STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JANET T. MILLS
GOVERNOR

MELANIE LOYZIM
COMMISSIONER

August 19, 2025

Mr. Bill Delnicki
Woodland Pulp LLC
Baileyville, ME 04694
William.delnicki@igic.com

Sent via electronic mail
Delivery confirmation requested

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0022063
Maine Waste Discharge License (WDL) Application #W000508-5O-K-R
Final MEPDES Permit Renewal

Dear Mr. Delnicki,

Enclosed please find a copy of your **final** MEPDES renewal permit and Maine WDL which was approved by the Department of Environmental Protection. Please read this permit/license and its attached conditions carefully. Compliance with this permit/license will protect water quality.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations may appeal the decision follow the procedures described in the attached DEP FACT SHEET entitled "*Appealing a Commissioner's Licensing Decision."*

If you have any questions regarding the matter, please feel free to call me at 207-458-8706 or email me at Bekah.Farmer@maine.gov. Your Department compliance inspector copied below is also a resource that can assist you with compliance. Please do not hesitate to contact them with any questions.

Thank you for your efforts to protect and improve the waters of the great state of Maine!

Sincerely,

Bekah Farmer
Division of Water Quality Management
Bureau of Water Quality

Enc.

cc: Laura Crossley, DEP
Mike Loughlin, DEP
Lori Mitchell, DEP
Kathryn Rosenburg, USEPA
Richard Carvalho, USEPA
Sandy Mojica, USEPA
Irene Saumur, DEP

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

DEPARTMENT ORDER

IN THE MATTER OF

WOODLAND PULP, LLC.	)	MAINE POLLUTANT DISCHARGE
BAILEYVILLE, WASHINGTON COUNTY, ME	)	ELIMINATION SYSTEM PERMIT
NON-CONTACT COOLING WATERS	)	AND
#ME0022063	)	WASTE DISCHARGE LICENSE
#W000508-5O-K-R **APPROVAL**	)	**RENEWAL**

In compliance with the applicable provisions of *Pollution Control*, 38 M.R.S. §§ 411 – 424-C, *Water Classification Program*, 38 M.R.S. §§ 464 – 470 and *Federal Water Pollution Control Act*, Title 33 U.S.C. § 1251 *et seq, Conditions of licenses*, 38 M.R.S. § 414-A, *Regulations Relating to Temperature,* 06-096 C.M.R. 582 (effective date May 4, 1996), and applicable rules of the Department of Environmental Protection (Department), the Department has considered the application of WOODLAND PULP LLC ("Woodland", "permittee") with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

On December 8, 2022, Woodland submitted a timely and complete application to the Department for renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0022063/ Maine Waste Discharge License (WDL) #W000508-5O-J-R, which was issued on May 14, 2018, for a five-year term. The May 14, 2018 permit authorized the discharge of up to a monthly average flow of 15.0 million gallons per day (MGD) of non-contact cooling water and a monthly average flow of up to 0.160 MGD of miscellaneous non-process waste waters (primarily boiler blowdown and water softener backwash) from the Woodland Pulp North (WPN) site from two outfalls to the St. Croix River, Class C, in Baileyville, Maine.

It is noted that the natural gas associated wood fired boiler and associated steam turbine which supply wastewaters to Outfalls #001 and #002, respectively, have been shut down for over ten years. As a result, monitoring requirements for Outfalls #001 and #002 were suspended. The facility has been put on notice by the Department that if the facility commences operations in the future, the Department will review said operations to determine if this permit should be modified to establish terms and conditions consistent with the activities performed at the facility. See Special Condition G, *Commencement of Operations*, of this permit.

PERMIT SUMMARY

This permitting action carries forward all the terms and conditions established in the previous permitting action, except that this permitting action is:

1. Clarifying that the facility may not cause the temperature of the St. Croix River to exceed 85°F outside of the assigned mixing zone; and

2. Establishing Special Condition H, *Sedimentation Pond Maintenence*, based on new information.

CONCLUSIONS

Based on the findings summarized in the attached Fact Sheet dated August 19, 2025, and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

a) 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.

b) 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.

c) The provisions of the State's antidegradation policy, *Classification of Maine waters*, 38 M.R.S. § 464(4)(F), will be met, in that:

    1. Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;

    2. Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;

    3. 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;

    4. 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

    5. Where a discharge will result in lowering the existing water 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.

d) The discharges will be subject to effluent limitations that require application of best practicable treatment as defined in *Conditions of licenses,* 38 M.R.S. § 414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the above noted application of the WOODLAND PULP LLC to discharge an average monthly flow of 15.0 MGD of non-contact cooling waters and an average monthly flow of 0.160 MGD of miscellaneous non-process wastewater to the St. Croix River, Class C, in Baileyville, 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 and the authorization to discharge becomes effective upon the date of signature below and expires at midnight five (5) years from the effective date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the authorization to discharge and the terms and conditions of this permit and all subsequent modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act and Other Administrative Matters*, 5 M.R.S. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 C.M.R. 2(20)(A) (effective September 15, 2024)].

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS 19 DAY OF August 2025.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Brian Kavanah
for Melanie Loyzim, Commissioner

Date of initial receipt of application: December 8, 2022

Date of application acceptance: December 9, 2022

This Order prepared by Bekah Farmer, BUREAU OF WATER QUALITY

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge from **OUTFALL #001** to the St. Croix River. Such discharges are limited and must be monitored by the permittee as specified below[(1)].

OUTFALL #001 - Boiler blowdown, softener backwash, cooling waters and miscellaneous non-process wastewaters.

Effluent Characteristic	Discharge Limitations				Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow *[50050]*	0.160 MGD *[03]*	Report (MGD) *[03]*	---	---	5/Week *[05/07]*	Measured *[MS]*
Biochemical Oxygen Demand (BOD5) *[00310]*	67 lbs/day *[26]*	---	---	50 mg/L *[19]*	1/Month *[01/30]*	Grab *[GR]*
Total Suspended Solids (TSS) *[00530]*	80 lbs/day *[26]*	---	---	60 mg/L *[19]*	1/Month *[01/30]*	Grab *[GR]*
Settleable Solids *[00545]*	---	---	---	0.5 ml/L *[25]*	1/Month *[01/30]*	Grab *[GR]*
Oil & Grease *[00556]*	---	---	---	15 mg/L *[19]*	1/Month *[01/30]*	Grab *[GR]*
pH (Std. Units) [(2)] *[00400]*	---	---	---	6.0-9.0 SU *[12]*	1/Month *[01/30]*	Grab *[GR]*

The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports.

FOOTNOTES: **See Pages 6 through 7 of this permit for applicable footnotes.**

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

2. The permittee is authorized to discharge from **OUTFALL #002** to the St. Croix River. Such discharges are limited and shall be monitored by the permittee as specified below [(1)].

