in series or parallel. The three lagoons have a total surface area of 13.1 acres, a total volume of 33.2 million gallons and provides for a detention time of up to 28 days. The effluent from the final lagoon is disinfected by sodium hypochlorite and discharged to the West Branch of the Penobscot River via a reinforced concrete pipe measuring 36-inches in diameter that outlets on the north bank of the river, five feet from shore in a depth of one foot at mean low water. Treatment plant sludge disposal or use is appropriately handled pursuant to a separate MEDEP Solid Waste Utilization Permit and a permitted sludge land application site. During the next scheduled sludge removal, Millinocket plans to replace the existing aeration lines in Pond #3 to provide better mixing and oxygen transfer. See Attachment B of this Fact Sheet for a schematic of the wastewater treatment facility.

3. 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.

4. RECEIVING WATER STANDARDS

Maine law, 38 M.R.S.A., Section 467(7)(C)(1)(f) indicates that the West Branch of the Penobscot River at the point of discharge is classified as a Class C waterway. Maine law, 38 M.R.S.A., Section 465(4) describes standards for classification of Class C waters.

5. RECEIVING WATER CONDITIONS

The State of Maine 2010 *Integrated Water Quality Monitoring and Assessment Report* (DEPLW1187), prepared pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act contains lists of waters in Maine that are attaining water quality standards as well as those that are impaired. The report includes the receiving water in the designation *West Branch Penobscot R, main stem below confluence with Millinocket Str* (Assessment Unit ID ME0102000109_205R01) listed in Category 4-B: Rivers and Streams Impaired by Pollutants – Pollution Control Requirements Reasonably Expected to Result in Attainment. The listing pertains to a 4.25-mile segment of Class C water and contains two entries. The causes of impairment are identified as *Nutrient/Eutrophication Biological Indicators* and *Dissolved oxygen*, both with the comment, *Consent agreement signed by BEP 1/17/08 /to reduce phosphorus loading from upstream mills*, and an expected date of attainment of 2012.

The Penobscot River is Class C from the outlet of Ferguson Pond (on the West Branch) to the confluence of the Mattawamkeag River (on the main stem). Class C dissolved oxygen criteria include an instantaneous minimum of 5 mg/l or 60% saturation (whichever is higher) and a monthly average of 6.5 mg/l. This stretch of river is presently considered to be in attainment for DO, but is frequently below the 7 mg/l instantaneous minimum for the next highest standard (Class B) as it is particularly sensitive to algae (phytoplankton) blooms. Three algal blooms have been documented since 2000 (2001, 2004 and 2007). Algae blooms are a definitive biological indicator of nutrient enrichment. The nutrient loadings and respective algae blooms that originate in this Class C section of river are a significant contributor to the measured dissolved oxygen non-attainment in downstream reaches of the river.

Phytoplankton (floating algae) blooms originate in the Dolby impoundment and continue downstream. A 13-mile stretch of river from Dolby Pond (in Millinocket) to the Mattaseunk impoundment (in Weldon) is particularly susceptible to phytoplankton blooms due to a series of four dams where hydraulic conditions of more laminar flow and extended hydraulic residence times are conducive to phytoplankton growth. The phytoplankton that are propagated in this upper portion of the river have difficulty surviving in a 27-mile stretch of more turbulent and free-flowing river below Mattaseunk. The phytoplankton die off below Mattaseunk imposes a significant pollutant loading (BOD) to the river as living water column biomass is converted to degrading organic matter. A further complicating aspect of algal die off is the uncertain dissolved oxygen kinetics associated with stressed algae; specific respiration and production rates may not be consistent with conventional literature rates and the spatial relevance relating to how fast this conversion occurs is unknown.

Dolby Pond is the most critical element in the river system with regard to the phytoplankton related response. Phytoplankton growth is initiated in Dolby Pond but responses associated with non-riverine hydraulics and other atmospheric influences appear to be significant drivers in phytoplankton growth. Industrial dischargers have typically represented

approximately 85 – 90 percent of the observed point source phosphorus loads to the river (based on 1997, 2001

5. RECEIVING WATER CONDITIONS (cont'd)

and 2007 water quality surveys). The limits suggested in the Department's phosphorus waste load allocation results in an approximate 50-50 percent allocation of phosphorus between industrial and municipal point source discharges.

The primary objective of the phosphorus waste load allocation is to prevent in-stream total phosphorus (TP) from exceeding concentration thresholds that would result in non-attainment of the water quality standards for each class of water. The results presented in the Department's waste load allocation report entitled, Penobscot River Phosphorus Waste Load Allocation, May 2011, were derived from a conservative mass balance based analysis of all point sources and non-point sources at 7Q10 river flow conditions. The Department has developed draft nutrient criteria for rivers and streams, which recommend thresholds of 33 ug/l and 30 ug/l TP for Class C and Class B streams respectively. These concentrations were used as the basis for the derived waste load allocation. Additionally, the waste load allocation assumes that TP is a conservative pollutant, in the same manner that the Department evaluates toxics. The Department recognizes that there are periods of time where uptake/loss of phosphorus may occur, but significant losses are not predicted under steady state modeling of non-enriched conditions.

Effluent limitations and monitoring requirements are integral components of the Department's Adaptive Management approach to addressing non-attainment of water quality standards on the Penobscot River. The Department's phosphorus waste load allocation recommends year round monthly average TP mass limits for the Katahdin West operation and seasonal (June 1 – September 30) limits for the three remaining mills. The two Katahdin mills limits will be based on the full permitted flow and a concentration of 100 ug/l and the Lincoln Paper & Tissue mill and the Red Shield mill in Old Town will be based on the full permitted flow and a concentration of 500 ug/L. The limits for the Katahdin mills are more stringent than the other mills as they are located in the stretch of river that is particularly prone to algae (phytoplankton) blooms and the biological response to enrichment in Dolby Pond and the Mattaseunk impoundment is more similar to a lake-like system. Lakes have a significantly lower threshold response to phosphorus. For the non-summer season (October 1 – May 31), the Katahdin East mill will not be subject to a limitation for TP but will be required to monitor TP on a 1/Month basis to track annual loadings of phosphorus to Dolby Pond. Additionally, the Town of Millinocket's wastewater treatment facility (upstream from Dolby Pond) will be required to monitor for total phosphorus 2/Month during the period of June 1 – September 30 of each year and 1/Month during the non-summer season (October 1 – May 31).

Effluent and ambient water quality monitoring are integral components of an Adaptive Management approach to addressing non-attainment of water quality standards. The Department is requiring ambient monitoring of the river pursuant to Special Condition L,

Ambient Water Quality Monitoring, of this permit during periods of low flow. Periods of low flow will be considered to be times when the West Enfield Gage registers a flow less

5. RECEIVING WATER CONDITIONS (cont'd)

than 4,400 cfs. Additionally, the Department is requiring that a network of remote multi-probe sensors be deployed in the river during summer months to more accurately assess the true diurnal dissolved oxygen response to the phosphorus waste load allocation. The location of deployment for the remote sensors is intended to be somewhat flexible such that they can be moved around in a systematic approach to improve our understanding of the specific river response.

The Department is pursuing the waste load allocation because it is reasonably expected to address the dissolved oxygen non-attainment presently being experienced on the Penobscot River. The Department has a high level of confidence that implementation of a phosphorus waste load allocation will dramatically curtail phytoplankton growth, to the point where it will be a negligible influence on dissolved oxygen. Should future ambient water quality monitoring indicate water quality standards are not being achieved and the permittee is causing or contributing to the non-attainment, this permit may be reopened pursuant to Special Condition O, *Reopening of Permit For Modifications*, to establish additional limitations and or monitoring requirements to achieve applicable water quality standards.

All Maine freshwaters are listed in Category 4A, Rivers and Streams with Impaired Use, TMDL Completed, Waters Impaired by Atmospheric Deposition of Mercury, based on USEPA approval of a Regional Mercury Total Maximum Daily Load (TMDL) assessment. This listing contains the following comment: *"Impairment caused by atmospheric deposition of mercury; a regional scale TMDL has been approved. Maine has a fish consumption advisory for fish taken from all freshwaters due to mercury. Many waters, and many fish from any given water, do not exceed the action level for mercury. However, because it is impossible for someone consuming a fish to know whether the mercury level exceeds the action level, the Maine Department of Human Services decided to establish a statewide advisory for all freshwater fish that recommends limits on consumption. Maine has already instituted statewide programs for removal and reduction of mercury sources."*

Maine law 38 M.R.S.A., §420 1-B,(B)(1) states that a facility is not in violation of the AWQC for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413, subsection 11. On May 25, 2000, interim mercury limits were established consisting of 12.4 parts per trillion (ppt)(average) and 18.6 ppt (maximum), which remain in effect. A review of Discharge Monitoring Report (DMR) data on file indicates that the permittee has been in compliance with its interim mercury limits.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- a. Flow: The monthly average flow limitation of 2.33 MGD in the previous permitting action is being carried forward in this permitting action and is representative of the monthly average design flow for the wastewater treatment facility. This permitting action establishes a daily maximum flow reporting requirement, common to other facility permits and based upon Department best professional judgement (BPJ). Minimum monitoring frequency requirements are being carried forward from the previous permitting action. A review of the DMR data for the Millinocket facility for the period of June 2003 through November 2008 indicates the following.

EFFLUENT FLOW

Value	Limit	Minimum	Maximum	Average	# Values
Monthly Avg.	2.33 MGD	0.66 MGD	3.04 MGD	1.34 MGD	65

- b. Dilution Factors – The Department has made the determination that the dilution factors associated with the discharge shall be calculated in accordance with freshwater protocols established in 06-096 CMR 530, *Surface Water Toxics Control Program*, October 2005. With a permit flow limit of 2.33 MGD and the 7Q10 and 1Q10 low flow values for the West Branch of the Penobscot River, the dilution factors are calculated as follows:

$$\text{Modified Acute} = 500 \text{ cfs} \Rightarrow \frac{(500 \text{ cfs})(0.6464) + (2.33 \text{ MGD})}{(2.33 \text{ MGD})} = 140:1$$

$$\text{Acute: 1Q10} = 2,000 \text{ cfs} \Rightarrow \frac{(2,000 \text{ cfs})(0.6464) + (2.33 \text{ MGD})}{(2.33 \text{ MGD})} = 556:1$$

$$\text{Chronic: 7Q10} = 2,219 \text{ cfs} \Rightarrow \frac{(2,219 \text{ cfs})(0.6464) + (2.33 \text{ MGD})}{(2.33 \text{ MGD})} = 617:1$$

$$\text{Harmonic Mean} = 2,364 \text{ cfs} \Rightarrow \frac{(2,364 \text{ cfs})(0.6464) + (2.33 \text{ MGD})}{(2.33 \text{ MGD})} = 657:1$$

06-096 CMR 530(4)(B)(1) states that analyses using numeric acute criteria for aquatic life must be based on ¼ of the 1Q10 stream design flow to prevent substantial acute toxicity within any mixing zone. The regulation goes on to say that where it can be demonstrated that a discharge achieves rapid and complete mixing with the receiving water by way of an efficient diffuser or other effective method, analyses may use a greater proportion of the stream design, up to including all of it. The Department's records indicate that the likelihood of rapid and complete mixing of effluent with the receiving water has not been determined for the Millinocket discharge. Therefore, the Department is utilizing the default stream flow of ¼ of the 1Q10 pursuant to 06-096 CMR 530 in acute evaluations.

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

- c. Biochemical Oxygen Demand (BOD₅) & Total Suspended Solids (TSS): - The previous permitting action carried forward monthly and weekly average BOD₅ and TSS best practicable treatment (BPT) based concentration limits of 30 mg/L and 45 mg/L respectively, that are based on secondary treatment requirements in 06-096 CMR 525(3)(III). The daily maximum BOD₅ and TSS concentration limits of 50 mg/L were based on a Department BPJ of BPT. All three concentration limits are being carried forward in this permitting action, common to all permits for publicly owned treatment works permitted by the Department.

The monthly average and weekly average technology based mass limits were based on the monthly average discharge flow limit of 2.33 MGD and the applicable concentration limits. The daily maximum mass limits for BOD₅ and TSS were based on Department BPJ of BPT and the same methodology. All three mass limits are being carried forward in this permitting action and are calculated as follows.

Monthly average: $(2.33 \text{ MGD})(8.34)(30 \text{ mg/L}) = 583 \text{ lbs/day}$

Weekly average: $(2.33 \text{ MGD})(8.34)(45 \text{ mg/L}) = 874 \text{ lbs/day}$

Weekly average: $(2.33 \text{ MGD})(8.34)(50 \text{ mg/L}) = 972 \text{ lbs/day}$

The previous permitting action carried forward a requirement of 85% removal for BOD₅ and TSS, which is being carried forward in this permitting action pursuant to Department rule Chapter 525(3)(III)(a&b)(3). If required to do so, compliance with the percent removal rate will be based on a twelve-month rolling average as described in Permit Special Condition A, footnote 1. Minimum monitoring frequency requirements are being carried forward from the previous permitting action. A review of the DMR data for the Millinocket facility for the period of June 2003 through November 2008 indicates the following.

