



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

AVERY T. DAY
ACTING COMMISSIONER

October 15, 2015

Mr. Jeff McGlin
Vice President, AIM USA Development, LLC
2 River Road
Bucksport, ME 04416
e-mail: jmcglin@aimrecyclinggroup.com

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0002160
Maine Waste Discharge License (WDL) #W000598-5N-N-R
Final Permit

Dear Mr. McGlin:

Enclosed please find a copy of your final MEPDES permit and Maine WDL renewal which was approved by the Department of Environmental Protection. Please read this permit/license renewal 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 287-7693.

Sincerely,

Gregg Wood
Division of Water Quality Management
Bureau of Water Quality

Enc.

cc: Matt Young, DEP/EMRO Sandy Mojica, USEPA
Olga Vergara, USEPA Marelyn Vega, USEPA

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17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION
AUGUSTA, ME 04333

DEPARTMENT ORDER

IN THE MATTER OF

BUCKSPORT MILL LLC)	MAINE POLLUTANT DISCHARGE
BUCKSPORT, HANCOCK COUNTY, MAINE)	ELIMINATION SYSTEM PERMIT
MISC. NON-PROCESS WASTEWATER)	AND
NON-CONTACT COOLING WATER)	
ME0002160)	WASTE DISCHARGE LICENSE
W000598-5N-N-R)	RENEWAL
APPROVAL)	

Pursuant to the provisions of the *Federal Water Pollution Control Act*, Title 33 USC, §1251, *Conditions of licenses*, 38 M.R.S.A. § 414-A, and applicable regulations, the Maine Department of Environmental Protection (Department hereinafter) has considered the application of BUCKSPORT MILL LLC, (permittee hereinafter) with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

Bucksport Mill LLC has applied to the Department of Environmental Protection for the renewal of combination Maine Waste Discharge License (WDL) #W000598-5N-H-R/ Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0002160, (permit hereinafter) which was issued by the Department on January 7, 2010, for a five-year term. The January 7, 2010, permit authorized the monthly average discharge of up to 18 million gallons per day (MGD) of secondary treated pulp and paper production process wastewater, treated landfill leachate, filter backwash waters, water from oil/water separators, water contaminated with oil from routine maintenance and operational activities and up to a monthly average flow of 72 MGD of non-contact cooling water and an unspecified quantity of storm water runoff from a pulp and paper manufacturing facility to the Penobscot River, Class SC, in Bucksport, Maine.

The January 7, 2010, permit was issued to Verso Bucksport LLC. Verso Bucksport LLC submitted a timely and complete application to the Department on August 21, 2014, to renew the permit. In October of 2014, Verso Bucksport LLC announced the closure of the mill as a pulp and paper manufacturing facility and production ceased shortly thereafter. On January 29, 2015, Aim Development USA, LLC acquired the membership interests of Verso Bucksport LLC, the owner/operator of the mill. On February 6, 2015 Verso Bucksport LLC changed its name to Bucksport Mill LLC.

PERMIT SUMMARY

The terms and conditions of this permit are significantly different than the terms and conditions of the previous permit due to the closure of the manufacturing facility. Bucksport Mill LLC states the site structures associated with the paper production facility and associated support facilities, with the exception of the power plant, are planned for demolition beginning the fall of 2015. After demolition, the remaining waste water streams will include non-contact cooling water and low volume waste water from the power plant, landfill leachate from an on-site landfill and storm water runoff from any buildings and impervious surfaces that remain after demolition is complete.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated September 11, 2015, 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. 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 discharges will be subject to effluent limitations that require application of best practicable treatment.

ACTION

THEREFORE, the Department APPROVES the above noted application of BUCKSPORT MILL LLC to discharge up to a monthly average of 2.0 million gallons per day (MGD) of treated landfill leachate and low volume waste waters as well as an unspecified quantity of storm water runoff via Outfall #001 and up to a monthly average flow of 72.0 MGD of non-contact cooling water via Outfall #003 to the Penobscot River, Class SC in Bucksport, Maine, SUBJECT TO THE ATTACHED 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 becomes effective upon the date of signature below and expires at midnight five (5) years after that date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the terms and conditions of this permit and all subsequent modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S.A. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (effective April 1, 2003)].

DONE AND DATED AT AUGUSTA, MAINE, THIS 15th DAY OF October, 2015.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhns
for Avery T. Day, Acting Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application August 21, 2014

Date initial application was amended July 27, 2015

Date of initial application acceptance August 21, 2014

Date amended application was accepted July 27, 2015

Filed
OCT 15 2015
State of Maine Board of Environmental Protection

Date filed with Board of Environmental Protection _____

This Order prepared by Gregg Wood, BUREAU OF WATER QUALITY

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge treated low volume source water, landfill leachate and storm water runoff to the Penobscot River via **Outfall #001A and Outfall #001B**. Such treated wastewater discharges shall be limited and monitored by the permittee as specified below.

Outfall #001A and Outfall #001B

	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow [50050]	2.0 MGD [03]	---	---	---	Continuous [99/99]	Recorder [RC]
pH ⁽¹⁾ [00400]	---	---	---	6.0 – 9.0 SU [12]	Continuous [99/99]	Recorder [RC]
BOD ₅ [00310]	---	---	37 mg/L [19]	140 mg/L [19]	2/Month [02/30]	Composite [24]
TSS [00530]	500 lbs/day [26]	1,668 lbs/day [26]	27 mg/L [19]	88 mg/L [19]	2/Month [02/30]	Composite [24]
Oil & Grease [00552]	250 lbs/day [26]	334 lbs/day [26]	Report mg/L [19]	Report mg/L [19]	2/Month [02/30]	Grab [GR]
Ammonia (as N) [00610]	---	---	4.9 mg/L [19]	10 mg/L [19]	2/Month [02/30]	Composite [24]
Zinc (Total) [01092]	---	---	110 ug/L [28]	200 ug/L [28]	2/Month [02/30]	Composite [24]
α Terpineol [51031]	---	---	0.016 mg/L [19]	0.033 mg/L [19]	1/Year [01/YR]	Composite [24]
Benzoic acid [77247]	---	---	0.071 mg/L [19]	0.12 mg/L [19]	1/Year [01/YR]	Composite [24]
ρ Cresol [79778]	---	---	0.014 mg/L [19]	0.025 mg/L [19]	1/Year [01/YR]	Composite [24]
Phenol (Total) [03604]	---	---	0.015 mg/L [19]	0.026 mg/L [19]	1/Year [01/YR]	Composite [24]

FOOTNOTES: See page 6 of this permit for the applicable footnotes.