OUTFALL #002 - Non-contact cooling waters

Effluent Characteristic	Discharge Limitations					Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow (MGD) *[50050]*	15.0 MGD *[03]*	Report MGD *[03]*	---	---	---	5/Week *[05/07]*	Calculate *[CA]*
Temperature[(3)] *[00011]*							
June 1 – September 30	---	---	---	---	110°F *[15]*	5/Week *[05/07]*	Grab *[GR]*
October 1 – May 31	---	---	---	---	110°F *[15]*	1/Week *[01/07]*	Grab *[GR]*
Thermal Load *June 1 – September 30 [00017]*	---	---	---	2.29x10[9(4)] BTUs/Day *[34]*	2.29 x10[9(5)] BTUs/Day *[34]*	5/Week *[05/07]*	Calculate *[CA]*
Predicted River Temperature Increase (PRTI)[(6)] *June 1 – September 30 [70013]*	---	---	---	---	0.5°F *[15]*	5/Week *[05/07]*	Calculate *[CA]*
pH (Std. Unit) [(2)] *[00400]*	---	---	---	---	6.0 – 8.5 SU *[12]*	1/Month *[01/30]*	Grab *[GR]*

The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports.

FOOTNOTES: **See Pages 6 through 7 of this permit for applicable footnotes.**

SPECIAL CONDITIONS

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

Sampling Locations:

Outfall #001 – Sampling for all parameters in Special Condition A(1) of this permit must be conducted at the terminus of the culvert from the East sedimentation pond.

Outfall #002 - Sampling for Flow, Temperature, and pH in Special Condition A(2) of this permit must be conducted at the outfall at the non-contact cooling water pump station. To calculate Thermal Load and River Temperature Increase, upstream and downstream receiving water temperature must be sampled in compliance with Special Conditions E and F of the permit and must be conducted as follows: Upstream river temperature must be measured at the intake for the WPN site turbine and downstream river temperature must be measured at the intake for the Woodland mill.

FOOTNOTES:

1. **Sampling** – Any change in the sampling locations must be approved by the Department in writing. Sampling and analysis must be conducted in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis must be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services for wastewater. Samples that are analyzed by laboratories operated by waste discharge facilities licensed pursuant to *Waste discharge licenses*, 38 M.R.S. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Accreditation Rule*, 10-144 C.M.R. 263 (last amended March 15, 2023). 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, all results of this monitoring must be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report.

   In accordance with 40 C.F.R. § 122.44(i)(1)(iv), the permittee must monitor according to sufficiently sensitive test procedures (i.e., methods) approved under 40 C.F.R. Part 136 or required under 40 C.F.R. chapter I, subchapter N or O, for the analysis of pollutants or pollutant parameters (except WET). A method is "sufficiently sensitive" when: 1) The method minimum level (ML) is at or below the level of the effluent limitation established in the permit for the measured pollutant or pollutant parameter; or 2) The method has the lowest ML of the analytical methods approved under 40 C.F.R. Part 136 or required under 40 C.F.R. chapter I, subchapter N or O for the measured pollutant or pollutant parameter. The term "minimum level" refers either to the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (MDL), whichever is higher. Minimum levels may be obtained in the following ways: they may be published in a method; they may be based on the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a laboratory, by a factor.

SPECIAL CONDITIONS

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

2. **pH** - Pursuant to *Effluent Guidelines and Standards*, 06-096 C.M.R. 525(4)(VIII)(a) (effective January 12, 2001) the permittee may conduct continuous pH monitoring. The permittee must specify on the monthly DMRs the sample type method for pH reporting (i.e. grab sample or continuous monitoring).

   The pH of the effluent shall not be less than or greater than specified standard units unless exceedances are due to natural causes in the ambient receiving waters or precipitation. In such cases, the effluent discharge shall not be more than 0.5 standard units outside the background pH. Background sampling shall be conducted at the facility's intake sampling station on the same day as sampling of the effluent is conducted.

3. **Temperature** – The maximum temperature for the discharge at the sampling location on any day.

4. **Weekly Average Thermal Load** - This is a weekly rolling average thermal load limitation in British Thermal Units (BTUs) per day that becomes effective during the period of June 1 to September 30 when the weekly rolling average temperature of the intake water from the St. Croix River is greater than or equal to 66°F and less than 73°F (≥66°F and <73°F). **See Special Condition E of this permit for the equation to calculate the thermal load**.

5. **Daily Maximum Thermal Load** - This is a daily maximum thermal load limitation in British Thermal Units (BTUs) per day that becomes effective during the period of June 1 to September 30 when the temperature of the intake water from the St. Croix River is greater than or equal to 73°F and the flow of the receiving water is at or above 850 cfs. **See Special Condition E of this permit for the equation to calculate the thermal load**.

6. **Predicted River Temperature Increase (PRTI) -** This is the maximum temperature increase allowed between upstream ambient temperature and downstream river temperature outside the zone of dilution during the period of June 1 to September 30. It must be calculated when the receiving water temperature is ≥73°F and the flow is below the regulated low flow of 850 cfs (549 MGD).

B. NARRATIVE EFFLUENT LIMITATIONS

1. The permittee must not discharge wastewater that contains a visible oil sheen, foam, or floating solids at any time that would impair the designated uses or habitat characteristics of the receiving waters or would otherwise lower the quality of the receiving water below its assigned classification.

2. The permittee must not discharge effluent that contains materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated for the classification of the receiving waters.

3. The permittee must not discharge wastewater that imparts color, taste, turbidity, toxicity, radioactivity or other properties which cause those waters to be unsuitable for the designated uses and characteristics ascribed to their classification.

SPECIAL CONDITIONS

B. NARRATIVE EFFLUENT LIMITATIONS (cont'd)

4. The permittee must not discharge effluent that lowers the quality of any classified body of water below such classification or lowers the existing quality of any body of water if the existing quality is higher than the classification.

5. The permittee must notify the Department immediately of the discharge of any pollutants other than heat from the facility. The permittee must also notify the Department of any changes in facility design, operation or generating capacity that may affect the flow or temperature of the cooling water discharge.

6. All miscellaneous facility leakage and lubrication waters that may become contaminated with oil or grease are subject to Best Management Practices (BMPs) designed to prevent the release of contaminants to the waters of the State. **Within 90 days of permit issuance**, the permittee must review and revise as necessary its written BMPs and shall make the BMPs available to the Department for review and comment upon request. BMPs must consist of, but not be limited to, the following, as appropriate: development and implementation of a spill prevention plan; use of oil absorbent pads or booms and/or physical berms to contain spills or leaks of hydraulic and lubrication oils; and the treatment of water collected in floor drains and sumps through an oil/grease trap or oil-water separator. Where bearing cooling water is used, BMPs must include the maintenance of a written log or record of bearing oil levels and maintenance activities. Where floor drains and sumps are used, BMPs must include (1) written procedures for the cleaning and maintenance of any oil-grease trap, oil skimmer or oil-water separator and (2) maintenance of a written log or record of visual inspections of sumps for oil and grease and of actions taken to prevent the discharge of oil or grease from the facility.

C. AUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with: 1) the Woodland General Application for Waste Discharge Permit, accepted for processing on December 9, 2022; 2) the terms and conditions of this permit; and 3) only from Outfall #001 and Outfall #002. Discharges of wastewater from any other point source(s) are not authorized by this permit, and must be reported by the permittee in accordance with Standard Condition D(1)(f), *Twenty-four hour reporting*, of this permit.

D. NOTIFICATION REQUIREMENT

1. In accordance with Standard Condition D, the permittee must notify the Department of any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants into the system after the time of permit issuance.

2. For the purposes of this section, adequate notice must include information on:
   i. The quality and quantity of wastewater introduced to the wastewater collection and treatment system; and

   ii. Any anticipated impact of the change in the quantity or quality of the wastewater to be discharged from the treatment system.

