



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

## DEPARTMENT ORDER

## IN THE MATTER OF

KEI (USA) POWER MANAGEMENT, INC ) MAINE POLLUTANT DISCHARGE  
EUSTIS, FRANKLIN COUNTY, MAINE ) ELIMINATION SYSTEM PERMIT  
COOLING WATER DISCHARGE ) AND  
EUSTIS HYDRO PROJECT )  
ME0036625 ) WASTE DISCHARGE LICENSE  
W008080-5R-G-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.*, and applicable rules of the Department of Environmental Protection (Department), the Department has considered the application of the KEI (USA) Power Management, Inc.,(permittee / KEI) with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

## APPLICATION SUMMARY

On June 13, 2024, the Department accepted as complete for processing, a timely and complete application from KEI for renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0036625/Waste Discharge License (WDL) #W008080-5R-F-R, which was issued on May 20, 2019, for a five-year term, and authorized the daily maximum discharge of 7,200 gallons per day of non-contact cooling water from one outfall (Outfall #001) at KEI's Eustis Hydro Project to the North Branch Dead River, Class A, in Eustis, Maine.

## PERMIT SUMMARY

This permitting action carries forward all the terms and conditions established in the previous permitting action.

## CONCLUSIONS

BASED on the findings in the attached Draft Fact Sheet dated January 23, 2026, and subject to the Conditions listed below, the Department makes the following conclusions:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, *Classification of Maine Waters*, 38 M.R.S. §464(4)(F), will be met, in that:
  - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected.
  - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected.
  - (c) Where the standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification.
  - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and
  - (e) Where a discharge will result in lowering the existing quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharge will be subject to effluent limitations that require application of best practicable treatment as defined in *Conditions of Licenses*, 38 M.R.S. §414-A(1)(D).
5. The discharge is necessary and there are no other reasonable alternatives available as required by *Standards for classification of fresh surface waters*, 38 M.R.S. § 465(2)(C).

**ACTION**

THEREFORE, the Department APPROVES the application of the KEI (USA) POWER MANAGEMENT, INC. to discharge a daily maximum of 7,200 gallons per day of non-contact cooling water at a temperature not to exceed 95 degrees Fahrenheit from Outfall #001 from the Eustis Hydro Project in Eustis to the North Branch Dead River, Class A, in Eustis, Maine, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations including:

1. *“Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits,”* revised July 1, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This permit and the authorization to discharge become effective upon the date of signature below and 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 modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. *Maine Administrative Procedure Act, 5 M.R.S. §10002 and Rules Concerning the Processing of Applications and Other Administrative Matters, 06-096 CMR ch. 2(21)(A)* (last amended September 15, 2024).

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: \_\_\_\_\_  
For MELANIE LOYZIM, Commissioner

Date of initial receipt of application: May 23, 2024  
Date of application acceptance: June 13, 2024

This Order prepared by Rod Robert Bureau of Water Quality

## **SPECIAL CONDITIONS**

### **A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

1. The discharge from Outfall #001 is limited to a daily maximum flow of 7,200 gallons per day and a daily maximum temperature of 95°F.
2. 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. The permittee must develop BMPs and must make the BMPs available in writing for the Department to 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.

### **B. NARRATIVE EFFLUENT LIMITATIONS**

1. The permittee must not discharge effluent that contains a visible oil sheen, foam or floating solids at any time which would impair the usages designated for the classification of the receiving waters.
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 effluent 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.
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.

## **SPECIAL CONDITIONS**

### **C. AUTHORIZED DISCHARGES**

The permittee is authorized to discharge only in accordance with 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on June 13, 2024; 2) the terms and conditions of this permit; and 3) only from Outfall #001. Discharges of wastewater from any other point source(s) are not authorized under this permit and must be reported in accordance with Standard Condition D(1)(f), *Twenty-four-hour reporting*, of this permit.