SPECIAL CONDITIONS

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

2. The permittee is authorized to discharge **non-contact cooling water** to the Penobscot River via **Outfall #003**. Such discharges shall be limited and monitored by the permittee as specified below:

Outfall #003 – Cooling Water

	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow [500501]	72.0 MGD [031]	---	---	---	Continuous [99/99]	Recorder [RC]
Temperature ⁽²⁾ [000111]	---	---	90°F [15]	95°F [15]	Continuous [99/99]	Recorder [RC]
pH [00400]	---	--	---	6.0 – 8.5 SU [12]	1/Year [01/YR]	Measure [MS]

Outfall #004 – (Administrative Outfall) pH monitoring requirements for G5 Turbine Condenser Outlet prior to co-mingling with G3 Turbine Condenser.

	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
pH [00400]	---	--	---	6.0 – 8.5 SU [12]	1/Year [01/YR]	Measure [MS]

FOOTNOTES: See page 6 of this permit for the applicable footnotes.

SPECIAL CONDITIONS

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

FOOTNOTES:

Sampling – All effluent monitoring shall be conducted at a location following the last treatment unit in the treatment process as to be representative of end-of-pipe effluent characteristics. Any change in sampling location(s) must be reviewed and approved by the Department in writing.

1. **Sampling** – Sampling and analysis must be conducted in accordance with; a) methods approved in 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 Human Services. Samples that are sent to another 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 (effective April 1, 2010). 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 this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report.
1. **pH** – Pursuant to 06-096 CMR 525(4)(VIII), excursions from the pH limitations are permitted subject to the following limitations: a) The total time during which the pH values are outside the required range of pH values shall not exceed 7 hours and 26 minutes in any calendar month; and, b) No individual excursion from the range of pH values shall exceed 60 minutes. For purposes of this section, an "excursion" is an unavoidable malfunction as defined in 38 MRSA, Section 349(9)(B) in which the pH value of discharge wastewater exceeds the range set forth in the applicable effluent limitations guidelines.
2. **Temperature** - Daily maximum effluent temperature values to be reported shall be based on the mean of one-minute readings recorded during a 24-hour operating day.

SPECIAL CONDITIONS

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 uses designated for 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 uses designated for the classification of the receiving waters.
3. The discharges shall not cause visible discoloration or turbidity in the receiving waters which would impair the uses designated for 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. TREATMENT PLANT OPERATOR

The person who has the management responsibility over the treatment facility must hold a **Maine Grade II** 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.

D. AUTHORIZED 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 August 21, 2014; 2) the terms and conditions of this permit; and 3) only from Outfalls #001A and #001B (treated low volume source water, landfill leachate and stormwater runoff) and Outfall #003 (non-contact cooling water). Discharges of wastewater from any other point source are not authorized under this permit, and shall be reported in accordance with Standard Condition D(1)(f), *Twenty-four hour reporting*, of this permit.

SPECIAL CONDITIONS

E. 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 waste water; and
2. Any substantial change in the volume or character of pollutants being introduced into the waste water collection and treatment system. For the purposes of this section, notice regarding substantial change shall include information on:
 - (a) the quality and quantity of waste water 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 waste water to be discharged from the treatment system.

F. OPERATION AND MAINTENANCE (O&M) PLAN

This facility shall maintain 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 transport, 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 waste water treatment facility, the permittee shall submit the updated O&M Plan to their Department inspector for review and comment.

SPECIAL CONDITIONS

G. 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 postmarked on or before the thirteenth (13th) day of the month or hand-delivered to a Department Regional Office such that the DMR's 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 following address:

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

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.

H. REOPENING OF 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 anytime 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 and or ambient water quality monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

I. SEVERABILITY

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

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

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

- (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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

AND

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

September 11, 2015

PERMIT NUMBER: ME0002160

LICENSE NUMBER: W000598-5N-N-R

NAME AND ADDRESS OF APPLICANT

**BUCKSPORT MILL LLC
2 River Road
Bucksport, Maine 04415**

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

**BUCKSPORT MILL
River Road
Bucksport, Maine 04416**

COUNTY: Hancock

RECEIVING WATERS/CLASSIFICATIONS: Penobscot River / Class SC

COGNIZANT OFFICIAL AND TELEPHONE NUMBER:

**Mr. Jeff McGlin, VP
AIM Development, LLC
(920) 470-1061**

e-mail: jmcglin@aimrecyclinggroup.com

1. APPLICATION SUMMARY

Bucksport Mill LLC (permittee hereinafter) has applied to the Department of Environmental Protection (Department hereinafter) for renewal of combination Waste Discharge License (WDL) #W000598-5N-H-R/ Maine Pollutant Discharge Elimination System (MEPDES) permit # ME0002160, which was issued by the Department on January 7, 2010, for a five-year term. The January 7, 2010 permit authorized the monthly average discharge of up to 18 million gallons per day (MGD) of secondary treated pulp and paper production process wastewater, treated landfill leachate, filter backwash waters, water from oil/water separators, water contaminated with oil from routine maintenance and operational activities and up to a monthly average flow of 72 MGD of non-contact cooling water and an unspecified quantity of storm water runoff from a pulp and paper manufacturing facility to the Penobscot River, Class SC, in Bucksport, Maine. See Attachment A of this Fact Sheet for a location map.

1. APPLICATION SUMMARY

The January 7, 2010 permit was issued to Verso Bucksport LLC. Verso Bucksport LLC submitted a timely and complete application to the Department to renew the permit on August 21, 2014. In October of 2014, Verso Bucksport LLC announced the closure of the mill as a pulp and paper manufacturing facility and production ceased shortly thereafter. On January 29, 2015, Aim Development USA, LLC acquired the membership interests of Verso Bucksport LLC, the owner/operator of the mill. On February 6, 2015 Verso Bucksport LLC changed its name to Bucksport Mill LLC.