SPECIAL CONDITIONS

E. THERMAL DISCHARGE

During the period June 1 to September 30, the permittee is limited to a weekly average thermal load of 2.29 x 10^9 BTUs/Day, daily maximum thermal load of 2.29 x 10^9 BTUs/Day, and/or predicted river temperature increase (PRTI) of 0.5ºF. The applicable limit that needs to be calculated is based on the receiving water temperature. In no event shall any discharge alone or in combination with other discharges cause the temperature of the receiving water body to exceed 85°F at a point outside the mixing zone. The Department does not deem it likely that the water body will naturally exceed 85°F. These limits are in accordance with *Regulations Relating to Temperature,* 06-096 C.M.R. 582 (effective date May 4, 1996).

1. Weekly Average Thermal Load - The weekly average thermal load limit applies when the receiving water temperature is ≥66°F and <73°F. The Department interprets the term "weekly average temperature" to mean a seven (7) day rolling average. For Discharge Monitoring Report (DMR) reporting purposes, report the thermal load associated with the highest seven (7) consecutive days during a calendar month. If the weekly rolling average receiving water temperature is not ≥66ºF during a month between June and September (inclusive) the permittee shall report "NODI-9" on the applicable columns for the monthly DMR.

2. Daily Maximum Thermal Load - The daily maximum limit applies when the receiving water temperature is ≥73°F and the receiving water flow is at or above the regulated low flow of 850 cfs. The thermal load discharged from Outfall #002 must be calculated for each operating day during the applicable limitation period. For DMR reporting purposes, report the highest daily thermal load (expressed as BTUs/Day) during a calendar month.

3. Predicted River Temperature Increase (PRTI) – The PRTI limit applies when the receiving water temperature is ≥73°F and the flow is below the regulated low flow of 850 cfs (549 MGD). During this time, the permittee is limited to a daily thermal load that will not increase the receiving water temperature (ΔT) by more than 0.5ºF.

For each operating day during the applicable limitation period, the permittee shall calculate the thermal load from Outfall #002 to the receiving waters according to the following equation:

$$\text{Thermal Load (BTUs/Day)} = [(Qe_{002})\ (Te_{002}\text{-}Tr)]\ (8.34\ \text{lbs/gal})$$ where,

Qe = Effluent flow in gallons
Te = Effluent temperature (ºF)
Tr = Upstream river water (intake for WPN mill) temperature (ºF)

For each operating day during the applicable limitation period, the permittee shall calculate the Predicted River Temperature Increase (PRTI) from Outfall #002 to the receiving waters according to the following equation:

$$\text{PRTI (ºF)} = \frac{(Qe_{002})\ (Te_{002}\text{-}Tr)}{Qr}$$

where,

Qr = River flow as measured at the gauging station at the Woodland mill approximately two miles downstream of the WPN mill complex. (cfs or MGD, must be consistent with the Qe units)

SPECIAL CONDITIONS

E. THERMAL DISCHARGE (cont'd)

Qe = Effluent flow in cfs or MGD, (must be consistent with the Qr units)
Te = Effluent temperature (^{o}F)
Tr = Upstream river water temperature (^{o}F)

The daily recorded and calculated values of Qr, Qe, Tr, Te, and Thermal Load must be reported to the Department as an attachment to the Discharge Monitoring Reports (DMRs) for the months of June, July, August, and September of each year. PRTI must only be calculated when the receiving water is ≥73°F and the flow is below the regulated flow of 850 cfs (549 MGD).

Example DMR Reporting Form Attachment

Date	Qr (MGD)	Qe (MGD)	Tr (°F)	Te (°F)	PRTI (°F)	Heat(BTU)
6/1/2025	405	11.5	75°F	91°F	0.45°F	1.5×10^{9}

F. AMBIENT TEMPERATURE MONITORING

Between June 1 and September 30 of each year, the permittee must monitor the upstream ambient temperature of the receiving water at the intake for WPN site and downstream receiving water temperature at the end of the zone of initial dilution to verify the Actual River Temperature Increase (ARTI) of ≤0.5° F is being achieved. The permittee must supplement the reporting format cited above with additional columns to record Tr (intake for the Woodland mill at the Woodland Dam) and the ARTI.

G. COMMENCEMENT OF OPERATIONS

No later than ninety (90) days prior to commencing production/operations that will result in a discharge of wastewater, the permittee must meet with the Department's permitting and compliance inspection staff to review the applicability of the permit limitations, monitoring requirements and reporting requirements. Should the Department determine the proposed production/operations are significantly different than what has been presented in the December 9, 2022 approved permit application materials, the Department may require the permittee to submit an application to modify the permit. All procedural requirements for processing applications, including public notice and availability of a draft decision, apply. When operations are commenced, monitoring and reporting is required to immediately resume.

H. SEDIMENTATION POND MAINTENANCE

1. The banks of the pond must be inspected at least two times per year and properly maintained at all times. There must be no overflow through or over the banks. Any signs of leaks, destructive animal activity or soil erosion of the banks must be repaired immediately.

2. The banks of the pond must be maintained to keep them free of woody vegetation and other vegetation that may be detrimental to the integrity of the bank and/or pond liner. The pond must be kept free of all vegetation (i.e., grasses, reeds, cattails, etc.) that hinders the operation of the pond.

SPECIAL CONDITIONS

H. SEDIMENTATION POND MAINTENANCE (cont'd)

3. For each pond, the licensee must maintain at least two (2) feet of freeboard or design levels, whichever is greater.

4. The sedimentation pond must be dredged as necessary to maintain the proper operating depths in the pond that will provide best practicable treatment of the wastewater. All material removed from the pond must be properly disposed of in accordance with all applicable State and Federal rules and regulations.

I. MONITORING AND REPORTING

Electronic Reporting

NPDES Electronic Reporting, 40 C.F.R. 127, requires MEPDES permit holders to submit monitoring results obtained during the previous month on an electronic discharge monitoring report to the regulatory agency utilizing the USEPA electronic system.

Electronic Discharge Monitoring Reports (DMRs) submitted using the USEPA NetDMR system, must be:

1. Submitted by a facility authorized signatory; and

2. Submitted no later than **midnight on the 15th day of the month** following the completed reporting period.

Documentation submitted in support of the electronic DMR may be attached to the electronic DMR. Documentation submitted electronically to the Department in support of the electronic DMR must be submitted no later than midnight on the 15th day of the month following the completed reporting period.

J. REOPENING OF PERMIT FOR MODIFICATIONS

In accordance with *Conditions of Licenses,* 38 M.R.S. § 414-A(5) and upon evaluation of the tests results or monitoring requirements specified in Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at any time and with notice to the permittee, modify this permit to: 1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded, (2) require additional monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

K. 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 must be construed and enforced in all aspects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court.

DEP INFORMATION SHEET

Appeals to the Board of Environmental Protection

Date: November 2024 **Contact: Clerk.BEP@maine.gov or (207) 314-1458**

SUMMARY

This document provides information regarding a person's rights and obligations in filing an administrative or judicial appeal of: (1) a final license decision made by the Commissioner of the Department of Environmental Protection ("DEP"); or (2) an insurance claim-related decision ("Clean-up and Response Fund decision") made by the Commissioner or the Office of State Fire Marshal pursuant to 38 M.R.S. § 568-A.

Except as explained below, there are two methods available to an aggrieved person seeking to appeal a license decision made by the Commissioner or a Clean-up and Response Fund decision: (1) an administrative appeal before the Board of Environmental Protection ("Board"); or (2) a judicial appeal before Maine's Superior Court. An aggrieved person seeking review of a license decision or Clean-up and Response Fund decision made by the Board may seek judicial review in Maine's Superior Court.