### **D. NOTIFICATION REQUIREMENT**

In accordance with Standard Condition D, the permittee must notify the Department of the following:

1. 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 at the time of permit issuance.
2. For the purposes of this section, adequate notice must include information on:
  - (a) The quality and quantity of wastewater introduced to the wastewater collection and treatment system; and
  - (b) Any anticipated impact of the change in the quantity or quality of the wastewater to be discharged from the treatment system.

### **E. REOPENING OF PERMIT FOR MODIFICATIONS**

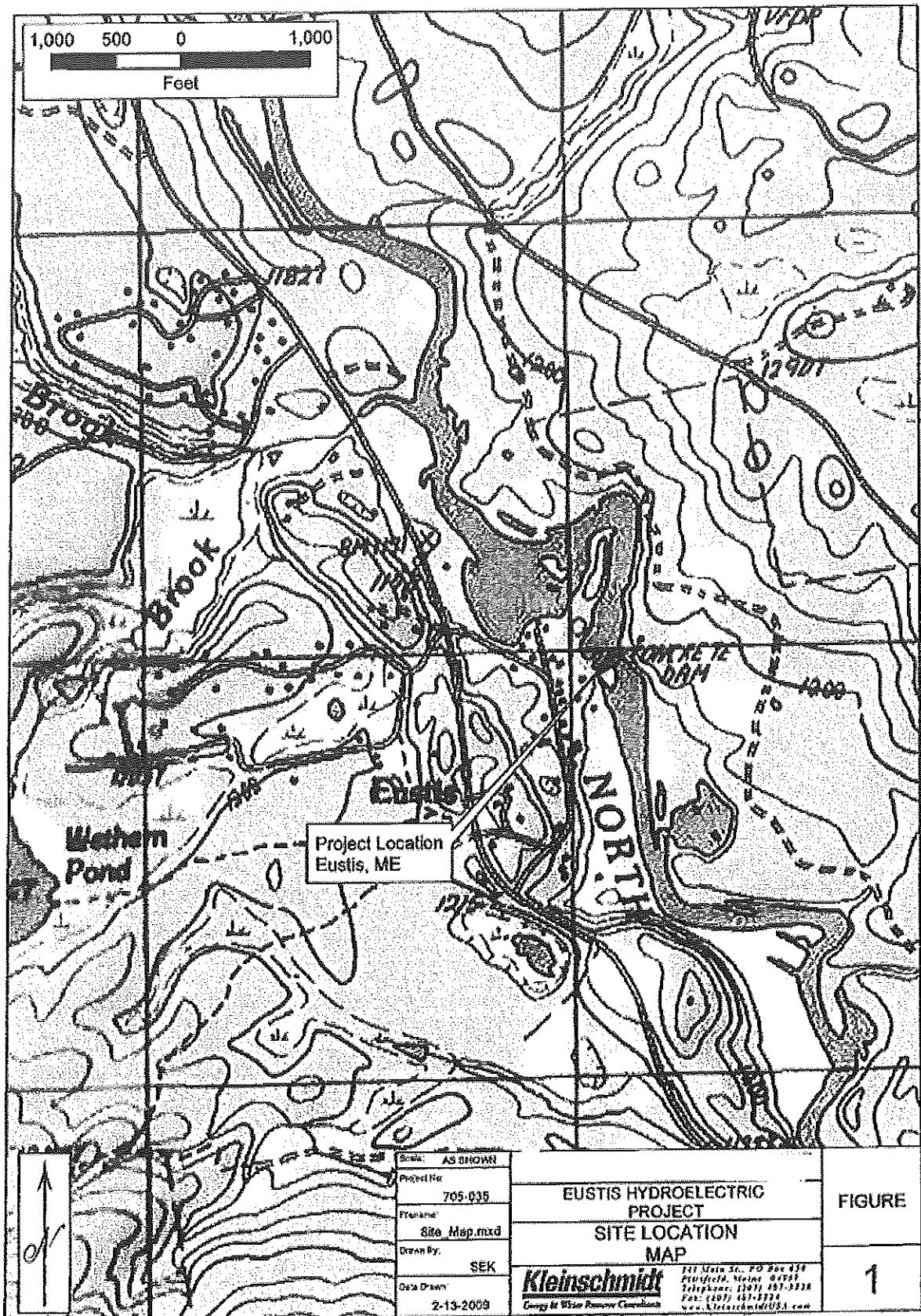
In accordance with *Conditions of Licenses*, 38 M.R.S. ,§ 414-A(5) and upon evaluation of the test results in the Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at any time and with notice to the District, modify this permit to: (1) include effluent limitations 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.