Site structures associated with the pulp and papermaking production facility and associated support facilities, with the exception of the power plant, are planned for demolition beginning in the fall of 2015. Due to the elimination of the process waste waters, the permittee proposes to decommission the two 130-foot primary clarifiers, two aeration basins and two 140-foot secondary clarifiers. After demolition, the remaining waste water streams will include non-contact cooling and low volume waste water from the power plant, landfill leachate from an on-site landfill and storm water runoff from any buildings and impervious surfaces that remain after demolition is complete.

2. PERMIT SUMMARY

- a. Terms and Conditions: The terms and conditions of this permit are significantly different than the terms and conditions of the previous permit due to closure of the manufacturing facility.
- b. Regulatory History:

March 15, 1995 – The EPA issued NPDES permit #ME0002160 for a five-year term.

June 20, 1996 – The Department issued WDL #W000598-44-E-R for a five-year term.

September 10, 1996 – The Department issued WDL modification #W000598-5N-F-M that increased the monthly average flow limit along with the monthly average and daily maximum temperature limits for the cooling water discharge from Outfall #003.

October 26, 1999 – The EPA issued a modification of NPDES permit #ME0002160 by increasing the monthly average flow limit along with the monthly average and daily maximum temperature limits for the cooling water discharge from Outfall #003.

May 23, 2000 – The Department administratively modified the 9/10/96 WDL by establishing interim mean and maximum technology based concentration limitations of 4.5 ppt and 6.8 ppt, respectively, for mercury. It is noted the limitations are not found in this specific permitting document as limitations and monitoring requirements are regulated separately through 38 M.R.S.A. § 413 and 06-096 CMR 519. However, the interim limitations remain in effect and enforceable and any modifications to the limits and/or monitoring requirements will be formalized outside of this permitting document.

2. PERMIT SUMMARY (cont'd)

January 12, 2001 – The Department received authorization from the USEPA to administer the NPDES permit program in Maine, excluding areas of special interest to Maine Indian Tribes. From that point forward, the program has been referred to as the MEPDES program, and MEPDES permit # ME0002160 has been utilized as the primary reference number for the permittee.

November 2, 2004 – The Department issued combination MEPDES Permit/WDL # ME0002160/W000598-5N-H-R to International Paper.

April 10, 2006 – The Department issued MEPDES/WDL permit modification for testing requirements pursuant to Department rule Chapter 530.

September 4, 2006 – The Department approved the transfer of MEPDES Permit/ WDL # ME0002160/W000598-5N-H-R from International Paper to CMP Bucksport LLC, doing business as Verso Bucksport LLC.

September 21, 2009 – Verso Bucksport LLC submitted a complete and timely application for renewal of MEPDES Permit/WDL# ME0002160/W000598-5N-H-R. The application was accepted for processing on September 22, 2009 and was assigned MEPDES/WDL# ME0002160/#W000598-5N-J-R.

January 7, 2010 - The Department issued combination MEPDES Permit/WDL # ME0002160/W000598-5N-J-R to Verso Bucksport LLC for a five-year term.

February 6, 2012 - The Department issued MEPDES/WDL permit modification #ME0002160/W000598-5N-M-M that reduced the monitoring frequency for mercury from 4/Year to 1/Year.

June 4, 2012 – The Department issued MEPDES/WDL permit modification #ME0002160/W000598-5N-N-M that created administrative Outfall #004 to require pH monitoring of the G5 condenser.

August 21, 2014 – Verso Paper LLC submitted a timely and complete application the Department to renew the January 7, 2010 MEPDES permit.

January 29, 2015 - Aim Development USA, LLC acquired the membership interests of Verso Bucksport LLC, the owner operator of the mill.

February 6, 2015 - Verso Bucksport LLC changed its name to Bucksport Mill LLC.

July 27, 2015 – Bucksport Mill LLC submitted an amendment to the August 21, 2014 permit application.

2. PERMIT SUMMARY (cont'd)

- c. Source Description: With the cessation of the pulp and papermaking operations, the only remaining waste streams include 150,000 gallons per day (gpd) of landfill leachate, 2.0 million gallons per day (MGD) of miscellaneous low volume waste waters from the power plant and an estimated 50,000 gpd of storm water runoff from the former mill site. See **Attachment B** of this Fact Sheet for a schematic of the flow chart for the waste streams.

The permittee operates a 175 megawatt natural gas turbine generator at the former mill site. Saltwater is extracted from the Penobscot River and the water is used as condenser cooling water for cooling the exhaust steam from the turbine generator. The former owner implemented a recycle loop in this system to reduce cooling water flow, reduced the thermal load discharged to the receiving water, increased heat recovery for the mill and significantly improved the efficiency of the turbine. Water not recycled is discharged to the Penobscot River via Outfall #003.

- d. Wastewater Treatment: **Outfall #001A and Outfall #001B** – Landfill leachate, stormwater runoff, and low volume waste water will receive a primary level of treatment via screening utilizing existing bar racks and primary settling utilizing existing grit chambers. The grit chambers will be modified to allow for removal of oil and grease that may be present in the waste water. A new discharge pipe will be built from the grit chamber/oil water separator to allow for conveyance to the existing discharge piping leading to Outfall #001A and Outfall #001B.

The treated waste water is discharged to the Penobscot River via one of two outfalls that are designated as Outfalls #001A and #001B. Outfall #001A is located at the intake screen to the pump house providing cooling water to the No. 3 Turbine generator. This discharge configuration consists of a 24" diameter discharge pipe that runs below the intake screens to the non-contact cooling water structure. The discharge pipe has twelve 6" diameter diffuser pipes located 4 feet on centers. This outfall configuration is beneficial to the mill as it provides for continuous cleaning of the screens and reduces the usage of saline waters for cooling.

Outfall #001B is located just upstream of Outfall #001A and consists of a 48" diameter steel pipe that extends out into the river approximately 230 feet and necks down to two 24" steel pipes that make up the wye-shaped diffuser. The end of the pipe is covered by approximately 16 feet of water at mean low tide and 27 feet of water at mean high tide.

Outfall #003 - Cooling water for the No. 3 turbine generator does not receive any formal treatment as the only pollutant of concern is heat. The permittee has reduced the volume of water and associated thermal load to the receiving water through the construction of a recycling system that was completed during the summer of 1995.

Cooling water is discharged through a sloping 36" steel pipe with a diffuser. The diffuser has 10, 12" diameter vertical ports spaced 10 feet on center to enhance mixing with the receiving waters. The diffuser ports are covered by between 32 feet and 49 feet of water at mean low tide.