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

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

A person filing an appeal with the Board should review the applicable rules and statutes, including the DEP's Chapter 2 rule, *Processing of Applications and Other Administrative Matters* (06-096 C.M.R. ch. 2); Organization and Powers, 38 M.R.S. §§ 341-D(4) and 346; and the Maine Administrative Procedure Act, 5 M.R.S. § 11001.

DEADLINE TO SUBMIT AN APPEAL TO THE BOARD

Within 30 calendar days of the date of: (1) a final license decision of the Commissioner; or (2) a Clean-up and Response Fund decision, an aggrieved person may appeal to the Board for review of that decision. "Aggrieved person" means any person whom the Board determines may suffer a particularized injury as a result of a Commissioner's license decision or a Clean-up and Response Fund decision. A complete appeal must be received by the Board no later than 5:00 p.m. on the 30th calendar day of the decision being appealed. With limited exception, untimely appeals will be dismissed.

HOW TO SUBMIT AN APPEAL TO THE BOARD

An appeal to the Board may be submitted via postal mail or electronic mail (e-mail) and must contain all signatures and required appeal contents. An electronic filing must contain the scanned original signature of the appellant(s). The appeal documents must be sent to the following address.

Chair, Board of Environmental Protection
c/o Board Clerk
17 State House Station
Augusta, ME 04333-0017
Clerk.BEP@maine.gov

The DEP may also request the submittal of the original signed paper appeal documents when the appeal is filed electronically. The risk of material not being received in a timely manner is on the sender, regardless of the method used.

At the time an appeal is filed with the Board, the appellant must send a copy of the appeal to: (1) the Commissioner of the DEP (Maine Department of Environmental Protection, 17 State House Station, Augusta, Maine 04333-0017); (2) the licensee, if the appellant is not the licensee; and (3) if a hearing was held on the application, any intervenors in that hearing proceeding. For appeals of Clean-up and Response Fund decisions made by the State Fire Marshal, the appellant must also send a copy of the appeal to the State Fire Marshal. **Please contact the Board Clerk at clerk.bep@maine.gov or DEP staff at 207-287-7688 with questions or for contact information regarding a specific license or Clean-up and Response Fund decision.**

REQUIRED APPEAL CONTENTS

A written appeal must contain the information specified in Chapter 2, section 23(B) or section 24(B), as applicable, at the time the appeal is submitted. **Please carefully review these sections of Chapter 2**, which is available online at https://www.maine.gov/sos/cec/rules/06/chaps06.htm, or contact the Board Clerk to obtain a copy of the rule. Failure to comply with the content of appeal requirements may result in the appeal being dismissed pursuant to Chapter 2, section 23(C) or section 24(C).

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with the administrative record.* Generally, the record on which the Board decides an appeal is limited to the record prepared by the agency in its review of the application, any supplemental evidence admitted to the record by the Board Chair and, if a hearing is held on the appeal, additional evidence admitted during the hearing. A person who seeks to appeal a decision to the Board is encouraged to contact the DEP (or State Fire Marshal for Clean-up and Response Fund decisions made by that agency) to inspect the record before filing an appeal.

2. *Be familiar with the applicable rules and laws.* An appellant is required to identify the licensing criterion or standard the appellant believes was not satisfied in issuing the decision, the bases of the objections or challenges, and the remedy sought. Prior to filing an appeal, review the decision being appealed to identify the rules and laws that are applicable to the decision. An appellant may contact the DEP or Board staff with any questions regarding the applicable rules and laws or the appeal procedure generally.

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. Unless a separate stay of the decision is requested and granted (*see* Chapter 2, section 23(M)), the licensee may proceed with an approved project pending the outcome of the appeal. Any activity initiated in accordance with the approved license during the pendency of the appeal comes with the risk of not knowing the outcome of the appeal, including the possibility that the decision may be reversed or modified by the Board.

4. *Alternative dispute resolution.* If the appeal participants agree to use mediation or another form of alternative dispute resolution ("ADR") to resolve the appeal and so notify the Board, the Board will not hear the matter until the conclusion of that effort, provided the participants engaged in the alternative dispute resolution demonstrate satisfactory progress toward resolving the issues. *See* Chapter 2, section 23(H) or contact the Board Executive Analyst (contact information below) for more information on the ADR provision.

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

The Board will acknowledge receipt of each appeal and develop a service list of appeal participants and any interested persons for use in the appeal proceeding. Electronic mail (e-mail) is the preferred method of communication during an appeal proceeding; however, the Board reserves the right to require paper copies of all filings. Once the Board Chair rules on the admissibility of all proposed supplemental evidence, the licensee (if the licensee is not the appellant) may respond to the merits of the appeal. Instructions specific to each appeal will be provided in correspondence from the Board Executive Analyst or Board Chair. Generally, once all filings in an appeal proceeding are complete, the DEP staff will assemble a packet of materials for the Board (Board packet), including a staff recommendation in the form of a proposed Board Order. Once available, appeal participants will receive a copy of the Board packet and an agenda with the meeting location and start time. Once finalized, the meeting agenda will be posted on the Board's webpage https://www.maine.gov/dep/bep/index.html. Appeals will be considered based on the administrative record on appeal and oral argument at a regular meeting of the Board. *See* Chapter 2, Section 23(I). The Board may affirm all or part of the decision under appeal; affirm all or part of the decision under appeal with modifications, or new or additional conditions; order a hearing to be held as expeditiously as possible; reverse the decision under appeal; or remand the decision to the Commissioner or State Fire Marshal, as applicable, for further proceedings.

II. JUDICIAL APPEALS

The filing of an appeal with the Board is not a prerequisite for the filing of a judicial appeal. Maine law generally allows aggrieved persons to appeal final license decisions to Maine's Superior Court (*see* 38 M.R.S. § 346(1); Chapter 2; 5 M.R.S. § 11001; and M.R. Civ. P. 80C). A judicial appeal by a party to the underlying proceeding 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 aggrieved person, an appeal must be filed within 40 days of the date the decision was rendered. 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. § 346(4), the Maine Administrative Procedure Act, statutes governing a particular license decision, and the Maine Rules of Civil Procedure for substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal procedure, for administrative appeals contact the Board Clerk at clerk.bep@maine.gov or 207-287-2811 or the Board Executive Analyst at bill.hinkel@maine.gov or 207-314-1458, or for judicial appeals contact the court clerk's office in which the appeal will be filed.

Note: This information sheet, in conjunction with a review of the statutory and rule provisions referred to herein, is provided to help a person to understand their rights and obligations in filing an administrative or judicial appeal, and to comply with notice requirements of the Maine Administrative Procedure Act, 5 M.R.S. § 9061. This information sheet is not intended to supplant the parties' obligations to review and comply with all statutes and rules applicable to an appeal and insofar as there is any inconsistency between the information in this document and the applicable statutes and rules, the relevant statutes and rules apply.

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A. GENERAL PROVISIONS

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

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

(a) They are not

(i) Designated as toxic or hazardous under the provisions of Sections 307 and 311, respectively, of the Federal Water Pollution Control Act; Title 38, Section 420, Maine Revised Statutes; or other applicable State Law; or
(ii) Known to be hazardous or toxic by the licensee.