BOD MASS

Value	Limit	Minimum	Maximum	Average	# Values
Monthly Avg.	583 lbs/day	23 lbs/day	225 lbs/day	84 lbs/day	65
Weekly Avg.	874 lbs/day	26 lbs/day	408 lbs/day	120 lbs/day	65
Daily Max.	972 lbs/day	30 lbs/day	454 lbs/day	141 lbs/day	65

BOD CONCENTRATION

Value	Limit	Minimum	Maximum	Average	# Values
Monthly Avg.	30 mg/L	3 mg/L	17 mg/L	7.9 mg/L	65
Weekly Avg.	45 mg/L	4 mg/L	22 mg/L	9.8 mg/L	65
Daily Max.	50 mg/L	4 mg/L	25 mg/L	10.3 mg/L	65

BOD PERCENT REMOVAL

Value	Limit	Minimum	Maximum	Average	# Values
Monthly Avg.	85 %	95 %	98 %	97 %	52

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

TSS MASS

Value	Limit	Minimum	Maximum	Average	# Values
Monthly Avg.	583 lbs/day	2 lbs/day	291lbs/day	66 lbs/day	65
Weekly Avg.	874 lbs/day	11 lbs/day	532 lbs/day	50 lbs/day	65
Daily Max.	972 lbs/day	5 lbs/day	625 lbs/day	129 lbs/day	65

TSS CONCENTRATION

Value	Limit	Minimum	Maximum	Average	# Values
Monthly Avg.	30 mg/L	2 mg/L	14 mg/L	5.9 mg/L	65
Weekly Avg.	45 mg/L	2 mg/L	25 mg/L	8.1 mg/L	65
Daily Max.	50 mg/L	2 mg/L	25 mg/L	9.0 mg/L	65

TSS PERCENT REMOVAL

Value	Limit	Minimum	Maximum	Average	# Values
Monthly Avg.	85 %	95 %	99 %	97 %	53

- d. *E. coli* bacteria – The previous permitting action carried forward seasonal monthly average and daily maximum *E. coli* bacteria limits of 142 colonies/100 ml and 949 colonies/100 ml respectively, based on the State of Maine Water Classification Program criteria for Class C waters in place at the time. Subsequent to the February 2004 permitting action, 38 M.R.S.A. §465(4) was amended to require that the *E. coli* bacteria of human and domestic animal origin in Class C waters may not exceed a geometric mean (monthly average) of 126 colonies/100 ml or an instantaneous level (daily maximum) of 236 colonies/100 ml. Therefore, this permitting action is revising the monthly average (geometric mean) limitation for *E. coli* bacteria from 142 colonies/100 ml to 126 colonies/100 ml. The Department has determined that end-of-pipe limitations for the instantaneous concentration standard of 236 colonies/100 ml will be achieved through available dilution of the effluent with the receiving waters and need not be revised in MEPDES permits for facilities with adequate dilution, such as that for Millinocket. *E. coli* bacteria limits and monitoring requirements are seasonal and apply between May 15th and September 30th of each year. The Department reserves the right to require disinfection on a year-round basis to protect the health and welfare of the public. Minimum monitoring frequency requirements are being carried forward from the previous permitting action. A review of the DMR data for the Millinocket facility for the period of June 2003 through November 2008 indicates the following.

E. COLI BACTERIA

Value	Limit	Minimum	Maximum	Average	# Values
Monthly Avg.	142/100 ml	1/100 ml	18/100 ml	4.4/100 ml	29
Daily Max.	949/100 ml	1/100 ml	246/100 ml	37/100 ml	29

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

- e. Total Residual Chlorine (TRC) - The previous permitting action carried forward a daily maximum BPT based concentration limit of 1.0 mg/L for TRC. Limits on TRC are specified to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. Permits issued by the Department impose the more stringent of the calculated water quality based or BPT based limits. End-of-pipe water quality based concentration thresholds may be calculated as follows:

Criterion (mg/L)		Dilution Factors		Calculated Limit (mg/L)	
Acute	Chronic	Acute	Chronic	Acute	Chronic
0.019	0.011	140:1	617:1	2.7	6.8

Example calculation, Acute: $0.019 \text{ mg/L} (140) = 2.7 \text{ mg/L}$

The Department has established a daily maximum BPT limitation of 1.0 mg/L for facilities that disinfect their effluent with elemental chlorine or chlorine based compounds. Because the water quality threshold for TRC calculated above is greater than the Department's BPT limit, the previously established BPT limit of 1.0 mg/L is being carried forward in this permit. This permitting action is establishing a minimum monitoring frequency requirement of 5 times per week based on the compliance history of the facility and Department BPJ. Limits and monitoring requirements for TRC are applicable year round any time elemental chlorine or chlorine based compounds are being used to disinfect the discharge.

A review of the DMR data for the Millinocket facility for the period of June 2003 through November 2008 indicates the following.

TRC CONCENTRATION

Value	Limit	Minimum	Maximum	Average	# Values
Daily Max.	1.0 mg/L	0.04 mg/L	0.46 mg/L	0.16 mg/L	14

- f. pH Range- The previous permitting action carried forward a pH range limitation of 6.0 – 9.0 standard units pursuant to 06-096 CMR 525(3)(III)(c) and considered as BPT. The pH range limitation and minimum monitoring frequency requirements are being carried forward from the previous permitting action.

A review of the DMR data for the Millinocket facility for the period of June 2003 through November 2008 indicates the following.

pH range

Value	Limit	Minimum	Maximum	Average	# Values
Monthly Avg.	---	6.7 s.u.	7.5 s.u.	---	65
Daily Max.	6.0-9.0 s.u.	7.0 s.u.	8.9 s.u.	---	65

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

- g. Total Phosphorus – The previous permitting action carried forward seasonal (June 1 – September 30) monthly average and daily maximum mass and concentration reporting requirements for total phosphorus pursuant to the Department's on-going modeling efforts to determine the assimilative capacity for total phosphorus on the main stem of the West Branch of the Penobscot River.

Phosphorus is an important limiting pollutant in freshwater environments, with the point-source discharge of it having the potential to cause or contribute to non-attainment of water classification standards and designated uses in receiving waters. The Department previously utilized a chronic ambient BPJ water quality threshold of 0.035 mg/L to calculate effluent limits designed to protect receiving waters from nutrient related impacts. The Department is currently developing revised narrative and numerical nutrient criteria. Based on Department BPJ, until the criteria are completed and implemented, this permitting action is carrying forward the previously established June 1 – September 30 monitoring requirements with revised minimum monitoring frequency requirements from once/week in the previous permitting action to twice/month and establishing October 1 – May 31 monitoring requirements at a minimum monitoring frequency of once/month, as described in Fact Sheet Section 5, *Receiving Water Conditions*.

Upon finalization of the Department's revised nutrient criteria, this permitting action may be reopened pursuant to Permit Special Condition O, *Reopening of Permit for Modifications*, and effluent limitations and monitoring requirements established as appropriate. A review of the DMR data for the Millinocket facility for the period of June 2003 through November 2008 indicates the following.

PHOSPHORUS MASS

Value	Limit	Minimum	Maximum	Average	# Values
Monthly Avg.	Report lb/day	12 lbs/day	33 lbs/day	19.6 lbs/day	24
Daily Max.	Report lb/day	12 lbs/day	62 lbs/day	28.3 lbs/day	24

PHOSPHORUS CONCENTRATION

Value	Limit	Minimum	Maximum	Average	# Values
Monthly Avg.	Report mg/L	1.3 mg/L	4.8 mg/L	2.5 mg/L	24
Daily Max.	Report mg/L	1.5 mg/L	7.5 mg/L	3.1 mg/L	24

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

- h. Whole Effluent Toxicity (WET) and Chemical Specific Testing Maine Law, 38 M.R.S.A., Sections 414-A and 420, prohibits the discharge of effluents containing substances in amounts which would cause the surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the USEPA. Department Rules, 06-096 CMR Chapter 530, *Surface Water Toxics Control Program*, and 06-096 CMR Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants*, set forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

WET, priority pollutant and analytical chemistry testing, as required by 06-096 CMR 530, is included in this permit in order to fully characterize the effluent. This permit also provides for reconsideration of effluent limits and monitoring schedules after evaluation of toxicity testing results. The monitoring schedule includes consideration of results currently on file, the nature of the wastewater, existing treatment and receiving water characteristics.

WET monitoring is required to assess and protect against impacts upon water quality and designated uses caused by the aggregate effect of the discharge on specific aquatic organisms. Acute and chronic WET tests are performed on invertebrate and vertebrate species. Priority pollutant and analytical chemistry testing is required to assess the levels of individual toxic pollutants in the discharge, comparing each pollutant to acute, chronic, and human health AWQC as established in 06-096 CMR 584.

06-096 CMR 530 establishes four categories of testing requirements based predominately on the chronic dilution factor. The categories are as follows:

Level I – chronic dilution factor of $<20:1$.

Level II – chronic dilution factor of $\geq 20:1$ but $<100:1$.

Level III – chronic dilution factor $\geq 100:1$ but $<500:1$ or $>500:1$ and $Q \geq 1.0$ MGD

Level IV – chronic dilution $>500:1$ and $Q \leq 1.0$ MGD

Department rule 06-096 CMR 530 (2)(D) specifies the criteria to be used in determining the minimum monitoring frequency requirements for WET, priority pollutant and analytical chemistry testing. Based on the 06-096 CMR 530 criteria, the permittee's facility falls into the Level III frequency category as the facility has a chronic dilution factor of greater than 500:1 and a permitted flow of equal to or greater than 1.0 MGD. 06-096 CMR 530(2)(D)(1) specifies that default surveillance and screening level testing requirements are as follows:

Surveillance level testing – Beginning upon issuance of the permit and lasting through 12 months prior to permit expiration.

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

Level	WET Testing	Priority pollutant testing	Analytical chemistry
III	1 per year	None required	1 per year

Screening level testing - Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter.

Level	WET Testing	Priority pollutant testing	Analytical chemistry
III	1 per year	1 per year	4 per year

On April 10, 2006, the Department modified Millinocket's toxicity testing requirements to consist of chronic WET testing for water flea at a frequency of once per year during the surveillance level testing period (April 2006 – February 2008) and screening level testing consisting of acute and chronic WET testing for water flea and brook trout once per year, Priority Pollutant testing once per year, and Analytical Chemistry testing once per calendar quarter, during the February 2008 – February 2009 screening year. A review of the data on file with the Department indicates that Millinocket has submitted all required WET, Priority Pollutant, and Analytical Chemistry tests. See Attachment C of this Fact Sheet for a summary of the WET test results and Attachment D of this Fact Sheet for a summary of the chemical-specific test dates.

WET test evaluation

06-096 CMR 530(3)(E) states *“For effluent monitoring data and the variability of the pollutant in the effluent, the Department shall apply the statistical approach in Section 3.3.2 and Table 3-2 of USEPA's "Technical Support Document for Water Quality-Based Toxics Control" (USEPA Publication 505/2-90-001, March, 1991, EPA, Office of Water, Washington, D.C.) to data to determine whether water-quality based effluent limits must be included in a waste discharge license. Where it is determined through this approach that a discharge contains pollutants or WET at levels that have a reasonable potential to cause or contribute to an exceedence of water quality criteria, appropriate water quality-based limits must be established in any licensing action.”*

06-096 CMR 530(3) states, *“In determining if effluent limits are required, the Department shall consider all information on file and effluent testing conducted during the preceding 60 months. However, testing done in the performance of a Toxicity Reduction Evaluation (TRE) approved by the Department may be excluded from such evaluations.”*

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

On February 4, 2011, the Department conducted a statistical evaluation on the most recent 60 months of WET test results on file with the Department in accordance with the statistical approach cited above. The statistical evaluation indicates the discharge from the permittee's wastewater treatment facility had one exceedence of the critical chronic water quality threshold (0.16%) for the water flea. The evaluation indicated no exceedences or reasonable potentials (RPs) to exceed the critical acute threshold for the water flea or either the critical acute or chronic thresholds for the brook trout. Therefore, no numeric limitations are being established for the species and critical water quality criteria thresholds where no exceedences or RPs were identified. However, chronic numeric limitations are being established for the water flea in Permit Special Condition A.2. It is noted, the critical water quality thresholds expressed in percent (%) were derived as the mathematical inverse of the acute (140:1) and chronic (617:1) dilution factors.