2. PERMIT SUMMARY (cont'd)

Outfall #004 – In August of 2012 a new low-pressure turbine generator “G5,” and condenser became operational. The noncontact cooling water for G5 is obtained from the same salt water intake as is the case for Turbine Generator G3. The G3 and G5 turbine condenser effluents converge in an underground, cast-in-concrete steel pipe and discharge from Outfall #003. Continuous temperature and flow monitoring at Outfall #003 monitor combined flows from the G3 and G5 turbine condensers. Grab samples for G5 pH monitoring are collected at the G5 turbine condenser outlet (Outfall #004).

Sanitary waste water generated from the former mill complex is, and will continue to be, conveyed to the Town of Bucksport's wastewater treatment facility which is regulated by the Department via a combination MEPDES permit/WDL.

3. CONDITIONS OF PERMITS

Conditions of licenses, 38 M.R.S.A. § 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, *Certain deposits and discharges prohibited*, 38 M.R.S.A., § 420 and 06-096 CMR 530 require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective October 9, 2005), 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 QUALITY STANDARDS

Maine law, 38 M.R.S.A., Article 4-A §469(2)(B) classifies all tidewaters in Bucksport as Class SC waters. Maine law, 38 M.R.S.A., Article 4-A, §465-B(3) describes the classification standards for Class SC waters as follows:

Class SC waters must be of such quality that they are suitable for recreation in and on the water, fishing, aquaculture, propagation and restricted harvesting of shellfish, industrial process and cooling water supply, hydroelectric power generation, navigation and as a habitat for fish and other estuarine and marine life

The dissolved oxygen content of Class SC waters must be not less than 70% of saturation. Between May 15th and September 30th, the numbers of enterococcus bacteria of human and domestic animal origin in these waters may not exceed a geometric mean of 14 per 100 milliliters or an instantaneous level of 94 per 100 milliliters. In determining human and domestic animal origin, the department shall assess licensed and unlicensed sources using available diagnostic procedures. The numbers of total coliform bacteria or other specified indicator organisms in samples representative of the waters in restricted shellfish harvesting areas may not exceed the criteria recommended under the National Shellfish Sanitation Program, United States Food and Drug Administration.

4. RECEIVING WATER QUALITY STANDARDS (cont'd)

Discharges to Class SC waters may cause some changes to estuarine and marine life provided that the receiving waters are of sufficient quality to support all species of fish indigenous to the receiving waters and maintain the structure and function of the resident biological community.

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2012 Integrated Water Quality Monitoring and Assessment Report prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists 7,642 acres of the Penobscot River Estuary, Water ID 722-45, in *Category 4-B-1: Estuarine and Marine Waters Impaired By Pollutants – Pollution Control Requirements Reasonably Expected to Result in Attainment*. The impairment is limited to the designated use of fish consumption due to dioxin and PCBs from industrial point sources and CSOs and the pollution control to address the impairment is dioxin legislation that has been passed and an on-going hazardous waste clean-up.

All estuarine and marine waters capable of supporting the American lobster in the State are listed in *Category 5-D: Estuarine and Marine Waters Impaired by Legacy Pollutants*. Impairment in this context is the consumption of shellfish due to elevated levels of PCBs and other persistent bio-accumulating substances in tomalley.

The Department is not aware of any information that the discharge from the permittee's facility will cause or contribute to the aforementioned impairments. If future water quality sampling or modeling runs determine that, at full permitted discharge limits, the permittee's discharge is causing or contributing to non-attainment, this permit will be reopened per Special Condition H, *Reopening of Permit For Modifications*, to impose more stringent limitations to meet water quality standards.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Outfall #001A & #001B – Landfill leachate, low volume waste waters and storm water

Regulatory Basis: The discharge of landfill leachate is subject to National Effluent Guidelines (NEG's) found in Title 40, Code of Federal Regulations (CFR) Part 445, *Landfills Point Source Category*, Subpart B, *RCRA Subtitle D Non-Hazardous Waste Landfill*. The discharge of low volume waste waters associated with a power plant are subject to Title 40 CFR, Part 423, *Steam Electric Power Generating Point Source Category*.

- a. Flow: This permitting action is establishing a monthly average discharge flow limitation of 2.0 MGD based on information provided by the permittee of estimated quantities of flow generated by each waste stream.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Outfall #001A & #001B – Landfill leachate, low volume waste waters and storm water

- b. Dilution Factors: Department Regulation Chapter 530, *Surface Water Toxics Control Program*, states that for discharges to estuaries, dilution must be calculated using a method determined by the Department to be appropriate for the site conditions. Where freshwater river flow is dominant and instantaneous mixing across the width can be assumed, dilution must be calculated as in section 4(1). Where tidal flow is dominant or incomplete mixing is assumed, dilution must be calculated as in section 4(2). Where appropriate, other methods such as dye studies or water quality methods may be used.

The previous permitting action established dilution factors as listed below which were based on the Department's tidal velocity model and 15 minute travel time and an effluent flow of 18.0 MGD.

Acute = 54:1 Chronic = 354:1 Harmonic mean ⁽¹⁾ = 1062:1

Given the reduction in the flow limitation from 18 MGD to 2.0 MGD, the Department has reevaluated the dilution factors and estimated them to be as follows:

Acute = 442:1 Chronic = 2,896:1 Harmonic mean ⁽¹⁾ = 8,689:1

Footnote:

(1) The harmonic mean dilution factor is approximated by multiplying the chronic dilution factor by three (3). This multiplying factor is based on guidelines for estimation of human health dilution presented in the USEPA publication "*Technical Support Document for Water Quality-based Toxics Control*" (Office of Water; EPA/505/2-90-001, page 88), and represents an estimation of harmonic mean flow on which human health dilutions are based in a riverine 7Q10 flow situation.