(b) The discharge of such materials will not violate applicable water quality standards.

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

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

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

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

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

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 if 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 MAINTENACE 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

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.

(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.

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.

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

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).

(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.

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 contaminates 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.

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.

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
MAINE WASTE DISCHARGE LICENSE

FACT SHEET

DATE: **August 18, 2025**

PERMIT NUMBER: #**ME0022063**

WASTE DISCHARGE LICENSE: **W000508-5O-K-R**

NAME AND ADDRESS OF APPLICANT:
WOODLAND PULP LLC
Woodland PULP North site
144 Maine Street
Baileyville, MAINE 04694

COUNTY: **Washington**

NAME AND ADDRESS WHERE DISCHARGE(S) OCCUR(S):
WOODLAND PULP NORTH SITE
187 Track Road
Baileyville, Maine 04694

RECEIVING WATER AND CLASSIFICATION:
St. Croix River/ Class C

COGNIZANT OFFICIAL AND TELEPHONE #:
Mr. Bill Delnicki, Environmental Team Leader
(207) 214-9818
e-mail: william.delnicki@igic.com

1. APPLICATION SUMMARY

a. Application: Woodland Pulp LLC (Woodland/permittee hereinafter) **submitted** a timely and complete application to the Department for renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0022063/ Maine Waste Discharge License (WDL) #W000508-5O-J-R, which was issued on May 14, 2018, for a five-year term. The May 14, 2018 permit authorized the daily maximum discharge of 15.0 million gallons per day (MGD) of non-contact cooling water, and the daily maximum discharge of 0.160 MGD of miscellaneous non-process wastewaters (primarily boiler blowdown and water softener backwash) from the Woodland Pulp North (WPN) site from two outfalls to the St. Croix River, Class C, in Baileyville, Maine. See Attachment A of this Fact Sheet for a location map.

It is noted that the natural gas associated wood fired boiler and associated steam turbine which supply wastewaters to Outfalls #001 and #002, respectively, have been shut down for over ten years. As a result, monitoring requirements for Outfalls #001 and #002 were suspended. The facility has been put on notice by the Department that if and when the facility commences operations in the future, the Department will review said operations to determine if this permit should be modified to establish terms and conditions consistent with the activities performed at the facility. See Special Condition G, *Commencement of Operations*, of this permit.

1. APPLICATION SUMMARY (cont'd)

b. Source Description –When the Georgia Pacific Corporation (GPC) owned and operated the Baileyville mill, the facility was comprised of two separate manufacturing operations on a common site. One manufacturing facility was a stud mill that produced approximately 70 million board feet per year of spruce and fir 2" x 4" studs, while another facility manufactured 4' x 8' sheets of oriented strand board (OSB) a product similar to plywood. A centrally located wood fired boiler and turbine operated continually supplying steam, compressed air, and electricity to both mills. The electrical output of the power plant and the electrical demand of the complex are balanced with excess electricity consumed by the Woodland pulp mill two miles downstream.

Both manufacturing operations have been shut down for more than two decades. The Louisiana Pacific Corporation (LPC) proposed to reopen the OSB plant in June of 2003 but did not and subsequently sold both manufacturing facilities to Woodland Pulp LLC (Woodland) in October of 2011, renaming the site Woodland Pulp North. At this time the entire OSB facility was dismantled and the stud mill was partially dismantled.

Currently the former OSB and warehouse buildings are leased to a natural gas compressing and delivery business which began operations at the site in January 2013. Future plans may include expanding the natural gas processing operations at this site, opening the site to other business opportunities, and operating the natural gas fired boiler and associated turbine to produce power for use on site as well as export. The wood storage and processing area remain and are used to cover wood that is used for chips and fuel. Processing equipment includes stationary and portable chippers and grinders.

The site has three outfalls that discharge to the St. Croix River. A process flow diagram, which includes the locations of the outfalls, was submitted by the permittee and is included as Fact Sheet Attachment B.

Outfall #001 wastewaters are directly related to the operation of the boiler, which include boiler blowdown, sand filter and softener backwashes, floor rinses, graywater from sinks, and drinking water sources within the boiler building. Minor contributions to Outfall #001 include air compressor coils and runoff from occasional use of water spray on the saw log decks and adjacent storage area. The water spray wetted the logs during dry periods and minimized saw blade wear. The average daily flow associated with the aforementioned sources prior to facility shut down had been approximately 60,000 gallons per day (GPD) but could be as high as 160,000 GPD.

Outfall #002 wastewaters consist of non-contact cooling water used to condense low pressure steam from the outlet of the turbine back to water before being returned to the boiler. The cooling water source is the St. Croix River and the discharge flow has historically been reported to be approximately 14 million gallons per day (MGD) but can be as high as 15 MGD. Also contributing to this outfall are small sump pumps within pump-houses which discharge infiltration/seepage water, pump packing, seal water, and other miscellaneous minor water from the pump-house interior.

Outfall #003 is a stormwater outfall. The outfall was previously covered by this permit but removed from the 2018 permit due to coverage under the Department's Multi-Sector General Permit, permit #MER05B608, issued on January 13, 2017.

1. APPLICATION SUMMARY (cont'd)

Other minor discharges at the facility include stormwater and ground water from a vehicle scale pit. The permittee has indicated the discharge does not come into contact with any pollutants, such as lubricating fluids or oil and grease, as the purpose of the discharge is to remove groundwater and stormwater from the pit to prevent corrosion of the springs for the scale. The intermittent flow is discharged to the surface of the land, a grassy area adjacent to the facility's sub-surface wastewater disposal system. It is noted the Department considered these minor discharges as being *de minimis* in nature and did not establish limitations or monitoring requirements for these waste streams.

c. Wastewater Treatment - Boiler building wastewaters discharge through Outfall #001 receive a primary level of treatment. Wastewater exits the boiler building and pass through an oil/water separator before being conveyed to a settling/stabilization pond. The pond is approximately four feet deep with a surface area of approximately 3,000 square feet. A culvert with invert inlet is present for the purpose of dispersing the effluent. The final outfall pipe is a 24-inch diameter corrugated metal pipe with a grease trapped outlet. The pipe outlets three feet above the surface of the receiving waters and meanders through a vegetated channel to the river.

Outfall #002 receives no treatment as the wastewaters are non-contact cooling waters that are uncontaminated except for heat, which is regulated in the permit. The outfall pipe is a 24-inch diameter steel pipe equipped with a stilling basin. The pipe outlets two feet above the surface of the receiving waters.

Sanitary wastewaters generated at the mill complex are disposed of in a conventional on-site subsurface disposal system.

2. PERMIT SUMMARY

a. Terms and Conditions - This permitting action carries forward all the terms and conditions established in the previous permitting action, except that this permitting action is:

1. Clarifying that the facility may not cause the temperature of the St. Croix River to exceed 85°F outside of the assigned mixing zone; and

2. Establishing Special Condition H, *Sedimentation Pond Maintenance*, based on new information.

b. History - The most current relevant regulatory actions include:

January 12, 2001 – The Department received authorization from the U. S. Environmental Protection Agency (USEPA) to administer the National Pollutant Discharge Elimination System (NPDES) permitting program in Maine, excluding areas of special interest to Maine Indian Tribes. From this point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) program, and MEPDES permit #ME0022063 has been utilized for this facility. On March 26, 2011, the USEPA authorized the Department to administer the MEPDES program in Indian territories of the Penobscot Nation and Passamaquoddy Tribe.