As for testing frequencies, 06-096 CMR 530(2)(D)(3)(b) states in part that Level III facilities "... *may be waived from conducting surveillance testing for individual WET species or chemicals provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedence as calculated pursuant to section 3(E)*". Based on the results of the 02/04/11 statistical evaluation, the permittee qualifies for the testing waiver for the brook trout, but not for the water flea. Millinocket's exceedence for water flea testing is for the chronic criteria and not the acute criteria. However, as the acute information is obtained from the chronic test without additional effort or cost, the Department is establishing the same testing frequency for both the acute and chronic water flea testing. As a result, this permitting action is establishing surveillance level testing as follows:

Beginning upon issuance of this permit and lasting through 12 months prior to permit expiration.

<u>Species</u>	<u>WET Testing Acute</u>	<u>WET Testing Chronic</u>
Water flea	1 / Year	1 / Year
Brook trout	none	none

In the case of exceedences of applicable water quality criteria, 06-096 CMR 530(3)(C) requires that within forty-five (45) days of the effective date of the permit, the permittee shall submit to the Department for review and approval, a Toxicity Reduction Evaluation (TRE) plan which outlines a strategy to identify the source(s) and action items to be implemented to eliminate those exceedences. As noted above, Millinocket's testing revealed an exceedence of the chronic AWQC for the water flea in June 2007. Subsequent to this testing event, the permittee identified that the exceedence was caused by natural causes within its lagoon system. In August 2008, a subsequent CNOEL WET test passed at 10%, which is more than one order of magnitude above the 0.16% water flea criterion. The follow-up test was conducted at the default surveillance level testing

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

frequency requirement of once per year. Based on the conditions described herein and Department BPJ, the Department has determined that Millinocket has met the requirements of a Phase I TRE and that no further TRE requirements are necessary unless additional testing indicates further exceedences of applicable criteria.

This permit action establishes screening level WET testing requirements as follows: Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter.

Level	WET Testing
III	1 per year

Surveillance and screening level tests are to be conducted in a different calendar quarter of each year.

Special Condition M, *Chapter 530(2)(D)(4) Certification*, of this permitting action requires the permittee to file an annual certification with the Department. It is noted however that if future WET testing results indicate the discharge exceeds critical water quality thresholds this permit will be reopened pursuant to Special Condition O, *Reopening of Permit For Modification*, of this permit to establish applicable limitations and monitoring requirements.

Chemical specific testing evaluation

06-096 CMR 530 §3 states, *“In determining if effluent limits are required, the Department shall consider all information on file and effluent testing conducted during the preceding 60 months. However, testing done in the performance of a Toxicity Reduction Evaluation (TRE) approved by the Department may be excluded from such evaluations.”*

06-096 CMR 530 §4(C), states *“The background concentration of specific chemicals must be included in all calculations using the following procedures. The Department may publish and periodically update a list of default background concentrations for specific pollutants on a regional, watershed or statewide basis. In doing so, the Department shall use data collected from reference sites that are measured at points not significantly affected by point and non-point discharges and best calculated to accurately represent ambient water quality conditions.”* The Department shall use the same general methods as those in section 4(D) to determine background concentrations. For pollutants not listed by the Department, an assumed concentration of 10% of the applicable water quality criteria must be used in calculations. The Department has very limited information on the background levels of metals in the water column of the West Branch of the Penobscot River. Therefore, a default background concentration of 10% of the applicable water quality criteria is being used in the calculations of this permitting action.

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

06-096 CMR 530(4)(E), states *“In allocating assimilative capacity for toxic pollutants, the Department shall hold a portion of the total capacity in an unallocated reserve to allow for new or changed discharges and non-point source contributions. The unallocated reserve must be reviewed and restored as necessary at intervals of not more than five years. The water quality reserve must be not less than 15% of the total assimilative quantity”*. Therefore, the Department is reserving 15% of the applicable water quality criteria in the calculations of this permitting action.

Chapter 530 §(3)(E) states *“Where it is determined... that a discharge contains pollutants or WET at levels that have a reasonable potential to cause or contribute to an exceedence of water quality criteria, appropriate water quality-based limits must be established in any licensing action*

06-096 CMR 530 (4)(F) states in part *“Where there is more than one discharge into the same fresh or estuarine receiving water or watershed, the Department shall consider the cumulative effects of those discharges when determining the need for and establishment of the level of effluent limits. The Department shall calculate the total allowable discharge quantity for specific pollutants, less the water quality reserve and background concentration, necessary to achieve or maintain water quality criteria at all points of discharge, and in the entire watershed. The total allowable discharge quantity for pollutants must be allocated consistent with the following principles.*

Evaluations must be done for individual pollutants of concern in each watershed or segment to assure that water quality criteria are met at all points in the watershed and, if appropriate, within tributaries of a larger river.

The total assimilative capacity, less the water quality reserve and background concentration, may be allocated among the discharges according to the past discharge quantities for each as a percentage of the total quantity of discharges, or another comparable method appropriate for a specific situation and pollutant. Past discharges of pollutants must be determined using the average concentration discharged during the past five years and the facility's licensed flow.

The amount of allowable discharge quantity may be no more than the past discharge quantity calculated using the statistical approach referred to in section 3(E) [Section 3.3.2 and Table 3-2 of USEPA's "Technical Support Document for Water Quality-Based Toxics Control"] of the rule, but in no event may allocations cause the water quality reserve amount to fall below the minimum referred to in 4(E) [15% of the total assimilative capacity]. Any difference between the total allowable discharge quantity and that allocated to existing dischargers must be added to the reserve.”

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

See Attachment E of this Fact Sheet for Department guidance that establishes protocols for establishing waste load allocations. The guidance states that the most protective of water quality becomes the facility's allocation. According to the 2/09/11 statistical evaluation (Report ID #342), pollutants of concern (total copper) are to be limited based on the segment allocation method.

06-096 CMR 530 (3)(D)(1) states, *“For specific chemicals, effluent limits must be expressed in total quantity that may be discharged and in effluent concentration. In establishing concentration, the Department may increase allowable values to reflect actual flows that are lower than permitted flows and/or provide opportunities for flow reductions and pollution prevention provided water quality criteria are not exceeded. With regard to concentration limits, the Department may review past and projected flows and set limits to reflect proper operation of the treatment facilities that will keep the discharge of pollutants to the minimum level practicable.”*

As not to penalize the permittee for operating at flows less than the permitted flow, the Department is establishing concentration limits based on a back calculation from the mass limit utilizing a multiplier of 2.0.

Segment allocation methodology

Historical Average:

For the segment allocation methodology, the historical average quantity (mass) for each pollutant of concern for each facility is calculated utilizing the arithmetic mean of the concentrated values reported for each pollutant, a conversion factor of 8.34 lbs/gallon and the monthly average permit limit for flow. The historical mass discharged for each pollutant for each facility is mathematically summed to determine the total mass discharged for each pollutant in the watershed. Based on the individual discharger's historical average, each discharger is assigned a percentage of the whole which is then utilized to determine the percent of the segment allocation for each pollutant for each facility. For the permittee's facility, historical averages for total copper were calculated as follows:

Copper

Historical average mass

Mean concentration (n = 9) 12.4 ug/L or 0.01244 mg/L

Permit flow limit = 2.33 MGD

Historical average mass = (0.01244 mg/L)(8.34)(2.33 MGD) = 0.242 lbs/day

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

The 2/09/11 statistical evaluation (Report ID #342) indicates the historical average mass of copper discharged by the permittee is 1.6% of the copper discharged by the facilities on the Penobscot River and its tributaries. Therefore, the permittee's acute and chronic segment allocations for copper are calculated as 1.6% of the copper discharged on the Penobscot River and its tributaries. The Department has calculated an acute assimilative capacity of 35.94 lbs/day and a chronic assimilative capacity of 30.51 lbs/day of copper at Bangor, the most downstream facility on the Penobscot River. Therefore, the mass segment allocation for copper for the permittee can be calculated as follows:

Mass limits

Daily maximum: (Acute assimilative capacity mass)(% of total copper discharged)
 $(35.94 \text{ lbs/day})(0.016) = 0.58 \text{ lbs/day}$

Monthly average: (Chronic assimilative capacity mass)(% of total copper discharged)
 $(30.51 \text{ lbs/day})(0.016) = 0.49 \text{ lbs/day}$

Concentration limits

Daily maximum mass limit = 0.58 lbs/day

$$\frac{(0.58 \text{ lbs/day})}{(8.34 \text{ lbs/gal})(2.33 \text{ MGD})} = 0.03 \text{ mg/L}$$

$$(0.03 \text{ mg/L})(1,000 \text{ ug/mg})(2) = 60 \text{ ug/L}$$

Monthly average mass limit = 0.49 lbs/day

$$\frac{(0.49 \text{ lbs/day})}{(8.34 \text{ lbs/gal})(2.33 \text{ MGD})} = 0.025 \text{ mg/L}$$

$$(0.025 \text{ mg/L})(1,000 \text{ ug/mg})(2) = 50 \text{ ug/L}$$

As with WET test results, on February 4, 2011, the Department conducted a statistical evaluation on the most recent 60 months of chemical specific test results on file with the Department in accordance with the statistical approach outlined in 06-096 CMR 530. The statistical evaluation indicates that none of the chemical specific parameters tested, except for copper, exceed or have a reasonable potential to exceed applicable acute, chronic or human health AWQC. 06-096 CMR 530(2)(D)(3)(b) states in part that Level III facilities

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

“... may be waived from conducting surveillance testing for individual WET species or chemicals provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedence as calculated pursuant to section 3(E)”. Therefore, this permitting action is carrying forward the waived surveillance level reporting and monitoring frequency for analytical chemistry testing. It is noted 06-096 CMR 530 §(2)(D)(1) does not require Priority Pollutant testing during the surveillance level testing years.

For screening level testing, 06-096 CMR 530 §(2)(D)(1) requires that beginning 12 months prior to the expiration date of the permit, chemical testing shall be conducted at a frequency of 1/Year for priority pollutant testing and 1/Quarter for analytical chemistry. Therefore, this permit action establishes a screening level analytical chemistry and priority pollutant testing requirements as follows: Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter

Level	Priority pollutant testing	Analytical chemistry
III	1 per year	4 per year

As with WET testing, Special Condition M, *Chapter 530 (2)(D)(4) Certification*, of this permitting action requires the permittee to file an annual certification with the Department.

It is noted however that if future WET or chemical testing indicates the discharge exceeds critical water quality thresholds or AWQC, this permit will be reopened pursuant to Special Condition O, *Reopening of Permit For Modification*, to establish applicable limitations and monitoring requirements. In addition, if future test results of concern fall outside the 60-month evaluation timeframe or a sufficient number of tests removes the reasonable potential to exceed AWQC, the permittee may request a modification of the permit to remove applicable limitations and or reduce the monitoring frequency.

- i. Mercury: Pursuant to Maine law, 38 M.R.S.A. §420, 38 M.R.S.A. §413 and Department rule, 06-096 CMR Chapter 519, *Interim Effluent Limitations and Controls for the Discharge of Mercury*, the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the Town of Millinocket on May 25, 2000 thereby administratively modifying WDL #W-002680-46-D-R by establishing interim monthly average effluent concentration limits of 12.4 parts per trillion (ppt), daily maximum effluent concentration limits of 18.6 ppt, and a minimum monitoring frequency requirement of four tests per year for mercury. The interim mercury limits were scheduled to expire on October 1, 2001. However, effective June 15, 2001, the Maine Legislature enacted Maine law, 38 M.R.S.A. §413, sub-§11 specifying that interim mercury limits and monitoring requirements remain in effect. It is noted that the mercury effluent limitations have not been incorporated into Special Condition A,

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

Effluent Limitations And Monitoring Requirements, of this permit as the limits and monitoring frequencies are regulated separately through Maine law, 38 M.R.S.A. §413, Department rule 06-096 CMR 519, and Special Condition K of this permit. The interim mercury limits remain in effect and enforceable and modifications to the limits and/or monitoring frequencies will be formalized outside of this permitting document pursuant to sections of Maine law and Department rule cited above.

Maine law 38 M.R.S.A., §420 1-B,(B)(1) states that a facility is not in violation of the AWQC for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413, subsection 11. A review of DMR data on file through November 2008 indicates that the permittee has been in compliance with its interim mercury limits.

7. TRANSPORTED WASTES

The previous permitting action authorized the permittee to receive and introduce into the treatment process or solids handling process up to a maximum of 2,000 gallons per day of untreated transported wastes. 06-096 CMR 555, *Standards For The Addition of Transported Wastes to Wastewater Treatment Facilities*, limits the quantity of septage received at a facility to 1% of the design capacity of treatment facility if the facility utilizes a side stream or storage method of introduction into the influent flow, or 0.5% of the design capacity of the facility if the facility does not utilize the side stream or storage method of introduction into the influent flow. A facility may receive more than 1% of the design capacity on a case-by-case basis. The Department previously reviewed and approved Millinocket's plan and determined that under normal operating conditions, the introduction of 2,000 gallons per day of untreated transported wastes into the facility treatment works will not cause or contribute to upset conditions of the treatment process.

8. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As permitted, the Department has determined the existing water uses will be maintained and protected and the discharge will not cause or contribute to the failure of the water body to meet standards for Class C classification. The Department has prepared the *Penobscot River Phosphorus Waste Load Allocation, May 2011*, that address water quality impacts as described in Fact Sheet Section 5, *Receiving Water Conditions*. As noted in Fact Sheet Section 5, should future ambient water quality monitoring indicate water quality standards are not being achieved and the permittee is causing or contributing to the non-attainment, this permit may be reopened pursuant to Special Condition O, *Reopening of Permit For Modifications*, to establish additional limitations and or monitoring requirements to achieve applicable water quality standards.

9. PUBLIC COMMENTS

Public notice of this application was made in The Bangor Daily News on or about December 20, 2008. 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 *Application Processing Procedures for Waste Discharge Licenses* 06-096 CMR 522.

10. DEPARTMENT CONTACTS

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

Robert D. Stratton
Division of Water Quality Management
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017

Telephone (207) 215-1579
Fax (207) 287-3435
email: Robert.D.Stratton@maine.gov

11. RESPONSE TO COMMENTS

During the period of March 22, 2011 through April 21, 2011, the Department solicited comments on the proposed draft Maine Pollutant Discharge Elimination System Permit / Maine Waste Discharge License to be issued to the Town of Millinocket for the proposed discharge. On April 21, 2011, the Department received comments on the proposed draft MEPDES Permit / Maine WDL from the Penobscot Indian Nation, Department of Natural Resources (PIN DNR). The comments received and the Department's responses are included below. In addition, the Department revised the daily maximum limitation for *E. coli* bacteria from the Proposed Draft Permit to the previously established limitation, based on the available dilution of the effluent with the receiving waters and consistent with other facilities in similar situations. Additionally, the Department revised guidance associated with reporting analytical test results which are detected below the respective reporting limits.

Comment 1, Total Phosphorus Effluent Monitoring Requirements. The PIN DNR states, "We support the effluent monitoring requirement for total phosphorous proposed in this license for the Town of Millinocket, however we believe that year round effluent monitoring may be warranted. While ambient and effluent data from MEDEP and PIN studies show that most of the phosphorous loading to Dolby Pond is from the Katahdin West operation, we believe it is important to track the annual phosphorous loadings to the Dolby system where the blooms

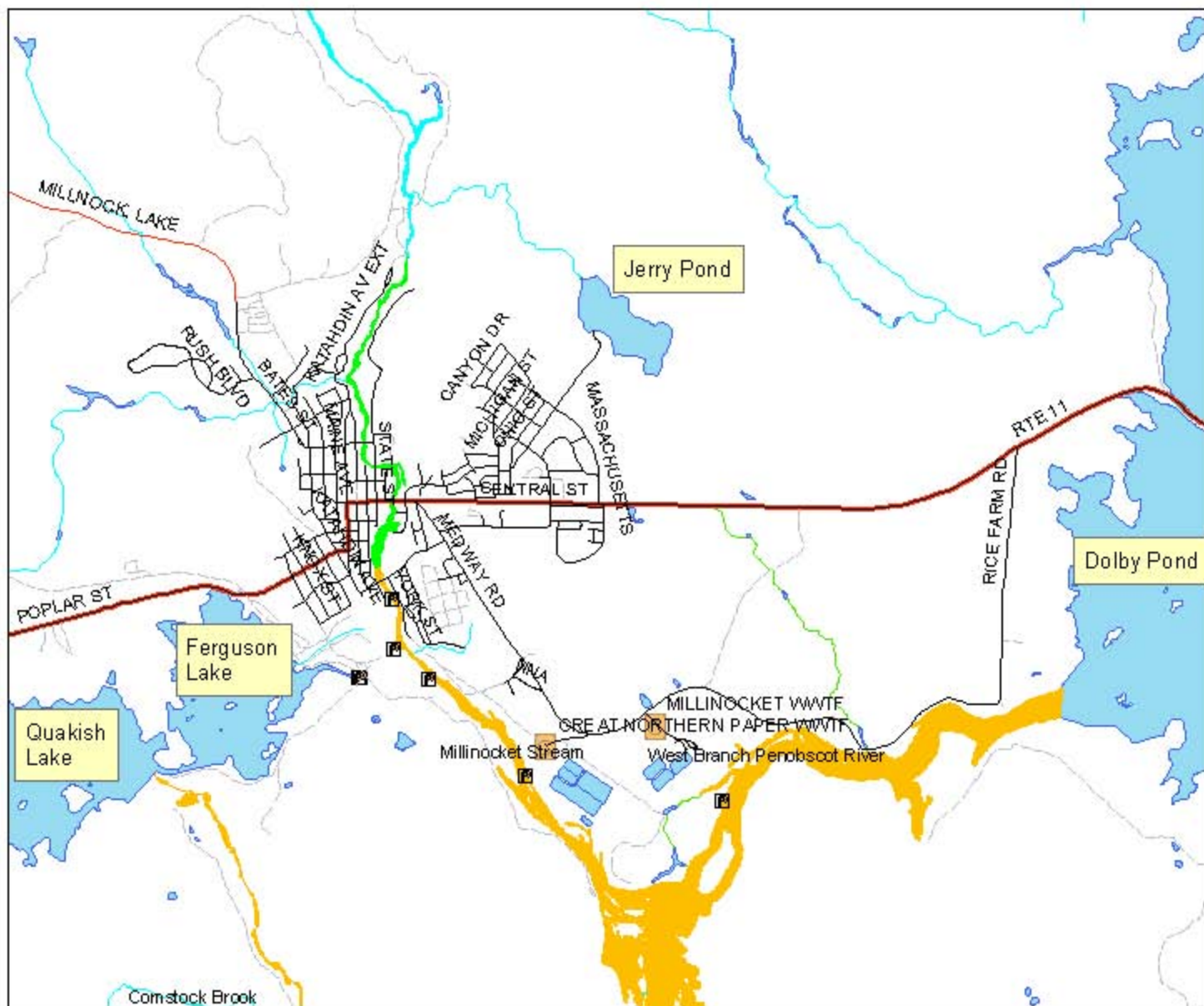
11. RESPONSE TO COMMENTS (cont'd)

begin. Phosphorous that enters the system during the cooler months may be stored within the impoundment sediments and become available, especially when anoxic conditions occur. Annual phosphorous loadings may be useful when evaluating the overall phosphorous allocation. Likewise, recent studies presented at the Northeast Regional Cyanobacteria Workshop indicate that Cyanobacteria blooms can actually occur in the winter time below ice.”

Response 1. The Department acknowledges the PIN DNR comments and, based on a re-examination of the issue by the Division of Environmental Assessment (MEDEP DEA), is establishing year round effluent total phosphorus monitoring requirements. MEDEP DEA notes, the Millinocket discharge is “located upstream of Dolby Pond, which is particularly prone to the onset of phytoplankton blooms. Ambient data from Dolby Pond suggests that nutrients that have accumulated in the sediments could be a significant source contributing summertime algae blooms. Preventing phytoplankton blooms from initiating in Dolby Pond is critical to the success of the P-WLA and year-round scrutiny is warranted based on the unique hydraulic characteristics associated with the Dolby Pond impoundment. Dolby Pond is unique from other impoundments on the Penobscot River in that it is not confined laterally and portions of the pond can become stagnant and prone to stratification. Stratification can lead to anoxic conditions at the sediment/water-column interface, which can cause a significant release of phosphorous from the sediments. Stagnant conditions promote the extended residence times that are necessary for algae blooms to get ramped up.” Thus, the Department considers PIN DNR’s comments to be valid and establishes monitoring requirements in the MEPDES Permit / Maine WDL accordingly.

ATTACHMENT A

(Facility Location Maps)



Millinocket WWTF
Millinocket, Maine

Map created by:
 Bob Stratton
 Division of Water Quality Management
 Maine Department of Environmental Protection

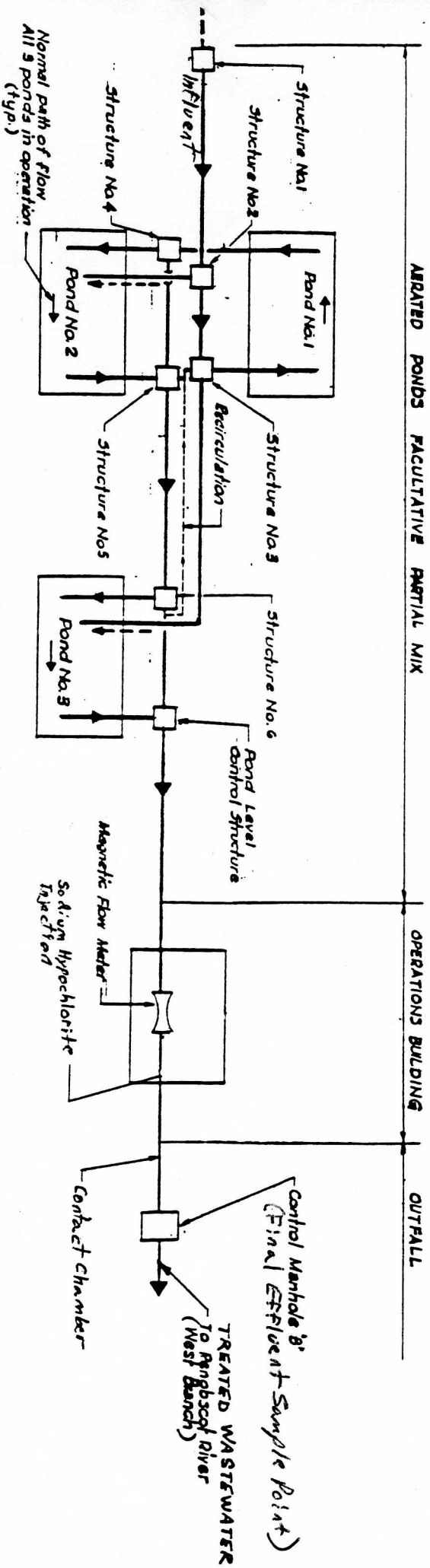


ATTACHMENT B

(Facility Site Plans)

Millinocket Wastewater Treatment

Process Schematic



Attachment "A"

ATTACHMENT C
(Whole Effluent Toxicity Reports)

2/4/2011

WET TEST REPORT

Data for tests conducted for the period
04/Feb/2006 - 04/Feb/2011 period.



MILLINOCKET

NPDES= ME010080

Effluent Limit: Acute (%) = 0.180

Chronic (%) = 0.162

Species	Test	Percent	Sample date	Critical %	Exception	RP
TROUT	A_NOEL	100	08/19/2008	0.180		
TROUT	A_NOEL	100	08/19/2008	0.180		
TROUT	C_NOEL	100	08/19/2008	0.162		
TROUT	C_NOEL	100	08/19/2008	0.162		
WATER FLEA	A_NOEL	100	06/20/2006	0.180		
WATER FLEA	A_NOEL	100	06/20/2006	0.180		
WATER FLEA	A_NOEL	100	10/17/2006	0.180		
WATER FLEA	A_NOEL	100	10/17/2006	0.180		
WATER FLEA	A_NOEL	100	06/05/2007	0.180		
WATER FLEA	A_NOEL	100	06/05/2007	0.180		
WATER FLEA	A_NOEL	100	08/19/2008	0.180		
WATER FLEA	A_NOEL	100	08/19/2008	0.180		
WATER FLEA	A_NOEL	100	06/17/2009	0.180		
WATER FLEA	A_NOEL	100	06/17/2009	0.180		
WATER FLEA	A_NOEL	100	06/01/2010	0.180		
WATER FLEA	A_NOEL	100	06/01/2010	0.180		
WATER FLEA	C_NOEL	100	06/20/2006	0.162		
WATER FLEA	C_NOEL	100	06/20/2006	0.162		
WATER FLEA	C_NOEL	50	10/17/2006	0.162		
WATER FLEA	C_NOEL	50	10/17/2006	0.162		
WATER FLEA	C_NOEL	0.16	06/05/2007	0.162	Y	
WATER FLEA	C_NOEL	0.16	06/05/2007	0.162	Y	
WATER FLEA	C_NOEL	10	08/19/2008	0.162		
WATER FLEA	C_NOEL	10	08/19/2008	0.162		
WATER FLEA	C_NOEL	25	06/17/2009	0.162		
WATER FLEA	C_NOEL	25	06/17/2009	0.162		
WATER FLEA	C_NOEL	100	06/01/2010	0.162		
WATER FLEA	C_NOEL	100	06/01/2010	0.162		

ATTACHMENT D
(Chemical Specific Testing Reports)

PRIORITY POLLUTANT DATA SUMMARY

Date Range: 04/Feb/2006 - 04/Feb/2011 period.