- c. pH: This permitting action is establishing the technology-based pH range limit of 6.0 – 9.0 standard units (SU), based on the NEG found at 40 CFR, Part 445.21 and Part 423.12(b)(1) along with a continuous monitoring frequency requirement pursuant to Department rule 06-096 CMR 525, § 4(VIII). Pursuant to 06-096 CMR 525(4)(VIII), excursions from the pH limitations are permitted subject to the following limitations: a) The total time during which the pH values are outside the required range of pH values shall not exceed 7 hours and 26 minutes in any calendar month; and, b) No individual excursion from the range of pH values shall exceed 60 minutes. For purposes of this section, an "excursion" is an unavoidable malfunction as defined in 38 MRSA, Section 349(9)(B) in which the pH value of discharge wastewater exceeds the range set forth in the applicable effluent limitations guidelines.
- d. Biochemical oxygen demand (BOD₅) – NEG found at 40 CFR, Part 445.21 establishes monthly average and daily maximum technology based concentration limits of 37 mg/L and 140 mg/L respectively. NEG found at 40 CFR, Part 423.12(b)(3) does not list BOD as a regulated parameter. Therefore this permit establishes monthly average and daily maximum concentration limits of 37 mg/L and 140 mg/L for BOD.

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

Outfall #001A & #001B – Landfill leachate, low volume waste waters and storm water

- e. Total suspended solids (TSS) – NEG found at 40 CFR, Part 445.21 establishes monthly average and daily maximum technology based concentration limits of 27 mg/L and 88 mg/L respectively. NEG found at 40 CFR, Part 423.12(b)(3) establishes monthly average and daily maximum technology based concentration values of 30 mg/L and 100 mg/L respectively, to be utilized to calculate mass limitations. This permit establishes monthly average and daily maximum concentration limits of 27 mg/L and 88 mg/L respectively for TSS, the more stringent of the two NEGs as well as mass limits calculate as follows:

Monthly average: $(30 \text{ mg/L})(8.34 \text{ lbs/gal})(2.0 \text{ MGD}) = 500 \text{ lbs/day}$

Daily maximum: $(100 \text{ mg/L})(8.34 \text{ lbs/gal})(2.0 \text{ MGD}) = 1,668 \text{ lbs/day}$

- f. Oil & Grease - NEG found at 40 CFR, Part 423.12(b)(3) establishes monthly average and daily maximum technology based concentration values of 15 mg/L and 20 mg/L respectively, to be utilized to calculate mass limitations. NEG found at 40 CFR, Part 445.21 does not list oil & grease as a regulated parameter. Therefore, this permit establishes monthly average and daily maximum mass limitations calculated as follows:

Monthly average: $(15 \text{ mg/L})(8.34 \text{ lbs/gal})(2.0 \text{ MGD}) = 250 \text{ lbs/day}$

Daily maximum: $(20 \text{ mg/L})(8.34 \text{ lbs/gal})(2.0 \text{ MGD}) = 334 \text{ lbs/day}$

- g. Ammonia (as N) - NEG found at 40 CFR, Part 445.21 establishes monthly average and daily maximum technology based concentration limits of 4.9 mg/L and 10 mg/L respectively. NEG found at 40 CFR, Part 423.12(b)(3) does not list ammonia as a regulated parameter. Therefore, this permit establishes monthly average and daily maximum concentration limits of 4.9 mg/L and 10 mg/L respectively for ammonia.
- h. α -Terpineol - NEG found at 40 CFR, Part 445.21 establishes monthly average and daily maximum technology based concentration limits of 0.016 mg/L and 0.033 mg/L respectively. NEG found at 40 CFR, Part 423.12(b)(3) does not list α -Terpineol as a regulated parameter. Therefore, this permit establishes monthly average and daily maximum concentration limits of 0.016 mg/L and 0.033 mg/L respectively for α -Terpineol.
- i. Benzoic acid - NEG found at 40 CFR, Part 445.21 establishes monthly average and daily maximum technology based concentration limits of 0.071 mg/L and 0.12 mg/L respectively. NEG found at 40 CFR, Part 423.12(b)(3) does not list benzoic acid as a regulated parameter. Therefore, this permit establishes monthly average and daily maximum concentration limits of 0.071 mg/L and 0.12 mg/L respectively for benzoic acid.

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

Outfall #001A & #001B – Landfill leachate, low volume waste waters and storm water

- j. p-Cresol - NEG found at 40 CFR, Part 445.21 establishes monthly average and daily maximum technology based concentration limits of 0.014 mg/L and 0.025 mg/L respectively. NEG found at 40 CFR, Part 423.12(b)(3) does not list p-Cresol as a regulated parameter. Therefore, this permit establishes monthly average and daily maximum concentration limits of 0.014 mg/L and 0.025 mg/L respectively for p-Cresol.
- k. Phenol - NEG found at 40 CFR, Part 445.21 establishes monthly average and daily maximum technology based concentration limits of 0.015 mg/L and 0.026 mg/L respectively. NEG found at 40 CFR, Part 423.12(b)(3) does not list phenol as a regulated parameter. Therefore, this permit establishes monthly average and daily maximum concentration limits of 0.015 mg/L and 0.026 mg/L respectively for phenol.
- l. Zinc (Total) - NEG found at 40 CFR, Part 445.21 establishes monthly average and daily maximum technology based concentration limits of 0.11 mg/L and 0.2 mg/L respectively. NEG found at 40 CFR, Part 423.12(b)(3) does not list zinc as a regulated parameter. Therefore, this permit establishes monthly average and daily maximum concentration limits of 0.11 mg/L and 0.2 mg/L respectively for total zinc.
- m. Whole Effluent Toxicity (WET) and Analytical Chemistry Testing – 06-096 CMR Chapter 530, Surface Water Toxics Control Program, §(2)(A) states in part;

All licensed dischargers of industrial process wastewater or domestic wastes discharging to surface waters of the State must meet the testing requirements of this section. Dischargers of other types of wastewater are subject to this subsection when and if the Department determines that toxicity of effluents may have reasonable potential to cause or contribute to exceedences of narrative or numerical water quality criteria. For the purposes of this rule, industrial process wastewater is that which comes in contact with or results from a manufactured product, except for those processes that involve only washing and/or packing a raw material without addition of chemicals to the product.