**SPECIAL CONDITIONS**

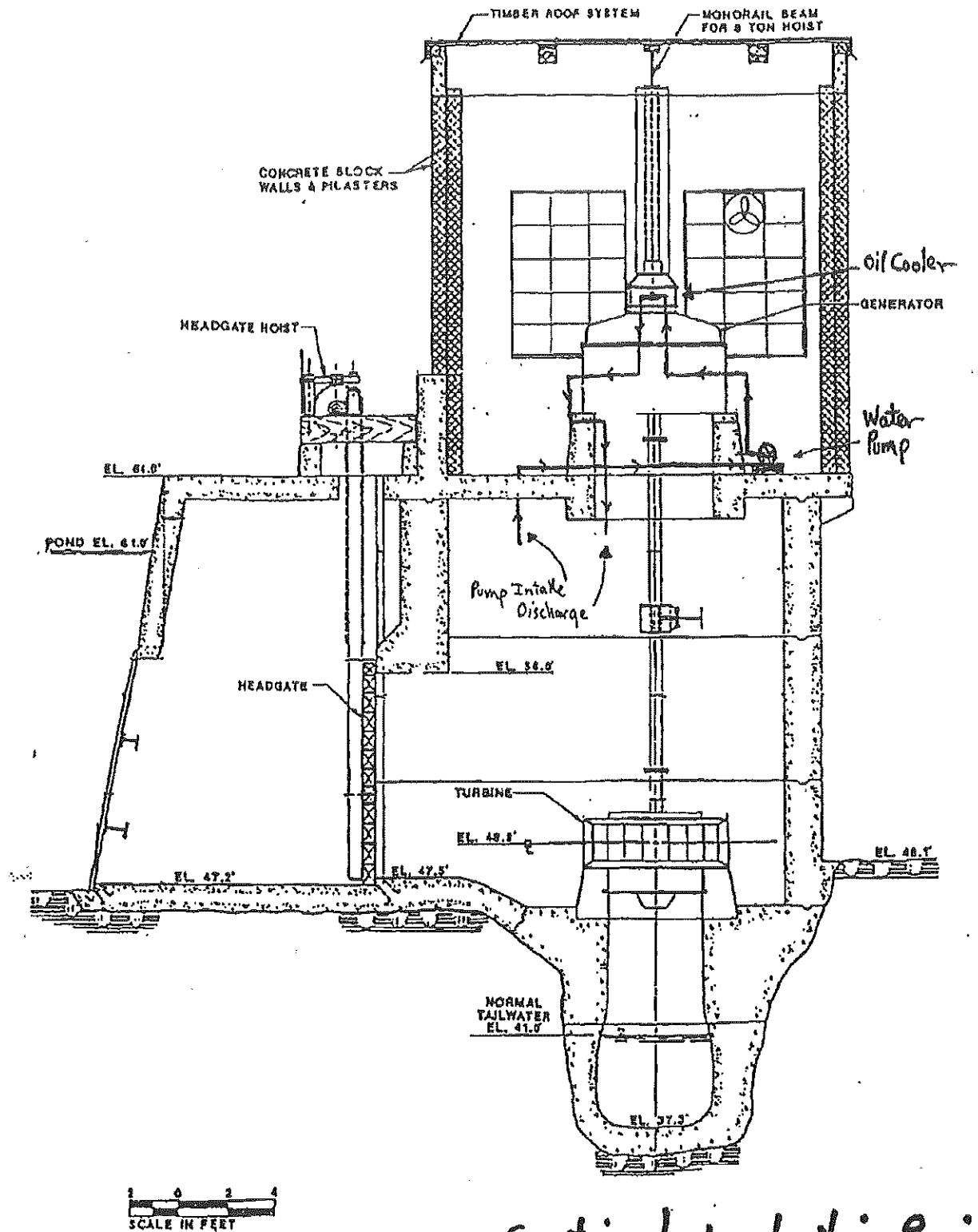
**F. SEVERABILITY**

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 will remain in full force and effect, and will be construed and enforced in all respects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court.