Facility Name: MILLINOCKET

NPDES: ME0100803

Test Date	Monthly (Flow MGD)	Daily	Total Test Number	Test # By Group						Clean	Hg
				M	V	BN	P	O	A		
06/20/2006	1.70	1.32	20	9	0	0	0	11	0	F	0
10/17/2006	1.25	0.74	21	9	0	0	0	12	0	F	0
06/05/2007	0.98	1.59	21	9	0	0	0	12	0	F	0
02/13/2008	NR	NR	8	6	0	0	0	2	0	F	0
06/03/2008	1.17	1.27	12	9	0	0	0	3	0	F	0
08/19/2008	1.16	1.10	135	13	28	46	25	12	11	F	0
11/12/2008	1.20	0.99	12	9	0	0	0	3	0	F	0
06/17/2009	1.12	0.65	21	9	0	0	0	12	0	F	0
06/01/2010	NR	0.85	19	9	0	0	0	10	0	F	0

A = Acid

O = Others

P = Pesticides

BN = Base Neutral M = Metals

V = Volatiles

Parameter: CHLOROETHANE	08/19/2008	2.000	Y
	Test date	Result (ug/l)	Lsthan
Parameter: CHLOROFORM	08/19/2008	2.000	Y
	Test date	Result (ug/l)	Lsthan
Parameter: CHROMIUM	08/19/2008	2.000	Y
	Test date	Result (ug/l)	Lsthan
	06/20/2006	10.000	Y
	10/17/2006	10.000	Y
	06/05/2007	10.000	Y
	02/13/2008	10.000	Y
	06/03/2008	10.000	Y
	08/19/2008	10.000	Y
	11/12/2008	10.000	Y
	06/17/2009	10.000	Y
	06/01/2010	10.000	Y
Parameter: CHRYSENE	Test date	Result (ug/l)	Lsthan
	08/19/2008	2.000	Y
Parameter: COPPER	Test date	Result (ug/l)	Lsthan
	06/20/2006	4.000	N
	10/17/2006	19.000	N
	06/05/2007	19.000	N
	02/13/2008	18.000	N
	06/03/2008	8.000	N
	08/19/2008	5.000	N
	11/12/2008	7.000	N
	06/17/2009	6.000	N
	06/01/2010	26.000	N
	Test date	Result (ug/l)	Lsthan
Parameter: CYANIDE	06/20/2006	22.000	N
	10/17/2006	5.000	Y
	06/05/2007	5.000	Y
	06/03/2008	3.000	Y
	08/19/2008	5.000	Y
	11/12/2008	5.000	Y
	06/17/2009	5.000	Y
	06/01/2010	5.000	Y
	Test date	Result (ug/l)	Lsthan
	08/19/2008	0.050	Y
	Test date	Result (ug/l)	Lsthan
Parameter: D-BHC	08/19/2008	2.000	Y
	Test date	Result (ug/l)	Lsthan
Parameter: DIBENZO(A,H)ANTHRACE	08/19/2008	2.000	Y
	Test date	Result (ug/l)	Lsthan
Parameter: DICHLOBROMOMETHAL	08/19/2008	2.000	Y
	Test date	Result (ug/l)	Lsthan
Parameter: DIELDRIN	08/19/2008	2.000	Y
	Test date	Result (ug/l)	Lsthan
Parameter: DIETHYL PHTHALATE	08/19/2008	0.050	Y
	Test date	Result (ug/l)	Lsthan
Parameter: DIMETHYL PHTHALATE	08/19/2008	2.000	Y
	Test date	Result (ug/l)	Lsthan
	08/19/2008	2.000	Y

ATTACHMENT E

*(Guidelines for Evaluating Toxicity from Multiple
Dischargers)*

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

MEMORANDUM

DATE: October 2008

TO: Interested Parties

FROM: Dennis Merrill, DEP

SUBJECT: DEP's system for evaluating toxicity from multiple discharges

Following the requirements of DEP's rules, Chapter 530, section 4(F), the Department is evaluating discharges of toxic pollutants into a freshwater river system in order to prevent cumulative impacts from multiple discharges. This is being through the use of a computer program known internally as "DeTox". The enclosed package of information is intended to introduce you to this system.

Briefly, the DeTox program evaluates each wastewater facility within a watershed in three different ways in order to characterize its effluent: 1) the facility's past history of discharges, 2) its potential toxicity at the point of discharge on an individual basis, and 3) the facility's contribution to cumulative toxicity within a river segment in conjunction with other facilities. The value that is most protective of water quality becomes the value that is held in the DeTox system as an allocation for the specific facility and pollutant.

The system is not static and uses a five-year "rolling" data window. This means that, over time, old test results drop off and newer ones are added. The intent of this process is to maintain current, uniform facility data to estimate contributions to a river's total allowable pollutant loading prior to each permit renewal.

Many facilities are required to do only a relatively small amount of pollutant testing on their effluent. This means, statistically, the fewer tests done, the greater the possibility of effluent limits being necessary based on the facility's small amount of data. To avoid this situation, most facilities, especially those with low dilution factors, should consider conducting more than the minimum number of tests required by the rules.

Attached you will find three documents with additional information on the DeTox system:

- Methods for evaluating the effects of multiple discharges of toxic pollutants
- Working definitions of terms used in the DeTox system
- Reviewing DeTox Reports
- Prototype facility and pollutant reports

If you have questions as you review these, please do not hesitate to contact me at Dennis.L.Merrill@maine.gov or 287-7788.

Maine Department of Environmental Protection

Methods for evaluating the effects of multiple discharges of toxic pollutants.

Reference: DEP Rules, Chapter 530, section 4(F)

To evaluate discharges of toxic pollutants into a freshwater river system and prevent cumulative impacts from multiple discharges, DEP uses a computer program called "DeTox" that functions as a mathematical evaluation tool.

It uses physical information about discharge sources and river conditions on file with the Department, established water quality criteria and reported effluent test information to perform these evaluations. Each toxic pollutant and associated water quality criterion for acute, chronic and/or human health effects is evaluated separately.

Each facility in a river drainage area has an assigned position code. This "address" is used to locate the facility on the river segment and in relation to other facilities and tributary streams. All calculations are performed in pounds per day to allow analysis on a mass balance. Pollutants are considered to be conservative in that once in the receiving water they will not easily degrade and have the potential to accumulate.

The process begins with establishing an assimilative capacity for each pollutant and water quality criterion at the most downstream point in the river segment. This calculation includes set-aside amounts for background and reserve quantities and assumed values for receiving water pH, temperature and hardness. The resulting amount of assimilative capacity is available for allocation among facilities on the river.

Each facility is evaluated to characterize its past discharge quantities. The historical discharge, in pounds per day, is figured using the average reported concentration and the facility's permitted flow. As has been past practice, a reasonable potential (RP) factor is used as a tool to estimate the largest discharge that may occur with a certain degree of statistical certainty. The RP factor is multiplied by the historical average to determine an allocation based on past discharges. The RP factor is also multiplied by the single highest test to obtain a maximum day estimate. Finally, the direct average without RP adjustment is used to determine the facility's percent contribution to the river segment in comparison to the sum of all discharges of the pollutant. This percent multiplied by the total assimilative capacity becomes the facility's discharge allocation used in evaluations of the segment loadings.

Additionally, individual facility discharges are evaluated as single sources, as they have been in the past to determine if local conditions are more limiting than a segment evaluation.

With all of this information, facilities are evaluated in three ways. The methods are:

1. The facility's past history. This is the average quantity discharged during the past five years multiplied by the applicable RP factor. This method is often the basis for an allocation when the discharge quantity is relatively small in comparison to the water quality based allocation.
2. An individual evaluation. This assumes no other discharge sources are present and the allowable quantity is the total available assimilative capacity. This method may be used when a local condition such as river flow at the point of discharge is the limiting factor.
3. A segment wide evaluation. This involves allocating the available assimilative capacity within a river segment based on a facility's percent of total past discharges. This method would be used when multiple discharges of the same pollutant to the same segment and the available assimilative capacity is relatively limited.

The value that is most protective of water quality becomes the facility's allocation that is held in the system for the specific facility and pollutant. It is important to note that the method used for allocation is facility and pollutant specific and different facilities on the same segment for the same pollutant can have different methods used depending on their individual situations.

Discharge amounts are always allocated to all facilities having a history of discharging a particular pollutant. This does not mean that effluent limits will be established in a permit. Limits are only needed when past discharge amounts suggest a reasonable potential to exceed a water quality based allocation, either on an individual or segment basis. Similar to past practices for single discharge evaluations, the single highest test value is multiplied by a RP factor and if product is greater than the water quality allowance, an effluent limit is established. It is important to remember an allocation is "banking" some assimilative capacity for a facility even if effluent limits are not needed.

Evaluations are also done for each tributary segment with the sum of discharge quantities in tributaries becoming a "point source" to the next most significant segment. In cases where a facility does not use all of its assimilative capacity, usually due to a more limiting individual water quality criterion, the unused quantity is rolled downstream and made available to other facilities.

The system is not static and uses a five-year rolling data window. Over time, old tests drop off and newer ones are added on. These changes cause the allocations and the need for effluent limits to shift over time to remain current with present conditions. The intent is to update a facility's data and relative contribution to a river's total assimilative capacity prior to each permit renewal. Many facilities are required to do only minimal testing to characterize their effluents. This creates a greater degree of statistical uncertainty about the true long-term quantities. Accordingly, with fewer tests the RP factor will be larger and result in a greater possibility of effluent limits being necessary. To avoid this situation, most facilities, especially those with relatively low dilution factors, are encouraged to conduct more than a minimum number of tests. It is generally to a facility's long-term benefit to have more tests on file since their RP factor will be reduced.

Maine Department of Environmental Protection

Working Definitions of Terms Used in the DeTox System.

Allocation. The amount of pollutant loading set aside for a facility. Separate amounts are set for each *water quality criterion*. Each pollutant having a history of being discharged will receive an allocation, but not all allocations become *effluent limits*. Allocation may be made in three ways: *historical allocation*, *individual allocation* or *segment allocation*.

Assimilative capacity. The amount of a pollutant that river segment can safely accept from point source discharges. It is determined for the most downstream point in a river segment using the *water quality criterion* and river flow. Separate capacities are set for acute, chronic and human health criteria as applicable for each pollutant. Calculation of this capacity includes factors for *reserve* and *background* amounts.

Background. A concentration of a pollutant that is assumed to be present in a receiving water but not attributable to discharges. By rule, this is set as a rebuttable presumption at 10% of the applicable *water quality criterion*.

Effluent limit. A numeric limit in a discharge permit specifically restricting the amount of a pollutant that may be discharged. An effluent limit is set only when the highest discharge, including an adjustment for *reasonable potential*, is greater than a facility's water quality based *allocation* for a pollutant.

Historical allocation (or RP history). One of three ways of developing an *allocation*. The facility's average history of discharges, in pounds at design flow, is multiplied by the appropriate *reasonable potential* factor. An allocation using this method does not become an *effluent limit*.

Historical discharge percentage. For each pollutant, the average discharge concentration for each facility in a segment is multiplied by the permitted flow (without including a *reasonable potential* factor). The amounts for all facilities are added together and a percent of the total is figured for each facility. When a facility has no detectable concentrations, that pollutant is assumed to be not present and it receives no percentage.

Individual allocation. One of three ways of developing an *allocation*. The facility's single highest discharge on record multiplied by the appropriate *reasonable potential* factor is compared to a water quality based quantity with an assumption that the facility is the only point source to that receiving water. If the RP-adjusted amount is larger, the water quality amount may become an *effluent limit*.

Less than. A qualification on a laboratory report indicating the concentration of a pollutant was below a certain concentration. Such a result is evaluated as being one half of the Department's reporting limit in most calculations.

Reasonable potential (RP). A statistical method to determine the highest amount of a pollutant likely to be present at any time based on the available test results. The method produces a value or RP factor that is multiplied by test results. The method relies on an EPA guidance document, and considers the coefficient of variation and the number of tests. Generally, the fewer number of tests, the higher the RP factor.

Reserve. An assumed concentration of a pollutant that set aside to account for non-point source of a pollutant and to allow new discharges of a pollutant. By rule this is set at 15% of the applicable *water quality criterion*.