To accurately characterize the landfill leachate for metals, the permittee sampled the leachate ten times between March 26, 2015 and June 3, 2015. A summary of the results are as follows:

<u>Parameter</u>	<u>Range (mg/L)</u>	<u>Mean (mg/L)</u>
Aluminum	0.019 - 0.7	0.22
Arsenic	0.089 – 0.438	0.179
Cadmium	0.0004 – 0.0068	0.0029
Chromium	0.002 – 0.011	0.0053
Copper	0.02 – 0.018	0.0044
Lead	0.003 – 0.028	0.012
Nickel	0.002 – 0.009	0.0038
Silver	0.005 – 0.012	0.0013
Zinc	0.004 – 0.065	0.034

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

Outfall #001A & #001B – Landfill leachate, low volume waste waters and storm water

Given:

1. Dilution factors - Acute = 442:1 Chronic = 2,896:1
2. Sample size n=10
3. Coefficient of variation = 0.6 based on EPA 1992 Technical Support Document For Water Quality Based Toxics Control (TSD).
4. Reasonable potential factor = 1.7 from EPA 1992 TSD Table 3.2

Find:

1. The instream acute and chronic concentration utilizing the highest test result for each parameter.

<u>Parameter</u>	<u>Highest Result (mg/L)</u>	<u>Instream concentration w/ RP Factor applied⁽¹⁾</u>	
		<u>Acute</u>	<u>Chronic</u>
Aluminum	0.7	0.0027	0.0004
Arsenic	0.438	0.0017	0.0003
Cadmium	0.0068	0.00003	0.000004
Chromium	0.011	0.00004	0.000006
Copper	0.018	0.0001	0.00001
Lead	0.028	0.0001	0.00002
Nickel	0.009	0.00004	0.000005
Silver	0.012	0.00005	0.000007
Zinc	0.065	0.0003	0.00004

Footnotes:

(1)Formulas are as follows:

$$\text{Acute: } \frac{(\text{Highest result})(\text{RP factor})}{\text{Acute dilution factor}}$$

$$\text{Chronic: } \frac{(\text{Highest result})(\text{RP factor})}{\text{Chronic Dilution Factor}}$$

$$\text{Acute: } \frac{(\text{Highest result})(1.7)}{442}$$

$$\text{Chronic: } \frac{(\text{Highest result})(1.7)}{2,896}$$

2. Do any of the results have a reasonable potential to exceed acute or chronic AWQC?

<u>Parameter</u>	<u>Instream concentration w/ RP Factor applied⁽¹⁾</u>		<u>AWQC</u>		<u>RP?</u>
	<u>Acute</u>	<u>Chronic</u>	<u>Acute</u>	<u>Chronic</u>	
Aluminum	0.0027	0.0004	No criteria	No criteria	No
Arsenic	0.0017	0.0003	0.069	0.036	No
Cadmium	0.00003	0.000004	0.040	0.00885	No
Chromium	0.00004	0.000006	1.108	0.050	No
Copper	0.0001	0.00001	0.00578	0.00373	No
Lead	0.0001	0.00002	0.221	0.00852	No
Nickel	0.00004	0.000005	0.075	0.00828	No
Silver	0.00005	0.000007	0.00224	No criteria	No
Zinc	0.0003	0.00004	0.095	0.086	No

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

Outfall #001A & #001B – Landfill leachate, low volume waste waters and storm water

Based on the calculations on the page 10 of this Fact Sheet, the Department has made the determination that the discharge from the permittee's facility is not industrial process or domestic waste waters and test results for the period March 26, 2015 and June 3, 2015, indicate there are no metals that exceed or have a reasonable potential to exceed narrative or numerical water quality criteria. Therefore, 06-096 CMR Chapter 530 requirements are not applicable to the proposed discharge.

Outfall #003 – Cooling Waters

- n. Flow – This permitting action is carrying forward the monthly average flow limitation of 72.0 MGD from the previous permitting action as it remains representative of the flow being discharged.

A review of the monthly DMR data for the period January 2012 – May 2015 indicates the facility has reported values as follows:

Flow (DMRs=41)

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly average	72	13.3 – 55.7	39.9

- o. Temperature – This permitting action is carrying forward the monthly average temperature limitation of 90°F and the daily maximum temperature limitation of 95°F. Temperature is continuously monitored. Published Department guidance states that *“If this equipment allows continuous averaging of the readings throughout the day, the resulting daily average can be reported [as the daily maximum value].”* As a result, a footnote has been incorporated into the permit stating that the daily maximum effluent temperature value to be reported shall be based on the mean of one-minute readings recorded during a 24-hour operating day.

06-096 CMR Chapter 582 states that for tidal water thermal discharges, no discharge of pollutants shall cause the monthly mean of the daily maximum ambient temperatures in any tidal body of water, as measured outside the mixing zone, to be raised more than 4 degrees Fahrenheit, nor more than 1.5 degrees Fahrenheit from June 1 to September 1. In no event shall any discharge cause the temperature of any tidal waters to exceed 85 degrees Fahrenheit at any point outside a mixing zone established by the Board.

A summary of the effluent temperature data as reported on the DMRs submitted to the Department for the period January 2012 through May 2015 is as follows:

Temperature (DMRs=41)

Value	Limit (°F)	Range (°F)	Mean (°F)
Monthly average	90	46 - 86	68
Daily maximum	95	56 - 90	77

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

Outfall #003 – Cooling Waters

With an acute dilution of 442:1 at a permitted flow of 2.0 MG the quantity of receiving water at the edge of the mixing zone is equal to 970 MG based on the following calculation:

$$\text{Acute dilution} = \frac{\text{Effluent quantity} + \text{Receiving water quantity}}{\text{Effluent quantity}}$$

$$442 = \frac{2.0 \text{ MG} + X \text{ MG}}{2.0 \text{ MG}}$$

$$X = 882 \text{ MGD}$$

With a permitted flow of 2.0 MG at a daily maximum temperature of 95°F and a receiving water quantity of 970 MG at the edge of the mixing zone at 26°C (79°F) based on ambient water quality sampling in the summer 2010 to support a water quality model effort by the Department, the increase in the receiving water temperature due to the discharge can be calculated as follows:

$$\frac{(2.0 \text{ MG})(95^\circ\text{F}) + (882 \text{ MG})(79^\circ\text{F})}{884 \text{ MG}} = 79.04^\circ\text{F} \text{ or a } \Delta\text{T of } +0.04^\circ\text{F}$$

The ΔT of +0.04°F is well with the limits prescribed in 06-096 CMR Chapter 582.

- p. pH – This permitting action is carrying forward a pH range limitation of 6.0 – 8.5 standard units. The limitation is considered to be Department BPT determination for the discharge.