## **ATTACHMENT A**



## **ATTACHMENT B**



Eustis hydroelectric Project  
 Non-contact cooling water

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

**FACT SHEET**

DATE: **January 23, 2026**

PERMIT NUMBER: **ME0036625**

LICENSE NUMBER: **W008080-5R-G-R**

NAME AND ADDRESS OF APPLICANT:

**KEI (USA) POWER MANAGEMENT, INC.  
423 BRUNSWICK AVENUE  
GARDINER, MAINE, 04345**

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

**KEI (MAINE) POWER MANAGEMENT (I), LLC  
EUSTIS HYDRO PROJECT  
12 DAY ROAD  
EUSTIS, MAINE 04936  
FRANKLIN COUNTY**

COGNIZANT OFFICIAL CONTACT INFORMATION:

**SHERRI LOON  
(207) 203-3026  
EMAIL: [sherri.loon@kruger.com](mailto:sherri.loon@kruger.com)**

**1. APPLICATION SUMMARY**

Application: On June 13, 2024, the Department of Environmental Protection (Department) accepted as complete for processing, a timely and complete application from KEI (USA) Power Management, Inc., for renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0036625/Waste Discharge License (WDL) #W008080-5R-F-R, which was issued on May 20, 2019, for a five-year term and authorized the daily maximum discharge of 7,200 gallons per day of non-contact cooling water from one outfall (Outfall #001) at KEI's Eustis Hydro Project to the North Branch Dead River, Class A, in Eustis, Maine.

## 2. PERMIT SUMMARY

- a. Terms and Conditions: This permitting action carries forward all the terms and conditions established in the previous permitting action.
- b. History: The most current relevant regulatory actions include:

*February 23, 1999* - The Department issued new license #W008080-5R-A-N to Ridgewood Maine Hydro Partners, LP for a five-year term.

*January 12, 2001* – The State of Maine received authorization from the United States Environmental Protection Agency (USEPA) to administer the National Pollutant Discharge Elimination System (NPDES) permitting program in Maine.

*April 1, 2004* – The Department issued combination MEPDES permit #ME0036625/ WDL #W008080-5R-B-R to Ridgewood Maine Hydro Partners, LP for a five-year term.

*April 15, 2009* – The Department issued combination MEPDES permit ME0036625/ WDL #W008080-5R-C-R to Ridgewood Maine Hydro Partners, LP for a five-year term.

*November 20, 2009* - The Department issued global transfer order #W008080-5R-D-T, transferring WDL #W008080-5R-C-R from Ridgewood Maine Hydro Partners, LP to KEI.

*March 12, 2014* – The Department issued combination MEPDES permit ME0036625/WDL #W008080-5R-E-R to KEI for a five-year term.

*February 15, 2019* – KEI submitted a timely and complete application for renewal of MEPDES permit #ME0036625 / #W008080-5R-E-R. The application was accepted as complete for processing on February 15, 2019, and designated WDL #W008080-5R-F-R.

*May 20, 2019* – The Department issued combination MEPDES permit ME0036625/WDL #W008080-5R-F-R to KEI for a five-year term.

*May 23, 2024* – KEI submitted a timely and complete application for renewal of MEPDES permit #ME0036625 / #W008080-5R-F-R. The application was accepted as complete for processing on June 13, 2024, and designated WDL #W008080-5R-G-R.