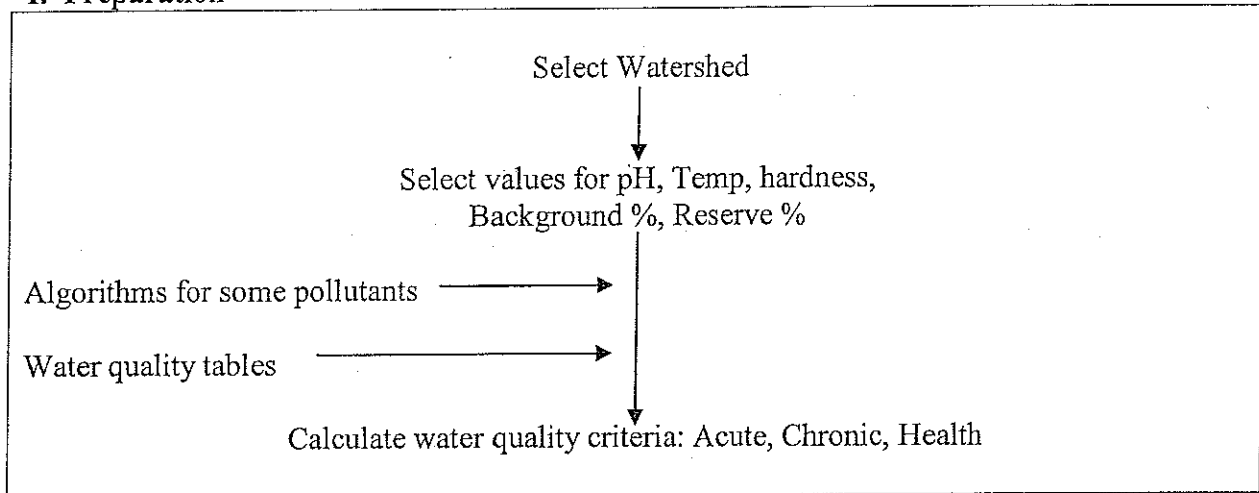
Segment allocation. One of three ways of developing an *allocation*. The amount is set by multiplying a facility's *historical discharge percentage* for a specific pollutant by the *assimilative capacity* for that pollutant and criterion. A facility will have different allocation percentages for each pollutant. This amount may become an *effluent limit*.

Tributary. A stream flowing into a larger one. A total pollutant load is set by adding the all facilities *allocations* on the tributary and treating this totaled amount as a "point source" to the next larger segment.

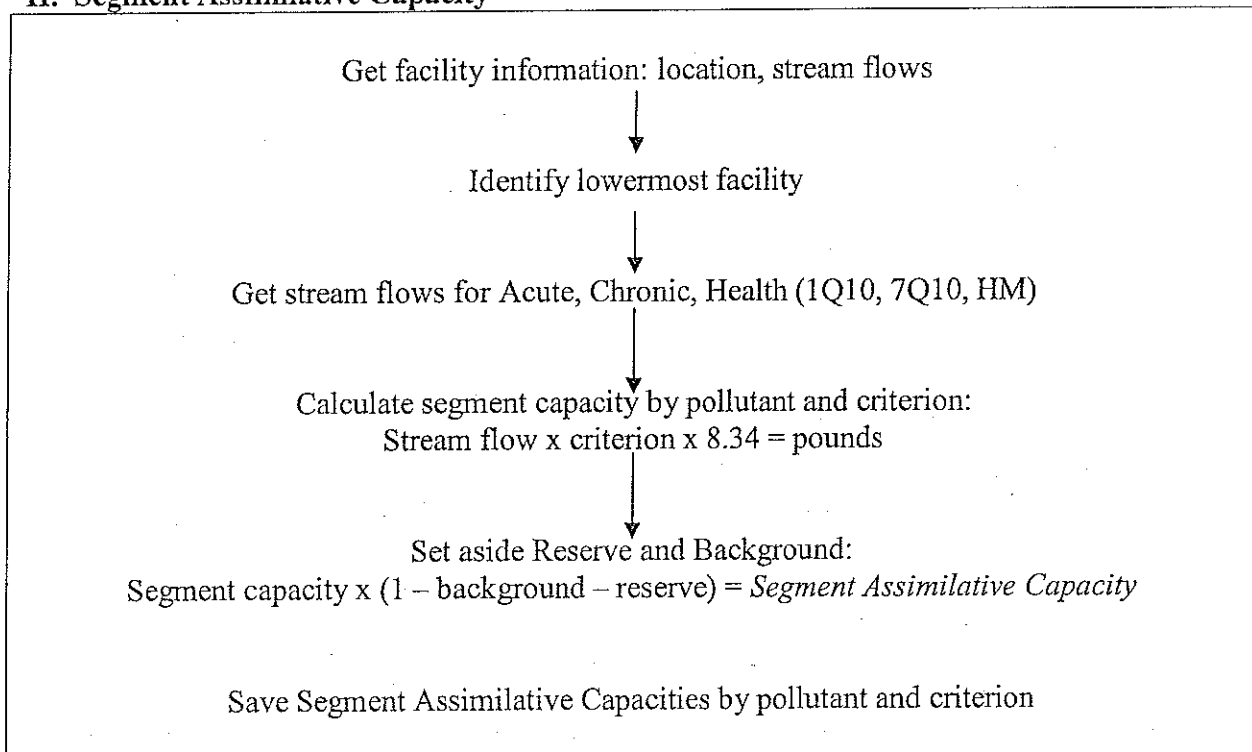
Water quality criteria. Standards for acceptable in-stream or ambient levels of pollutants. These are established in the Department's Chapter 584 and are expressed as concentrations in ug/L. There may be separate standards for acute and chronic protection aquatic life and/or human health. Each criterion becomes a separate standard. Different stream flows are used in the calculation of each.

Maine Department of Environmental Protection
General Processing Steps in "DeTox"

I. Preparation

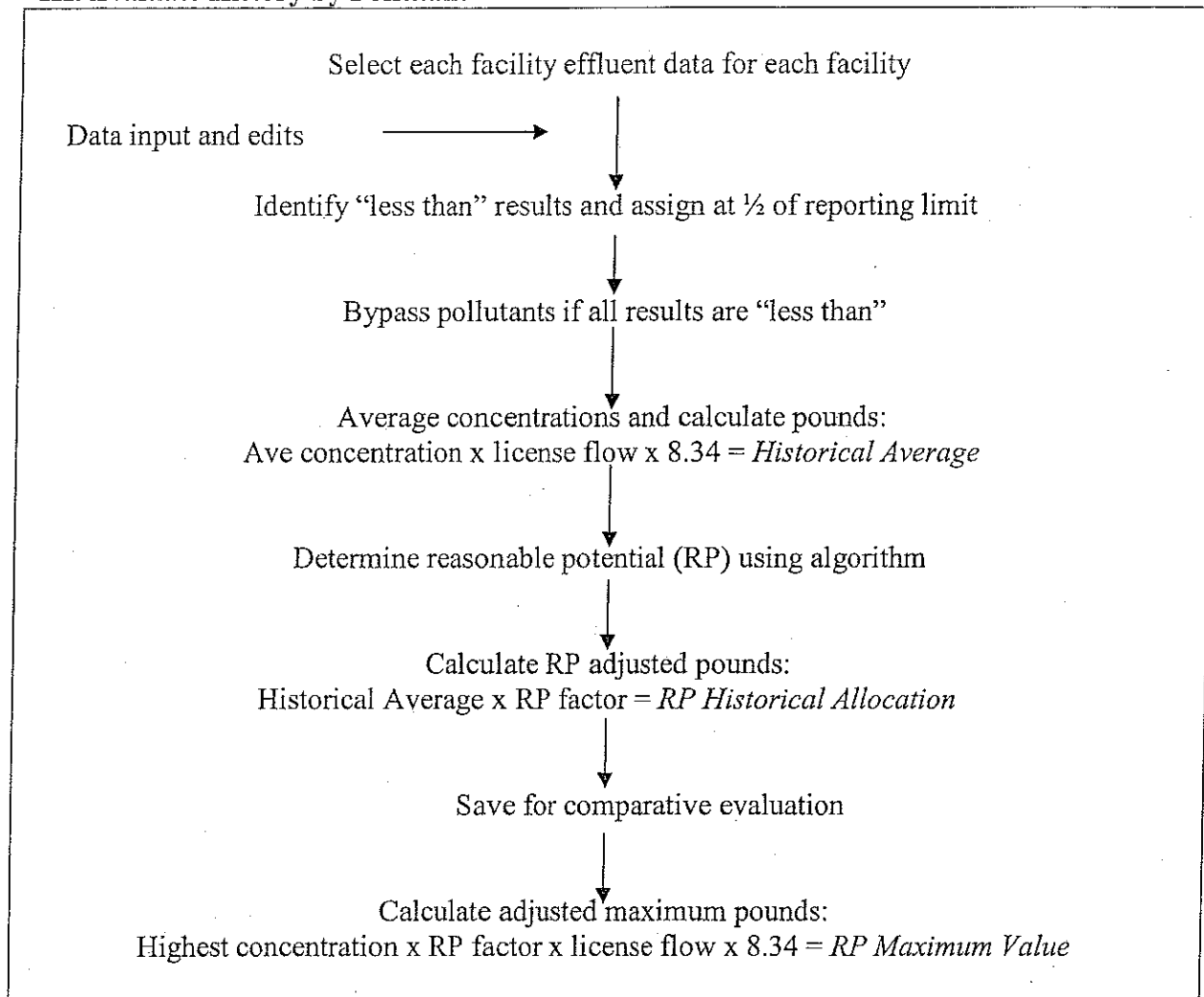


II. Segment Assimilative Capacity

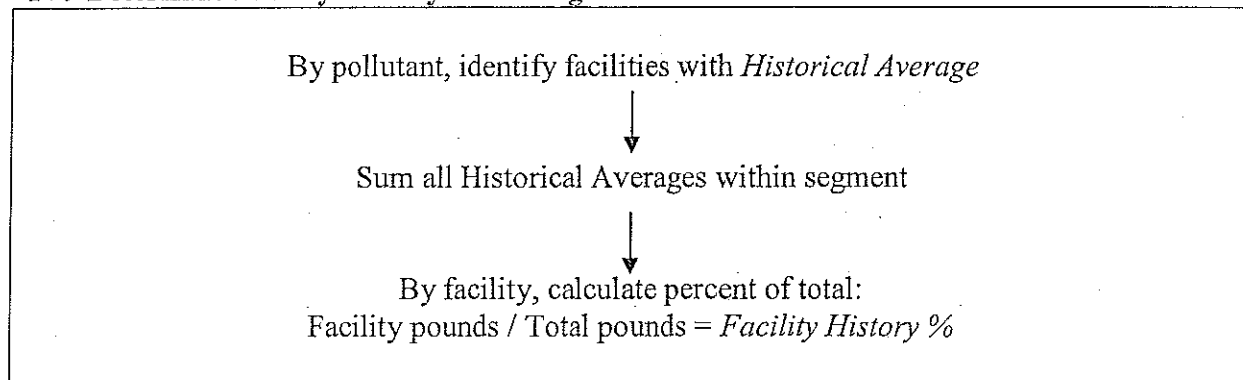


Maine Department of Environmental Protection
General Processing Steps in "DeTox"