A summary of the effluent pH data as reported on the DMRs submitted to the Department for the period January 2012 through May 2015 is as follows:

pH (DMRs = 41)

Value	Limit (su)	Minimum (SU)	Maximum (su)
Range	6.0 – 8.5	7.1	8.4

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

Outfall #004 – G5 Condenser outlet

- q. pH – This permitting action is carrying forward a pH range limitation of 6.0 – 8.5 standard units. The limitation is considered to be Department BPT determination for the discharge.

A summary of the effluent temperature data as reported on the DMRs submitted to the Department for the period January 2012 through May 2015 is as follows:

pH (DMRs = 41)

Value	Limit (su)	Minimum (SU)	Maximum (su)
Range	6.0 – 8.5	7.3	8.3

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As part of their application for license renewal in 2010, the permittee submitted the report from a consultant hired to perform an Essential Fish Habitat (EFH) and an Endangered Species Act (ESA) Review dated June 2001. The review concluded that the discharges of process wastewater and/or cooling water would not negatively impact essential fish habitat for Atlantic salmon, pollock, whiting, red hake, white hake, winter flounder, windowpane flounder, American plaice or Atlantic herring. The review also concluded said discharges will not negatively impact endangered or threatened species, particularly shortnose sturgeon and Atlantic salmon. With a significant reduction in pollutant loading to the river as a result of the closure of the mill, the Department has reason to believe the conclusions of the June 2001 report remain valid.

Steam Electric Power Plants must comply with the requirements of Section 316a and 316b of the Clean Water Act. In 1987, the EPA concluded that based on information provided the permittee at that time, the intake structure was acceptable and the effects of the thermal plume as being negligible.

The permittee must obtain the required 316(b) permit from the USEPA evaluating that the location, design, construction and capacity of the cooling water intake structure reflect best treatment available.

Although an NPDES permit for a facility with regulated discharges would typically also need to include requirements under CWA § 316(b) for any associated cooling water intake structures (CWISs), Maine DEP's permits are not be required to do so under the CWA because Maine DEP has not yet been authorized to administer CWA § 316(b). In 2001, EPA Region 1 authorized the Maine DEP to administer the NPDES permit program, except for the permitting of CWISs under CWA § 316(b). Because the state had not yet adopted legislation or regulations to implement CWA § 316(b) at the time of the Region's approval, Region 1 approved Maine's NPDES program on a partial, phased basis pursuant to CWA § 402(n)(4).

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY (cont'd)

Until this remaining portion of NPDES authorization is complete, Region 1 is responsible for making NPDES permitting determinations under CWA § 316(b), including where CWA § 316(b) applies and, in the situations where it applies, the resultant permit conditions. Until the state is authorized to implement CWA § 316(b), Maine DEP issues NPDES permits addressing all issues other than § 316(b) and Region 1 is responsible for issuing supplemental permits to address CWISs under § 316(b), if § 316(b) is applicable. Although, it might be ideal to have the state and Region 1 issue such permits jointly or simultaneously, accomplishing this would be very difficult administratively and would slow down permit updating effort overall. Furthermore, there is no expressed or implied legal requirement that the permits be issued jointly or simultaneously, and neither Region 1 nor Maine ever indicated that the permits would be handled in this manner.

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 SC classification.

8. PUBLIC COMMENTS

Public notice of this application was made in the *Bangor Daily News*, *The Ellsworth American* and the *Bucksport Enterprise* newspapers on or about August 22, 2014. The Department receives public comments on an application until the date a final agency action is taken on the 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 (effective January 12, 2001).

9. DEPARTMENT CONTACTS

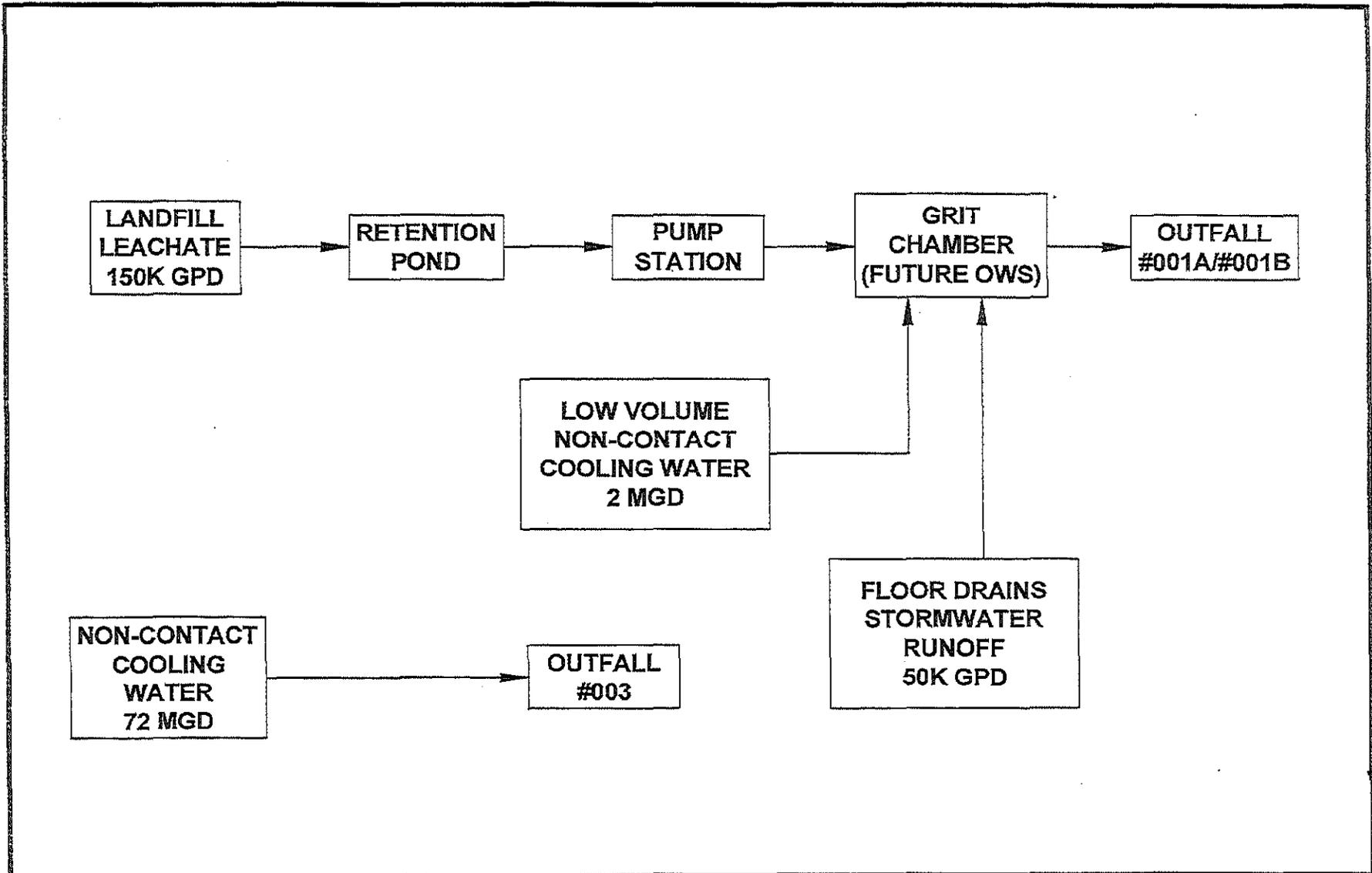
Additional information concerning this permitting action may be obtained from, and written comments sent to:

Gregg Wood
Division of Water Quality Management
Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 287-7693 Fax: (207) 287-3435
e-mail: gregg.wood@maine.gov

10. RESPONSE TO COMMENTS

During the period of September 11, 2015, through the issuance date of this permit/license, the Department solicited comments on the proposed draft permit/license to be issued for the discharge(s) from the Bucksport Mill facility. The Department did not receive comments from the permittee, state or federal agencies or interested parties that resulted in any substantive change(s) in the terms and conditions of the permit. Therefore, the Department has not prepared a Response to Comments.

ATTACHMENT A

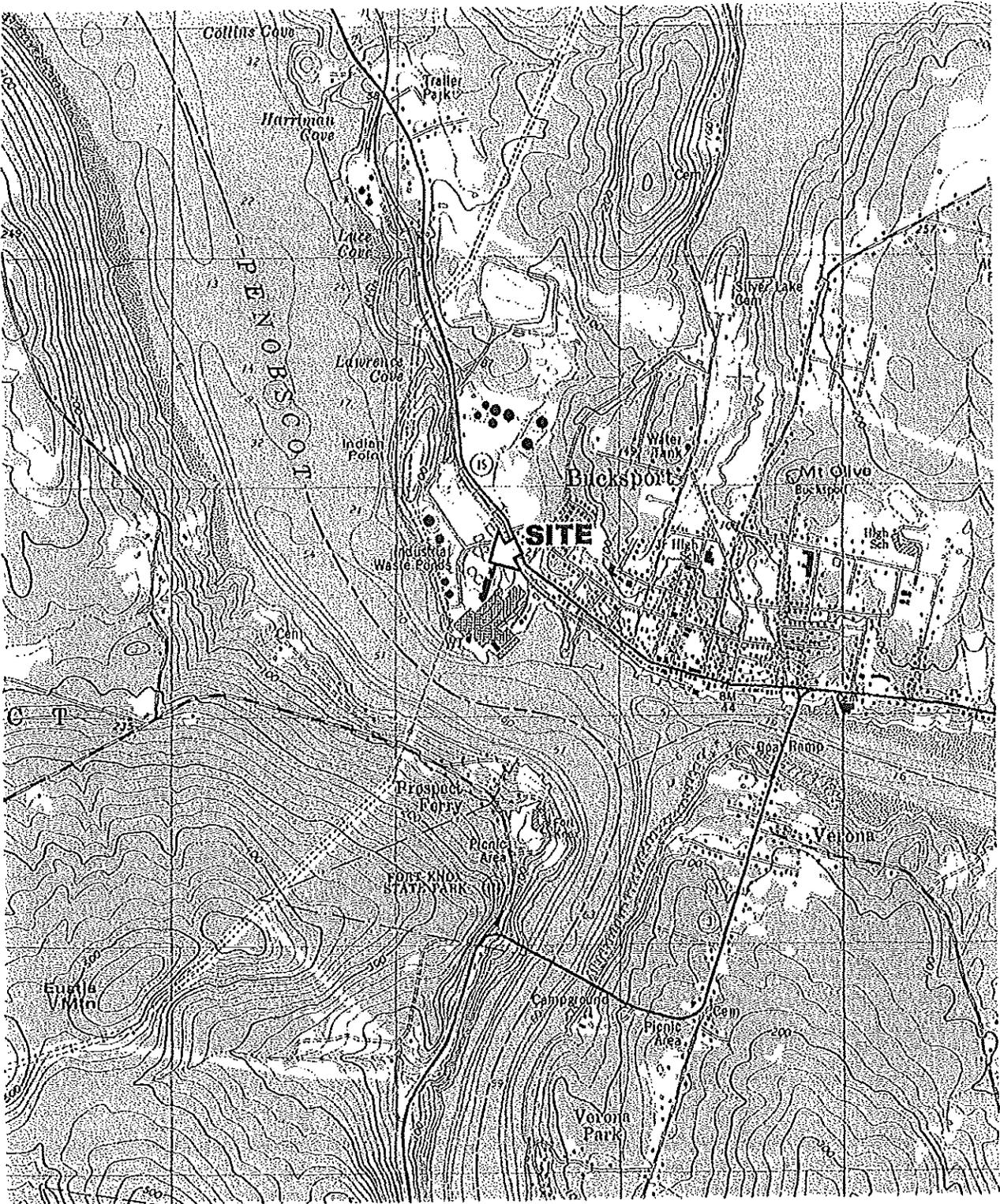


PROJECT TITLE:	BUCKSPORT MILL, LLC. BUCKSPORT, MAINE	DWG:	SK01	BY:	BTH
SHEET TITLE:	FLOW CHART	JW:	11299.008	DATE:	7/17/2015
		SCALE:	NTS	REV:	
				REV DATE:	



ATTACHMENT B

Terrain Navigator © Maptech 800-627-7286



SOURCE:
U.S.G.S. TOPOGRAPHIC QUADRANGLE
BUCKSPORT
@ 1:24,000



CES INC
BUCKSPORT MILL LLC
BUCKSPORT, MAINE
PROJECT LOCATION

2015-07-22
11298.008



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012

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. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board 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 the Board's 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 a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of 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

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of 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 on the appeal 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, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that 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 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.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, 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.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder 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 receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the 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 or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

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.