- b. Source Description: The source of the discharge is a hydroelectric generating facility. The discharge consists of non-contact cooling water. The discharge flow rate is variable, depending on cooling needs, up to a maximum flow of 7,200 gallons per day (maximum cooling system capacity, based on information from applicant). The discharge occurs from a single outfall.

Other miscellaneous discharges from Outfall 001 consist of shaft lubrication waters, foundation leakage waters, and/or leakage from wicket gates and other equipment. In the event of leaks, spills or equipment failure, these sources may become contaminated with hydraulic or lubrication oil and grease.

## 2. PERMIT SUMMARY (cont'd)

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 develop written BMPs and must make the BMPs available to the Department for review and comment upon request.

## 3. CONDITIONS OF PERMITS

*Conditions of licenses*, 38 M.R.S. § 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, *Certain deposits and discharges prohibited*, 38 M.R.S. § 420 and *Surface Water Toxics Control Program*, 06-096 CMR ch. 530 (effective March 21, 2012) require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR ch. 584 (last amended February 16, 2020), and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

## 4. RECEIVING WATER QUALITY STANDARDS

*Classification of major river basins*, 38 M.R.S. §467(4)(D)(2) classifies the “tributaries of the Dead River as Class A unless otherwise specified, which includes the reach of river subject to KEI’s discharge, as Class A. *Standards for classification of fresh surface waters*, 38 M.R.S., §465(2) describes the standards for Class A waters as follows:

2. Class A waters. *Class A shall be the 2nd highest classification.*

*A. Class A waters must be of such quality that they are suitable for the designated uses of drinking water after disinfection; 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 habitat for fish and other aquatic life. The habitat must be characterized as natural*

#### 4. RECEIVING WATER QUALITY STANDARDS (cont'd)

*B. The dissolved oxygen content of Class A waters may not be less than 7 parts per million or 75% of saturation, whichever is higher, except that for the period from October 1st to May 14th, in order to ensure spawning and egg incubation of indigenous fish species, the 7-day mean dissolved oxygen concentration may not be less than 9.5 parts per million and the one-day minimum dissolved oxygen concentration may not be less than 8.0 parts per million in identified fish spawning areas. The aquatic life and bacteria content of Class A waters must be as naturally occurs, except that the numbers of *Escherichia coli* bacteria in these waters may not exceed a geometric mean of 64 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.*

*C. Except as provided in this paragraph, direct discharges to these waters licensed after January 1, 1986, are permitted only if, in addition to satisfying all the requirements of this article, the discharged effluent will be equal to or better than the existing water quality of the receiving waters. Prior to issuing a discharge license, the department shall require the applicant to objectively demonstrate to the department's satisfaction that the discharge is necessary and that there are no other reasonable alternatives available. Discharges into waters of this classification licensed prior to January 1, 1986 are allowed to continue only until practical alternatives exist.*

*(1) This paragraph does not apply to a discharge of storm water that is in compliance with state and local requirements.*

*(2) This paragraph does not apply to a discharge to Class A waters that are or once were populated by a distinct population segment of Atlantic salmon as determined pursuant to the United States Endangered Species Act of 1973, Public Law 93-205, as amended, if, in addition to satisfying all the requirements of this article, the applicant, prior to issuance of a discharge license, objectively demonstrates to the department's satisfaction that the discharge is necessary, that there are no other reasonable alternatives available and that the discharged effluent is for the purpose of and will assist in the restoration of Atlantic salmon and will return the waters to a state that is closer to historically natural chemical quality.*

*(3) This paragraph does not apply to aquatic pesticide or chemical discharges approved by the department and conducted by the department, the Department of Inland Fisheries and Wildlife or an agent of either agency for the purpose of restoring biological communities affected by an invasive species.*

#### 4. RECEIVING WATER QUALITY STANDARDS (cont'd)

*(4) For the purpose of allowing the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety, the department may find that the discharged effluent will be equal to or better than the existing water quality of the receiving waters as long as the materials and methods used provide protection for nontarget species. When the department issues a license for the discharge of aquatic pesticides authorized under this subparagraph, the department shall notify the municipality in which the application is licensed to occur and post the notice on the department's publicly accessible website.*