III. Evaluate History by Pollutant

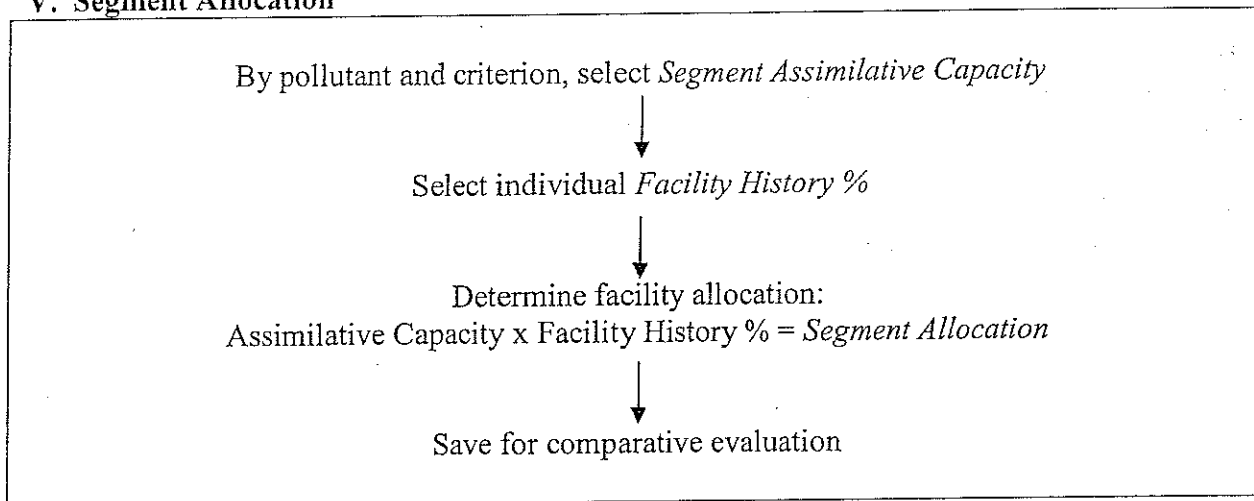


IV. Determine Facility History Percentage

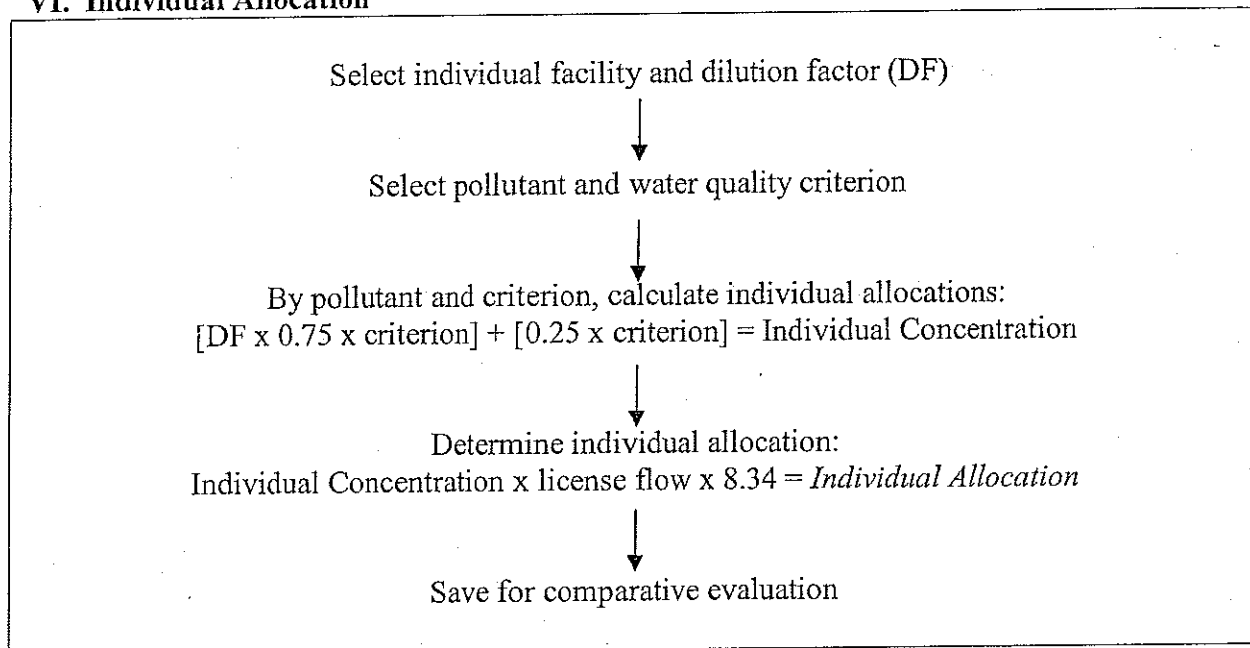


Maine Department of Environmental Protection
General Processing Steps in "DeTox"

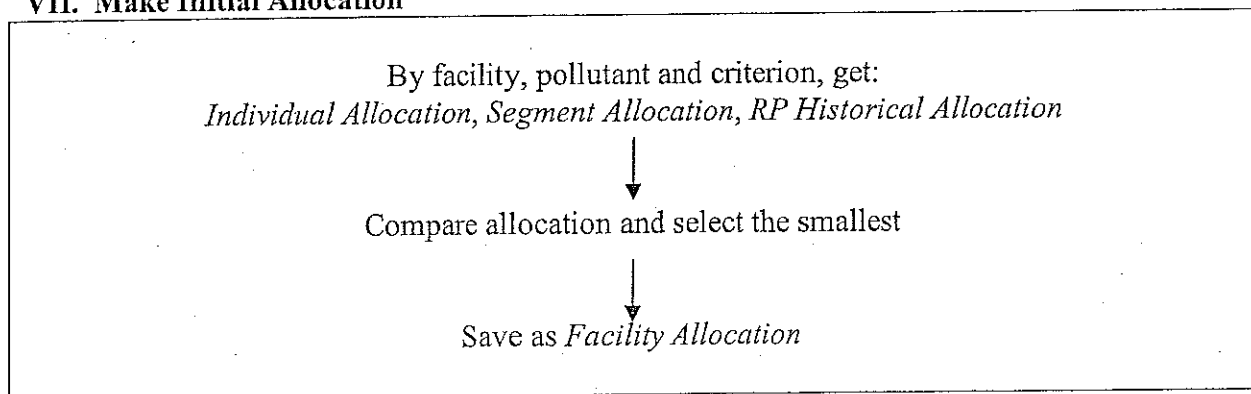
V. Segment Allocation



VI. Individual Allocation

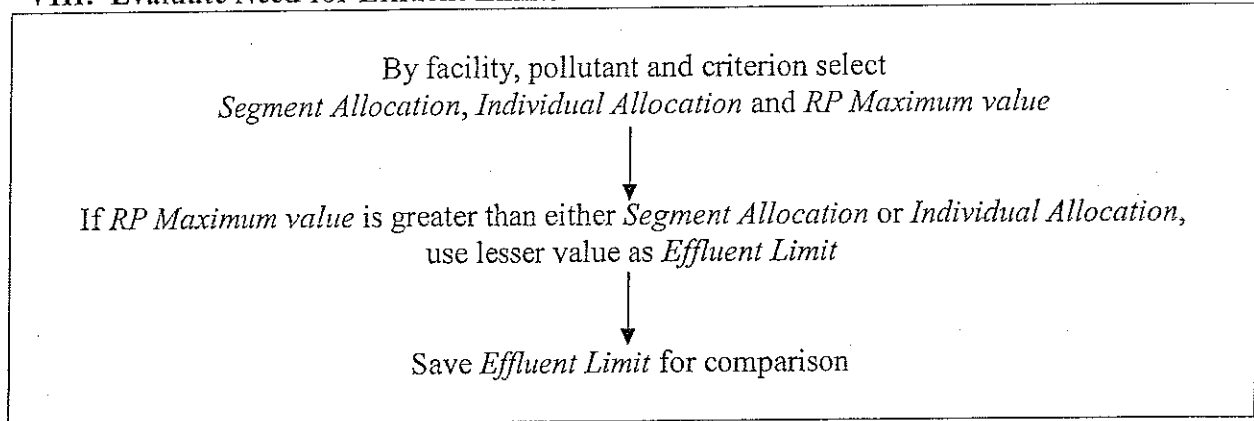


VII. Make Initial Allocation

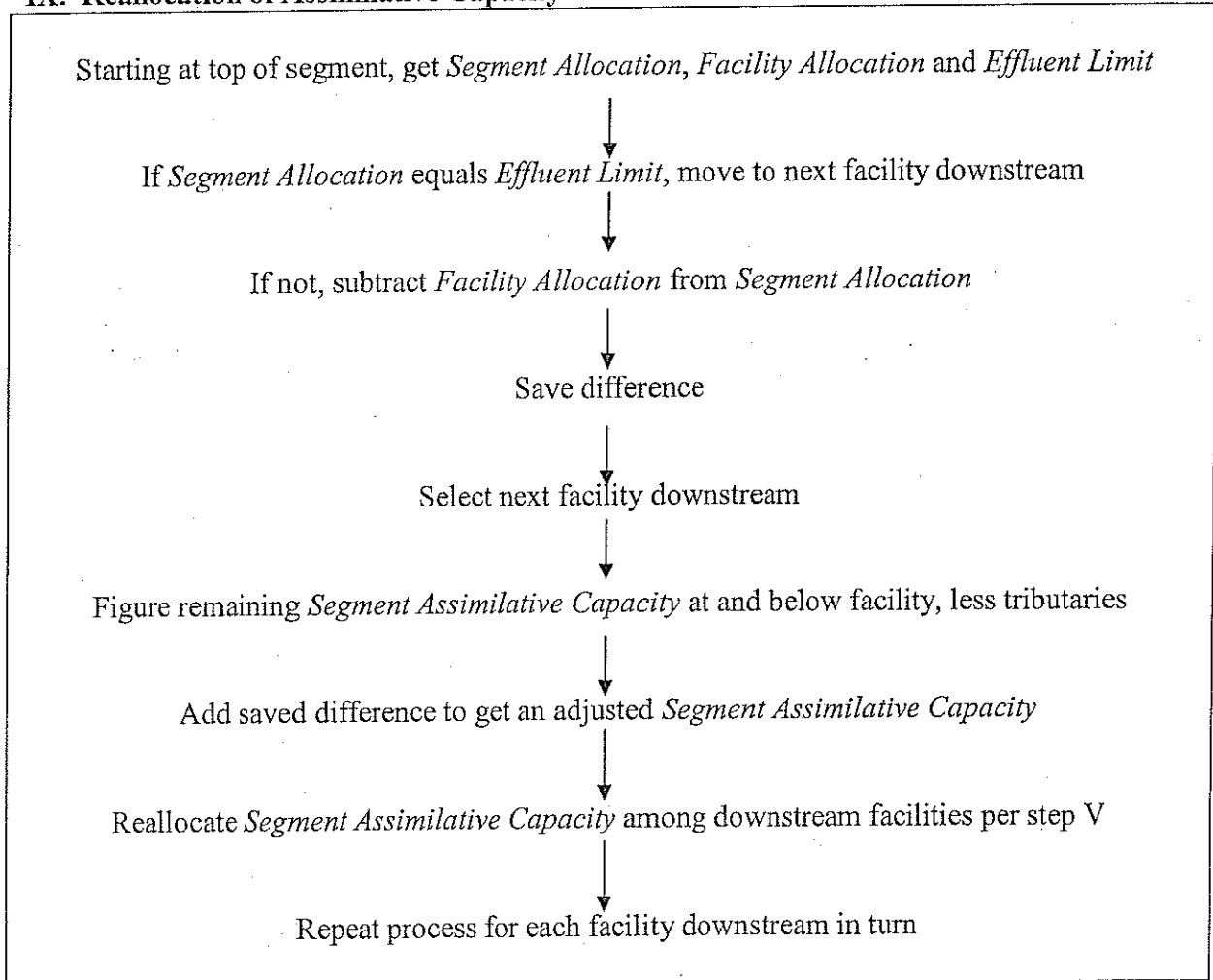


Maine Department of Environmental Protection
General Processing Steps in "DeTox"

VIII. Evaluate Need for Effluent Limits



IX. Reallocation of Assimilative Capacity



ATTACHMENT F
(06-096 CMR 530 Reporting Form)

CHAPTER 530(2)(D)(4) CERTIFICATION

MEPDES# _____ Facility Name _____

Since the effective date of your permit have there been:	NO	YES (Describe in Comments)
1. changes in the number or types of non-domestic wastes contributed directly or indirectly to the wastewater treatment works that may increase the toxicity of the discharge?		
2. changes in the operation of the treatment works that may increase the toxicity of the discharge?		
3. changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge?		

COMMENTS:

Name(print) _____

Signature _____ Date _____

This document must be signed by the permittee or their legal representative.

This form may be used to meet the requirements of Chap 530(2)(D)(4). This Chapter requires all dischargers having waived or reduced Toxic testing to file a statement with the Department describing changes to the waste being contributed to their system as outlined above. As an alternative the discharger may submit a signed letter containing the same information.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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A. GENERAL PROVISIONS

1. General compliance. All discharges shall be consistent with the terms and conditions of this permit; any changes in production capacity or process modifications which result in changes in the quantity or the characteristics of the discharge must be authorized by an additional license or by modifications of this permit; it shall be a violation of the terms and conditions of this permit to discharge any pollutant not identified and authorized herein or to discharge in excess of the rates or quantities authorized herein or to violate any other conditions of this permit.

2. Other materials. Other materials ordinarily produced or used in the operation of this facility, which have been specifically identified in the application, may be discharged at the maximum frequency and maximum level identified in the application, provided:

- (a) They are not
 - (i) Designated as toxic or hazardous under the provisions of Sections 307 and 311, respectively, of the Federal Water Pollution Control Act; Title 38, Section 420, Maine Revised Statutes; or other applicable State Law; or
 - (ii) Known to be hazardous or toxic by the licensee.
- (b) The discharge of such materials will not violate applicable water quality standards.

3. Duty to comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of State law and the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

- (a) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act, and 38 MRSA, §420 or Chapter 530.5 for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
- (b) Any person who violates any provision of the laws administered by the Department, including without limitation, a violation of the terms of any order, rule license, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

4. Duty to provide information. The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

5. Permit actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

6. Reopener clause. The Department reserves the right to make appropriate revisions to this permit in order to establish any appropriate effluent limitations, schedule of compliance or other provisions which may be authorized under 38 MRSA, §414-A(5).