September 13, 2002 – Georgia Pacific Corporation ("GPC") sold the Baileyville OSB / stud mill to the Louisianna Pacific Corporation ("LPC").

2. PERMIT SUMMARY (cont'd)

January 28, 2003 – The LPC filed an application with the Department to transfer all licenses and permits for the mill complex. Licenses and permits issued to date have been issued in the name of the former owner of the facility, the GPC. The "global" transfer of the licenses and permits (other than this permit) were issued under a separate Department order.

September 15, 2006 – The Department approved a halt in monitoring at the facility due to the mill shutdown.

October 21, 2011 – The Department issued a global transfer of Department permits and licenses from Louisiana Pacific Corp. to Woodland Pulp LLC.

May 14, 2018 - The Department issued combination WDL #W000508-5O-J-R /

MEPDES #ME0022063 for a five-year term. Outfall #003 was transferred from this permit to a U.S. Environmental Protection Agency Multi-Sector General Permit. The May 14, 2018 permit superseded previous WDLs issued on June 3, 2013; September 3, 2008; June 10, 2003; September 13, 1999; November 3, 1994; and October 21, 1976.

December 8, 2022 - WP submitted a timely and complete application to the Department to renew the MEPDES permit. The application was accepted for processing on December 9, 2022 and was assigned WDL #W000508-5O-K-R / MEPDES #ME0022063.

3. RECEIVING WATER QUALITY STANDARDS

Classification of major river basins, 38 M.R.S. § 467(13)(A)(3) classifies the Woodland Lake impoundment of the St. Croix River main stem as a Class C waters. *Standards for classification of fresh surface waters,* 38 M.R.S. § 465(4) describes the standards for Class C waters as follows:

Class C shall be the 4th highest classification.

A Class C waters must be of such quality that they are suitable for the designated uses of drinking water supply after treatment; fishing; agriculture; recreation in and on the water; industrial process and cooling water supply; hydroelectric power generation, except as prohibited under Title 12, section 403; navigation; and as a habitat for fish and other aquatic life.

B. Class C waters must be of sufficient quality to support all species of fish indigenous to those waters and to maintain the structure and function of the resident biological community. The dissolved oxygen content of Class C water may be not less than 5 parts per million or 60% of saturation, whichever is higher, except that in identified salmonid spawning areas where water quality is sufficient to ensure spawning, egg incubation and survival of early life stages, that water quality sufficient for these purposes must be maintained. In order to provide additional protection for the growth of indigenous fish, the following standards apply.

(1) The 30-day average dissolved oxygen criterion of a Class C water is 6.5 parts per million using a temperature of 22 degrees centigrade or the ambient temperature of the water body, whichever is less, if:

3. RECEIVING WATER QUALITY STANDARDS (cont'd)

(a) A license or water quality certificate other than a general permit was issued prior to March 16, 2004 for the Class C water and was not based on a 6.5 parts per million 30-day average dissolved oxygen criterion; or

(b) A discharge or a hydropower project was in existence on March 16, 2005 and required but did not have a license or water quality certificate other than a general permit for the Class C water.

This criterion for the water body applies to licenses and water quality certificates issued on or after March 16, 2004.

(2) In Class C waters not governed by subparagraph (1), dissolved oxygen may not be less than 6.5 parts per million as a 30-day average based upon a temperature of 24 degrees centigrade or the ambient temperature of the water body, whichever is less. This criterion for the water body applies to licenses and water quality certificates issued on or after March 16, 2004.

The department may negotiate and enter into agreements with licensees and water quality certificate holders in order to provide further protection for the growth of indigenous fish. Agreements entered into under this paragraph are enforceable as department orders according to the provisions of sections 347-A to 349.

Between April 15th and October 31st, the number of Escherichia coli bacteria in Class C waters may not exceed a geometric mean of 100 CFU or MPN per 100 milliliters over a 90-day interval or 236 CFU or MPN per 100 milliliters in more than 10% of the samples in any 90-day interval. The board shall adopt rules governing the procedure for designation of spawning areas. Those rules must include provision for periodic review of designated spawning areas and consultation with affected persons prior to designation of a stretch of water as a spawning area. [PL 2021, c. 551, §12 (AMD).]

C. Discharges to Class C ·waters may cause some changes to aquatic life, except that the receiving waters must be 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. For the purpose of allowing the discharge of aquatic pesticides or chemicals approved by the department and conducted by the department, the Department of Inland Fisheries and Wildlife or an agent of either agency to restore biological communities affected by an invasive species, the department may find that the discharged effluent will not cause unacceptable changes to aquatic life as long as the materials and methods used will ensure the support of all species of indigenous fish and the structure and function of the resident biological community and will allow restoration of nontarget species.

4. RECEIVING WATER QUALITY CONDITIONS

The State of Maine Department of Environmental Protection 2018/2020/2022 Integrated Water Quality Monitoring and Assessment Report (Report), prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the

4. RECEIVING WATER QUALITY CONDITIONS (cont'd)

Woodland Impoundment of the St. Croix River main stem (Assessment Unit ID ME0105000108_505R_01) as: "Category 3: Rivers and Streams with Insufficient Data or Information to Determine if Designated Uses are Attained (One or More Uses may be Impaired)."

In addition, the Report lists all of Maine's fresh waters as, "Category 4-A: Rivers and Streams Impaired by Atmospheric Deposition of Mercury." Impairment in this context refers to a statewide fish consumption advisory due to elevated levels of mercury in some fish tissues. The Report states, " All freshwaters are listed in Category 4-A (TMDL Completed) due to

US EPA approval of a Regional Mercury TMDL in December 2007. Maine has a fish consumption advisory for fish taken from all freshwaters due to mercury. Many waters, and many fish from any given water, do not exceed the action level for mercury. However, because it is impossible for someone consuming a fish to know whether the mercury level exceeds the action level, the Maine Department of Health and Human Services decided to establish a statewide advisory recommending limits on consumption for all freshwater fish. Maine has instituted statewide programs for removal and reduction of mercury sources.

5. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

a. **Outfall #001** - Boiler blowdown, softener backwash, cooling waters and miscellaneous non-process wastewaters.

The monthly average and daily maximum mass and/or concentration limits established for flow, biochemical oxygen demand, total suspended solids, settleable solids, oil & grease, and pH in the previous permitting action are being carried forward in this permitting action. These limits were based on best professional judgment of best practicable treatment for the sources of wastewater being generated.

Being that the facility has been shut down since the early 2000's, and the permittee does not plan to resume operations of the oriented strand board operation and stud mill in the foreseeable future, not all sources of wastewaters previously regulated will be realized.

Therefore, the Department will re-evaluate the applicability of the parameters, limitations, and monitoring requirements for this outfall based on changes in operation of the mill complex and the applicability of New Source Performance Standards.

b. **Outfall #002** – Non-contact cooling waters

1. Flow- The daily average flow limitation of 15.0 MGD in the previous permitting action is being carried forward in this permitting action. The permittee has indicated that the flow limitation should be representative of future operations of the Woodland Pulp North site turbine.

2. pH – The daily range limitation of 6.0 – 8.5 SU in the previous permitting action is being carried forward in this permitting action.

3. Temperature/Thermal Discharge – The daily maximum effluent temperature limit of 110°F in the previous permitting action is being carried forward in this permitting action. This temperature limit is based on a Department best professional judgment of effluent temperatures that are representative of the facility operating at full capacity.