*(5) This paragraph does not apply to discharges of pesticides approved by the department that are:*

- (a) Unintended and an incidental result of the spraying of pesticides;*
- (b) Applied in compliance with federal labeling restrictions; and*
- (c) Applied in compliance with statute, Board of Pesticides Control rules and best management practices.*

*D. Storm water discharges to Class A waters must be in compliance with state and local requirements.*

*E. Material may not be deposited on the banks of Class A waters in any manner that makes transfer of pollutants into the waters likely*

The Applicants have submitted information regarding reasonable alternatives to the current discharge (email correspondence dated February 4, 2014 from Lewis Loon to Yvette Meunier). The Department concludes that no reasonable alternative exists and that the Applicant has satisfied this requirement.

#### 5. RECEIVING WATER CONDITIONS

*The State of Maine Department of Environmental Protection 2018/2020/2022 Integrated Water Quality Monitoring and Assessment Report*, prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the segment where the discharge occurs in the North Branch of the Dead River, Assessment Unit ID ME0103000201\_307R as Category 2: Rivers and Steams Attaining Some Designated Uses, Insufficient Information for Other Uses.

## 5. RECEIVING WATER CONDITIONS (cont'd)

The Report also 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."

## 6. REGULATIONS RELATING TO TEMPERATURE

06-096 CMR Chapter 582 Regulations Relating to Temperature states that no discharge may cause the ambient temperature of any freshwater body to be raised more than 5 degrees Fahrenheit nor cause the temperature of any waters to exceed the EPA national ambient water quality criteria established to protect all species of fish that are indigenous to the receiving waters. The department has established that cold water fish species, including brook trout and Atlantic Salmon, are indigenous to all Maine rivers and streams. EPA water quality criteria for the protection of brook trout and Atlantic salmon limit thermal discharges to an in-stream temperature increase ( $\Delta T$ ) of 0.5°F above the ambient receiving water temperature when the weekly average temperature of the receiving water is greater than or equal to 66° F and when the daily maximum temperature of the receiving water is greater than or equal to 73°F.

Using an assumed maximum discharge temperature of 95 degrees Fahrenheit (based on staff analysis of industry data), the department has determined that the discharge will not increase the river's water temperature by more than 5°F for a 1Q10 river flow and a water temperature greater than or equal to 32°F.

$$\Delta T = \frac{Qd * (Td - Ts)}{Qd + (Qs * 646,300)}$$

$\Delta T$  = Temperature change of river by addition of the discharge (°F)

$Qd$  = Discharge flow rate = 7,200 gpd

$Td$  = Discharge temperature = 95°F

$Qs$  = North Branch Dead River 1Q10 at Eustis Hydro Project (minus  $Qd$ ) = 14.86 cfs

$Ts$  = North Branch Dead River ambient water temperature = 32°F

Flow rate unit conversion 1 cfs = 646,300 gpd

$$\Delta T \leq \frac{7,200 \text{ gpd} * (95°F - 32°F)}{7,200 + (14.86 \text{ cfs} * 646,300)} \leq 0.05°F$$

**6. REGULATIONS RELATING TO TEMPERATURE (cont'd)**

$0.05^{\circ}\text{F} < 5^{\circ}\text{F}$     *No reasonable potential to exceed state chapter 582 temperature criterion*

Using an assumed maximum discharge temperature of 95 degrees Fahrenheit, the department has determined that the discharge will not increase the river's weekly average water temperature by more than  $0.5^{\circ}\text{F}$  for a 7Q10 river flow and a river water temperature greater than or equal to  $66^{\circ}\text{F}$ .

$$\Delta T = \frac{Qd * (Td - Ts)}{Qd + (Qs * 646,300)}$$

$\Delta T$  = Temperature change of river by addition of the discharge ( $^{\circ}\text{F}$ )