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

7. Oil and hazardous substances. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject under section 311 of the Federal Clean Water Act; section 106 of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; or 38 MRSA §§ 1301, et. seq.

8. Property rights. This permit does not convey any property rights of any sort, or any exclusive privilege.

9. Confidentiality of records. 38 MRSA §414(6) reads as follows. "Any records, reports or information obtained under this subchapter is available to the public, except that upon a showing satisfactory to the department by any person that any records, reports or information, or particular part or any record, report or information, other than the names and addresses of applicants, license applications, licenses, and effluent data, to which the department has access under this subchapter would, if made public, divulge methods or processes that are entitled to protection as trade secrets, these records, reports or information must be confidential and not available for public inspection or examination. Any records, reports or information may be disclosed to employees or authorized representatives of the State or the United States concerned with carrying out this subchapter or any applicable federal law, and to any party to a hearing held under this section on terms the commissioner may prescribe in order to protect these confidential records, reports and information, as long as this disclosure is material and relevant to any issue under consideration by the department."

10. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

11. Other laws. The issuance of this permit does not authorize any injury to persons or property or invasion of other property rights, nor does it relieve the permittee of its obligation to comply with other applicable Federal, State or local laws and regulations.

12. Inspection and entry. The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the EPA Administrator), upon presentation of credentials and other documents as may be required by law, to:

- (a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

B. OPERATION AND MAINTENANCE OF FACILITIES

1. General facility requirements.

- (a) The permittee shall collect all waste flows designated by the Department as requiring treatment and discharge them into an approved waste treatment facility in such a manner as to

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

maximize removal of pollutants unless authorization to the contrary is obtained from the Department.

- (b) The permittee shall at all times maintain in good working order and operate at maximum efficiency all waste water collection, treatment and/or control facilities.
- (c) All necessary waste treatment facilities will be installed and operational prior to the discharge of any wastewaters.
- (d) Final plans and specifications must be submitted to the Department for review prior to the construction or modification of any treatment facilities.
- (e) The permittee shall install flow measuring facilities of a design approved by the Department.
- (f) The permittee must provide an outfall of a design approved by the Department which is placed in the receiving waters in such a manner that the maximum mixing and dispersion of the wastewaters will be achieved as rapidly as possible.

2. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

3. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

4. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. Bypasses.

(a) Definitions.

- (i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
- (ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c) and (d) of this section.

(c) Notice.

- (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

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STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

- (ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph D(1)(f), below. (24-hour notice).
- (d) Prohibition of bypass.
 - (i) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:
 - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (C) The permittee submitted notices as required under paragraph (c) of this section.
 - (ii) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph (d)(i) of this section.

6. Upsets.

- (a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- (c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (i) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (ii) The permitted facility was at the time being properly operated; and
 - (iii) The permittee submitted notice of the upset as required in paragraph D(1)(f), below. (24 hour notice).
 - (iv) The permittee complied with any remedial measures required under paragraph B(4).
- (d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

C. MONITORING AND RECORDS

1. General Requirements. This permit shall be subject to such monitoring requirements as may be reasonably required by the Department including the installation, use and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). The permittee shall provide the Department with periodic reports on the proper Department reporting form of monitoring results obtained pursuant to the monitoring requirements contained herein.

2. Representative sampling. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. If effluent limitations are based wholly or partially on quantities of a product processed, the permittee shall ensure samples are representative of times when production is taking place. Where discharge monitoring is required when production is less than 50%, the resulting data shall be reported as a daily measurement but not included in computation of averages, unless specifically authorized by the Department.

3. Monitoring and records.

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (b) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.
- (c) Records of monitoring information shall include:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The individual(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
- (d) Monitoring results must be conducted according to test procedures approved under 40 CFR part 136, unless other test procedures have been specified in the permit.
- (e) State law provides that any person who tampers with or renders inaccurate any monitoring devices or method required by any provision of law, or any order, rule license, permit approval or decision is subject to the penalties set forth in 38 MRSA, §349.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

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D. REPORTING REQUIREMENTS

1. Reporting requirements.

- (a) Planned changes. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - (i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
 - (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Section D(4).
 - (iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;
- (b) Anticipated noncompliance. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) Transfers. This permit is not transferable to any person except upon application to and approval of the Department pursuant to 38 MRSA, § 344 and Chapters 2 and 522.
- (d) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - (i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Department for reporting results of monitoring of sludge use or disposal practices.
 - (ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Department.
 - (iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.
- (e) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (f) Twenty-four hour reporting.
 - (i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

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has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

- (ii) The following shall be included as information which must be reported within 24 hours under this paragraph.

- (A) Any unanticipated bypass which exceeds any effluent limitation in the permit.

- (B) Any upset which exceeds any effluent limitation in the permit.

- (C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.

- (iii) The Department may waive the written report on a case-by-case basis for reports under paragraph (f)(ii) of this section if the oral report has been received within 24 hours.

- (g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (d), (e), and (f) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (f) of this section.

- (h) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

2. Signatory requirement. All applications, reports, or information submitted to the Department shall be signed and certified as required by Chapter 521, Section 5 of the Department's rules. State law provides that any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained by any order, rule, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

3. Availability of reports. Except for data determined to be confidential under A(9), above, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. As required by State law, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal sanctions as provided by law.

4. Existing manufacturing, commercial, mining, and silvicultural dischargers. In addition to the reporting requirements under this Section, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Department as soon as they know or have reason to believe:

- (a) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

- (i) One hundred micrograms per liter (100 ug/l);

- (ii) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

- (iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or

- (iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

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- (b) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (i) Five hundred micrograms per liter (500 ug/l);
 - (ii) One milligram per liter (1 mg/l) for antimony;
 - (iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
 - (iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

5. Publicly owned treatment works.

- (a) All POTWs must provide adequate notice to the Department of the following:
 - (i) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA or Chapter 528 if it were directly discharging those pollutants.
 - (ii) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
 - (iii) For purposes of this paragraph, adequate notice shall include information on (A) the quality and quantity of effluent introduced into the POTW, and (B) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (b) When the effluent discharged by a POTW for a period of three consecutive months exceeds 80 percent of the permitted flow, the permittee shall submit to the Department a projection of loadings up to the time when the design capacity of the treatment facility will be reached, and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans.

E. OTHER REQUIREMENTS

1. Emergency action - power failure. Within thirty days after the effective date of this permit, the permittee shall notify the Department of facilities and plans to be used in the event the primary source of power to its wastewater pumping and treatment facilities fails as follows.

- (a) For municipal sources. During power failure, all wastewaters which are normally treated shall receive a minimum of primary treatment and disinfection. Unless otherwise approved, alternate power supplies shall be provided for pumping stations and treatment facilities. Alternate power supplies shall be on-site generating units or an outside power source which is separate and independent from sources used for normal operation of the wastewater facilities.
- (b) For industrial and commercial sources. The permittee shall either maintain an alternative power source sufficient to operate the wastewater pumping and treatment facilities or halt, reduce or otherwise control production and or all discharges upon reduction or loss of power to the wastewater pumping or treatment facilities.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

2. Spill prevention. (applicable only to industrial sources) Within six months of the effective date of this permit, the permittee shall submit to the Department for review and approval, with or without conditions, a spill prevention plan. The plan shall delineate methods and measures to be taken to prevent and or contain any spills of pulp, chemicals, oils or other contaminants and shall specify means of disposal and or treatment to be used.

3. Removed substances. Solids, sludges trash rack cleanings, filter backwash, or other pollutants removed from or resulting from the treatment or control of waste waters shall be disposed of in a manner approved by the Department.

4. Connection to municipal sewer. (applicable only to industrial and commercial sources) All wastewaters designated by the Department as treatable in a municipal treatment system will be cosigned to that system when it is available. This permit will expire 90 days after the municipal treatment facility becomes available, unless this time is extended by the Department in writing.

F. DEFINITIONS. For the purposes of this permit, the following definitions shall apply. Other definitions applicable to this permit may be found in Chapters 520 through 529 of the Department's rules

Average means the arithmetic mean of values taken at the frequency required for each parameter over the specified period. For bacteria, the average shall be the geometric mean.

Average monthly discharge limitation means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. Except, however, bacteriological tests may be calculated as a geometric mean.

Average weekly discharge limitation means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Best management practices ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Composite sample means a sample consisting of a minimum of eight grab samples collected at equal intervals during a 24 hour period (or a lesser period as specified in the section on monitoring and reporting) and combined proportional to the flow over that same time period.

Continuous discharge means a discharge which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes, or other similar activities.

Daily discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.

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Discharge Monitoring Report ("DMR") means the EPA uniform national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees. DMRs must be used by approved States as well as by EPA. EPA will supply DMRs to any approved State upon request. The EPA national forms may be modified to substitute the State Agency name, address, logo, and other similar information, as appropriate, in place of EPA's.

Flow weighted composite sample means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

Grab sample means an individual sample collected in a period of less than 15 minutes.

Interference means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Maximum daily discharge limitation means the highest allowable daily discharge.

New source means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

- (a) After promulgation of standards of performance under section 306 of CWA which are applicable to such source, or
- (b) After proposal of standards of performance in accordance with section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.

Pass through means a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Permit means an authorization, license, or equivalent control document issued by EPA or an approved State to implement the requirements of 40 CFR parts 122, 123 and 124. Permit includes an NPDES general permit (Chapter 529). Permit does not include any permit which has not yet been the subject of final agency action, such as a draft permit or a proposed permit.

Person means an individual, firm, corporation, municipality, quasi-municipal corporation, state agency, federal agency or other legal entity.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

Point source means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.

Pollutant means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or byproducts, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

Process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Publicly owned treatment works ("POTW") means any facility for the treatment of pollutants owned by the State or any political subdivision thereof, any municipality, district, quasi-municipal corporation or other public entity.

Septage means, for the purposes of this permit, any waste, refuse, effluent sludge or other material removed from a septic tank, cesspool, vault privy or similar source which concentrates wastes or to which chemicals have been added. Septage does not include wastes from a holding tank.

Time weighted composite means a composite sample consisting of a mixture of equal volume aliquots collected over a constant time interval.

Toxic pollutant includes any pollutant listed as toxic under section 307(a)(1) or, in the case of sludge use or disposal practices, any pollutant identified in regulations implementing section 405(d) of the CWA. Toxic pollutant also includes those substances or combination of substances, including disease causing agents, which after discharge or upon exposure, ingestion, inhalation or assimilation into any organism, including humans either directly through the environment or indirectly through ingestion through food chains, will, on the basis of information available to the board either alone or in combination with other substances already in the receiving waters or the discharge, cause death, disease, abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in such organism or their offspring.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Whole effluent toxicity means the aggregate toxic effect of an effluent measured directly by a toxicity test.



DEP INFORMATION SHEET

Appealing a Commissioner's Licensing Decision

Dated: May 2004

Contact: (207) 287-2811

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner: (1) in an administrative process before the Board of Environmental Protection (Board); or (2) in a judicial process before Maine's Superior Court. This INFORMATION SHEET, in conjunction with consulting statutory and regulatory provisions referred to herein, can help aggrieved persons with understanding their rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

DEP's *General Laws*, 38 M.R.S.A. § 341-D(4), and its *Rules Concerning the Processing of Applications and Other Administrative Matters* (Chapter 2), 06-096 CMR 2.24 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written notice of appeal within 30 calendar days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner and the applicant a copy of the documents. All the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

The materials constituting an appeal must contain the following information at the time submitted:

1. *Aggrieved Status.* Standing to maintain an appeal requires the appellant to show they are particularly injured by the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.

5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence as part of an appeal only when the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or show that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2, Section 24(B)(5).

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license file is public information made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* An applicant proceeding with a project pending the outcome of an appeal runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge initiation of the appeals procedure, including the name of the DEP project manager assigned to the specific appeal, within 15 days of receiving a timely filing. The notice of appeal, all materials accepted by the Board Chair as additional evidence, and any materials submitted in response to the appeal will be sent to Board members along with a briefing and recommendation from DEP staff. Parties filing appeals and interested persons are notified in advance of the final date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision. The Board will notify parties to an appeal and interested persons of its decision.

II. APPEALS TO MAINE SUPERIOR COURT

Maine law allows aggrieved persons to appeal final Commissioner licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2.26; 5 M.R.S.A. § 11001; & MRCivP 80C. Parties to the licensing decision must file a petition for review within 30 days after receipt of notice of the Commissioner's written decision. A petition for review by any other person aggrieved must be filed within 40-days from the date the written decision is rendered. The laws cited in this paragraph and other legal procedures govern the contents and processing of a Superior Court appeal.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, contact the DEP's Director of Procedures and Enforcement at (207) 287-2811.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.