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

This permit is also carrying forward a summer limitation of weekly or daily thermal loads of 2.29 x 10^9 BTUs/Day and a daily maximum predicted river temperature increase (PRTI) limitation of 0.5°F to comply with *Regulations Relating to Temperature,* 06-096 C.M.R. 582 (effective date May 4, 1996).

06-096 C.M.R. 582 (1) states in part that:

> No discharge of pollutants shall cause the ambient temperature of any freshwater body, as measured outside a mixing zone, to be raised more than 5° F.
>
> and
>
> In no event shall any discharge cause the temperature of any freshwater body to exceed 85° F at a point outside a mixing zone.

In addition, the rule limits thermal discharges to an in-stream temperature increase of 0.5° F above the ambient receiving water temperature when the discharge may cause the temperature of the water to exceed the U.S. Environmental Protection Agency's national ambient water quality criteria established to protect all species of fish indigenous to the receiving waters at any point outside a mixing zone established by the Board. The established temperature thresholds are based on USEPA water quality criterion found in the Quality Criteria for Water (Gold Book) for the protection of brook trout and Atlantic salmon, species indigenous to the St. Croix River. During the summer months, the weekly average temperature of 66° F was derived to provide for normal growth of brook trout and the daily maximum threshold temperature of 73° F protects for the survival of juveniles and adult Atlantic salmon. As a point of clarification, the Department interprets the term "weekly average temperature" to mean a seven (7) day rolling average.

Compliance with the weekly rolling average and daily maximum PRTI of 0.5°F is determined by calculating the thermal load (expressed in BTUs/Day) associated with the regulated river flow (850 cfs = 549 MGD), actual river temperature, actual discharge flow, and actual discharge temperature from the mill. When the receiving water temperature is ≥73° F and the receiving water flow is below the regulated low flow of 850 cfs, compliance with the RTI of 0.5° F is evaluated on a daily basis using the actual receiving water flow, actual receiving water temperature, actual discharge flow, and actual discharge temperature from the mill.

It is noted that 850 cfs is considered the regulated low flow due to the fact the St. Croix River is regulated to provide 850 cfs via the International Joint Commission (IJC) at the USGS gauge at Baring (#10121000) as a typical minimum flow. However, following evaluation of the historic flow at the USGS gauge at Baring, ME (#10121000) downstream of the Woodland dam, it was determined there is a possibility the river may fall below that flow. The new low flows of 1Q10 and 7Q10 are 703 cfs (454 MGD) and 713 cfs (461 MGD) respectively. Since the possibility of the flow dropping below 850 cfs was accounted for in determining the limits, no changes will be made to this permit. If the river flow is at or above 850 cfs, the limit of 2.29 x 10^9 BTUs/day will limit the PRTI to equal to or less than 0.5°F.

The calculations that follow are to determine the assimilative capacity of the receiving water during summer and non-summer seasons:

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

Allowable thermal load is determined by finding the thermal load that would increase the temperature of the receiving water by the maximum allowable °F.
Allowable thermal load (BTUs/Day) = (Qr)(ΔTa)(K)

Discharged thermal load (BTUs/Day) = (Qe)(Te – Tr)(K)

Predicted river temperature increase = [(Qe)(Te – Tr)]/Qr

Where

Qr	=	Low River Flow (gallons/day)
Qe	=	Effluent Flow (gallons/day)
Tr	=	Temperature of receiving water (°F)
Te	=	Temperature of effluent (°F)
ΔTa	=	Allowable temperature different (°F)
K	=	Conversion factor of 8.34 lbs/gallon

Non-summer (October 1st – May 31st)

The previous permitting action established, and this permitting action is carrying forward, a non-summer effluent temperature limitation of 110°F based on the following calculations:

Using the regulated low flow, the allowable thermal load for non-summer seasons is:

(549,000,000 gallons/day)(5.0°F)(8.34 lbs/gal) = 2.29×10^{10} BTUs/Day

Assuming the St. Croix River temperature is 35°F and the discharge flow and temperature are at the full permitted flow of 15 MGD and 110°F, the thermal load discharged would be:

(15,000,000 gal)(110°F - 35°F)(8.34 lbs/gal) = 0.938×10^{10} BTUs/Day

The predicted river temperature increase (PRTI) at the full permitted flow and temperature and the regulated low flow conditions in the St. Croix River would be:

$$\frac{(15{,}000{,}000 \text{ gal/day})(110°F - 35°F)}{549{,}000{,}000 \text{ gal/day}} = 2.0°F$$

Therefore, during the non-summer months when the facility is discharging at full permitted flow and temperature, the Department has made the determination based on the calculations above that the discharge does not exceed or have a reasonable potential to exceed the water quality standard in 06-096 CMR 582, an allowable RTI of less than 5°F above ambient temperature.

Summer (June 1st – September 30th)

The previous permitting action established, and this permitting action is carrying forward, a summer (June 1st – September 30th) thermal load limitation of 2.29×10^9 BTUs/Day when the river flow is equal to or above 850 cfs based on the following calculations:

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

The allowable thermal load for summer is:
(549,000,000 gallons/day)(0.5°F)(8.34 lbs/gal) = 2.29 x 10^9 BTUs/Day

Assuming the St. Croix River temperature is 66°F and the discharge is at the full permitted flow and temperature of 15 MGD and 110°F, the thermal load discharged would be:
(15,000,000 gal)(110°F - 66°F)(8.34 lbs/gal) = 5.50 x 10^9 BTUs/Day

The PRTI at the full permitted flow and temperature and the regulated low flow conditions in the St. Croix River would be:

$$\frac{(15{,}000{,}000 \text{ gal/day})(110°F - 66°F)}{549{,}000{,}000 \text{ gal/day}} = 1.2°F$$

Therefore, during the summer months when the facility is discharging at full permitted flow and temperature, the Department has made the determination based on the calculations above that the discharge would exceed the water quality standard in 06-096 C.M.R. Ch. 582 of an allowable RTI of 0.5°F.

Therefore, this permitting action is carrying forward a water quality-based summertime thermal load limitation of 2.29 x 10^9 BTUs/Day that is to be calculated on a daily basis between June 1st and September 30th. When the receiving water is greater than or equal to 66°F and less than 73°F, the thermal load limitation is a weekly rolling average limitation. When the receiving water is greater than or equal to 73°F and below 85°F, the thermal load limitation is a daily maximum limitation.

If the river flow falls below the regulated flow of 850 cfs, the allowable thermal discharge would decrease and the PRTI would change based on the actual flow. Therefore, between June 1st and September 30th, when the receiving water is greater than or equal to 73°F and the river flow falls below 850 cfs, the permittee must limit the PRTI to 0.5°F and calculate the PRTI daily.

Special Condition F, *Ambient Temperature Monitoring*, of this permit requires the permittee to monitor upstream and downstream receiving water temperature to verify the actual RTI of ≤0.5° F in 06-096 C.M.R. 582 is being achieved during the summer months. The Department is utilizing the Woodland Dam spill way as the end of the mixing zone where during low flow conditions approaching 850 cfs, most if not all the flow in the St. Croix River passes through the turbines of the Woodland Dam, which promotes further mixing.