$Qd$  = Discharge flow rate = 7,200 gpd

$Td$  = Discharge temperature =  $95^{\circ}\text{F}$

$Qs$  = North Branch Dead River 7Q10 at Eustis Hydro Project (minus  $Qd$ ) = 17.49 cfs

$Ts$  = North Branch Dead River ambient water temperature =  $66^{\circ}\text{F}$

Flow rate unit conversion 1 cfs = 646,300 gpd

$$\text{Weekly Average } \Delta T \leq \frac{7,200 \text{ gpd} * (95^{\circ}\text{F} - 66^{\circ}\text{F})}{7,200 \text{ gpd} + (17.49 \text{ cfs} * 646,630)} \leq 0.02^{\circ}\text{F}$$

$0.02^{\circ}\text{F} < 0.5^{\circ}\text{F}$     *No reasonable potential to exceed EPA weekly average temperature AWQC*

Using an assumed maximum discharge temperature of 95 degrees Fahrenheit, the department has determined that the discharge will not increase the river's daily maximum water temperature by more than  $0.5^{\circ}\text{F}$  for a 1Q10 river flow and a river water temperature greater than or equal to  $73^{\circ}\text{F}$ .

$$\Delta T = \frac{Qd * (Td - Ts)}{Qd + (Qs * 646,300)}$$

$\Delta T$  = Temperature change of river by addition of the discharge ( $^{\circ}\text{F}$ )

$Qd$  = Discharge flow rate = 7,200 gpd

$Td$  = Discharge temperature =  $95^{\circ}\text{F}$

$Qs$  = North Branch Dead River 1Q10 at Eustis Hydro Project (minus  $Qd$ ) = 14.86 cfs

$Ts$  = North Branch Dead River ambient water temperature =  $73^{\circ}\text{F}$

Flow rate unit conversion 1 cfs = 646,300 gpd

$$\text{Daily Maximum } \Delta T \leq \frac{7,200 \text{ gpd} * (95^{\circ}\text{F} - 73^{\circ}\text{F})}{7,200 \text{ gpd} + (14.86 \text{ cfs} * 646,630)} \leq 0.02^{\circ}\text{F}$$

$0.02^{\circ}\text{F} < 0.5^{\circ}\text{F}$     *No reasonable potential to exceed EPA daily maximum temperature AWQC.*

## **7. ANTI-BACKSLIDING**

Federal regulation 40 CFR, §122(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-DEGRADATION**

As permitted, the Department has determined the existing water uses will be maintained and protected and the discharge will not cause, contribute, or have a reasonable potential to cause or contribute to the failure of the water body to meet standards for Class B classification.

## **9. ISSUANCE OF NON-CONTACT COOLING WATER 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), 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. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

The USEPA has not promulgated National Effluent Guidelines for non-contact cooling water. The Department has made a best professional judgment (BPJ) determination that BPT for hydro project cooling water is no treatment, unless treatment to control thermal loading is determined to be required.

The Department has calculated that, under worst case conditions of maximum cooling water flow (7,200 gallons per day), maximum cooling water temperature (assumed 95 degrees Fahrenheit, based on staff analysis of industry data), and 7Q10 receiving water flow (17.5 cfs), and without any treatment to reduce thermal loading, the discharge will raise the ambient temperature of the receiving water by less than 4/100th of a degree Fahrenheit. Therefore, the Department has determined that neither effluent limitations nor monitoring requirements are necessary to ensure that applicable water quality standards are met and that the "equal to or better than" standard for Class A waters is satisfied.

However, the discharge 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). Within 90 days of permit issuance, the permittee must develop BMPs and must make the BMPs available in writing for the Department to review and comment upon request.

## 11. PUBLIC COMMENTS

Public notice of this application was made in the Kennebec Journal on or about May 21, 2024. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits must 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 ch.522 (effective January 12, 2001).

## 12. DEPARTMENT CONTACTS

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

### 13. RESPONSE TO COMMENTS

*Reserved until the end of the formal thirty-day comment period.*