Enforcement generally, 38 M.R.S. §451 states in part that:

> *The purpose of a mixing zone is to allow a reasonable opportunity for dilution, diffusion or mixture of pollutants with the receiving waters before the receiving waters below or surrounding a discharge will be tested for classification violations. In determining the extent of any mixing zone to be established under this section, the department may require from the applicant testimony concerning the nature and rate of the discharge; the nature and rate of existing discharges to the waterway; the size of the waterway and the rate of flow therein; any relevant seasonal, climatic, tidal and natural variations in such size, flow, nature and rate; the uses of the*

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

> *waterways in the vicinity of the discharge, and such other and further evidence as in the department's judgment will enable it to establish a reasonable mixing zone for such discharge.*
>
> The two mile segment of river between the point of discharge to the spillway of the Woodland Dam is considered to be the area of reasonable opportunity for heat transfer to the atmosphere provided by 38 M.R.S. §451.

Being that Woodland and any potential interested parties have not finalized future development plans for the facility and it is unknown what process(es) will be brought back on line, Special Condition G, *Commencement of Operations* of this facility requires that:

> **At a minimum of ninety (90) days prior to commencing production/operations**, the permittee must meet with the Department's permitting and compliance inspection staff to review applicability of the permit limitations, monitoring requirements and reporting requirements. Should the Department determine the proposed production/operations are significantly different than what has been presented in the December 8, 2022 application materials, the Department may require the permittee to submit a revised application to modify the permit.

6. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As permitted, the Department has determined the existing water usages will be maintained and protected and the discharge will not cause or contribute to the failure of the water body to meet standards for Class C classification.

7. ANTI-BACKSLIDING

Federal regulation 40 C.F.R. §122.44(l) contains the criteria for what is often referred to as the anti-backsliding provisions of the Federal Water Pollution Control Act (Clean Water Act). In general, the regulation states that except for provisions specified in the regulation, effluent limitations, standards, or conditions must be at least as stringent as the final effluent limitations, standards or conditions in the previous permit.

Applicable exceptions include: (1) material and substantial alterations or additions to the permitted facility occurred after permit issuance which justify the application of a less stringent effluent limitation and (2) information is available which was not available at the time of the permit issuance (other than revised regulations, guidance, or test methods) and which would justify the application of less stringent effluent limitations at the time of permit issuance. All limitations in this permit are equally or more stringent than those in the previous permit.

8. ANTI-DEGREDATION

As permitted, the Department has determined the existing water usages will be maintained and protected and the discharge will not cause or contribute to the failure of the waterbody to meet standards for Class C.

9. ISSUANCE OF COOLING WATER INTAKE STRUCTURE PERMITS

Although a MEPDES 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), such as one present at this facility, Maine DEP's permits are not 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). 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. Furthermore, there is no expressed or implied legal requirement that the permits be issued jointly or simultaneously.

10. PUBLIC COMMENTS

Public notice of this application was made in the *Calais Advertiser* newspaper on or about December 16, 2022. 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).

11. DEPARTMENT CONTACTS

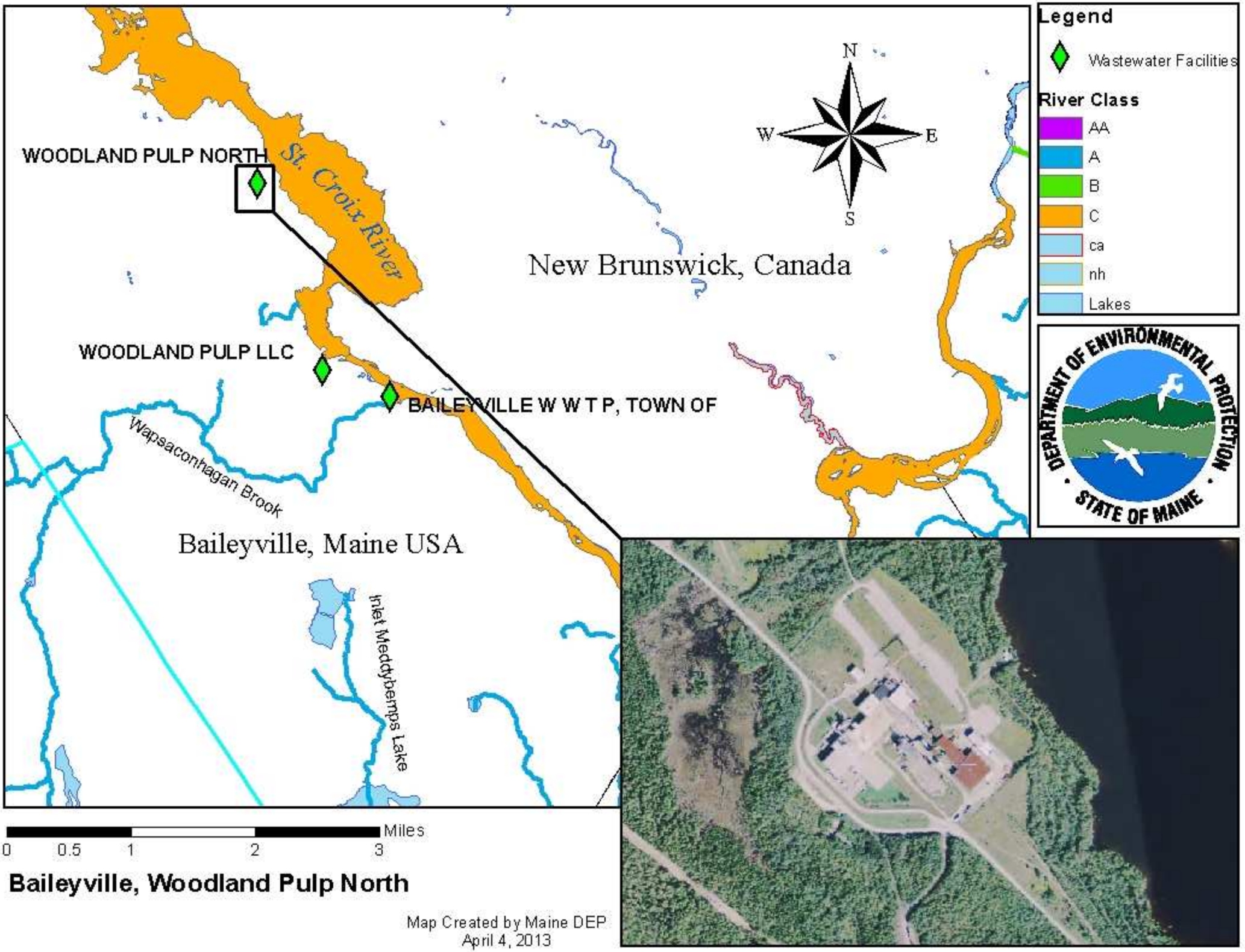
Additional information concerning this permitting action may be obtained from, and written comments should be sent to:

Bekah Farmer
Department of Environmental Protection
Bureau of Water Quality
Division of Water Quality Management
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 458-8706 Fax: (207) 287-3435
bekah.farmer@maine.gov

12. RESPONSE TO COMMENTS

During the period from July 14, 2025 to August 14, 2025, the Department solicited comments from interested parties, the regulatory community, and the public. The Department did not receive any comments that resulted in substantive changes to the permit. Therefore, a formal response to comments has not been prepared.

ATTACHMENT A



Baileyville, Woodland Pulp North

Map Created by Maine DEP
April 4, 2013

ATTACHMENT B

Appendix B Site Lay of Oriented Strand Board and Chip n Saw Facilities