



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM  
COMMISSIONER

January 7, 2026

Mr. Mark Laplante  
BlueTriton Brands, Inc.  
Poland, ME 04274

*Sent via electronic mail  
Delivery confirmation requested*

**RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0110477  
Maine Waste Discharge License (WDL) Application #W000905-6F-H-R  
Final MEPDES Permit Renewal**

Dear Mr. Laplante,

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](mailto: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

Enclosure

cc: Laura Crossley, DEP  
Gregg Wood, DEP  
Rich Carvalho, USEPA  
James Knight, DEP  
Lori Mitchell, DEP  
Kathryn Rosenberg, USEPA  
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DEPARTMENT ORDER

IN THE MATTER OF

BLUETRITON BRANDS, INC. ) MAINE POLLUTANT DISCHARGE  
DEAD RIVER FISH HATCHERY ) ELIMINATION SYSTEM PERMIT  
PIERCE POND TWP, SOMERSET COUNTY, ME ) AND  
#ME0110477 ) WASTE DISCHARGE LICENSE  
#W000905-6F-H-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, *Federal Water Pollution Control Act*, Title 33 U.S.C. § 1251, *Concentrated Aquatic Animal Production Point Source Category*, 40 C.F.R. §451, *et seq.*, and applicable rules of the Department of Environmental Protection (“Department”), the Department has considered the application of DEAD RIVER HATCHERY-BLUETRITON BRANDS, Inc., (“permittee” or “BlueTriton Brands, Inc.”) with its supportive data, agency review comments, and other related materials on file, and FINDS THE FOLLOWING FACTS:

**APPLICATION SUMMARY**

On August 23, 2021, the Department accepted as complete for processing an application from Dead River Hatchery-BlueTriton Brands, Inc. for renewal of combination Waste Discharge License (WDL) #W000905-6F-G-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0110477, which was issued by the Department to Nestlé Waters North America, Inc. (Nestlé) on September 6, 2016 for a five-year term. The September 6, 2016 MEPDES permit authorized the monthly average discharge of 1.75 million gallons per day (MGD) of treated fish hatchery wastewater from its Dead River Fish Hatchery to Black Brook, Class B, in Pierce Pond Township, Maine. The name of the corporation was changed from Nestlé Waters North America, Inc. to BlueTriton Brands, Inc. on March 31, 2021. There was no transfer of ownership.

**PERMIT SUMMARY**

Terms and conditions

This permitting action is carrying forward all the terms and conditions of the previous permit, except this permitting action is:

1. Revising the legal name of the owner of record from Nestlé Waters North America, Inc. to BlueTriton Brands, Inc.;
2. Establishing pH limits and monitoring requirements to ensure anti-backsliding in accordance with 40 C.F.R. Part 122.44(1);
3. Establishing phosphorous monitoring requirements based on the adoption of 06-069 C.M.R. Ch. 583;
4. Revising Special Condition F, *Operation and Maintenance Plan*, to include updates to MEPDES Permit boilerplate language for land-based fish hatcheries;

### PERMIT SUMMARY (cont'd)

5. Establishing Special Condition G, *Use of Drugs for Disease Control*, to include the use of Formalin, as the permittee has indicated that this compound is used at the facility;
6. Establishing Special Condition H, *Pesticides and Other Compounds*, to include updates to MEPDES Permit boilerplate language for land-based fish hatcheries; and
7. Establishing Special Condition J, *Total Phosphorous Sampling Plan*, to ensure data integrity.

### CONCLUSIONS

Based on the findings summarized in the attached and incorporated Fact Sheet dated January 7, 2026 and subject to the special and standard conditions that follow, 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 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 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.
4. 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 BlueTriton Brands, Inc. to discharge a monthly average of 1.75 MGD of treated fish hatchery wastewater from its Dead River Fish Hatchery to Black Brook, Class B, in Pierce Pond Township, 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 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 terms and conditions of this permit and all subsequent modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S. § 10002 and Department Rule *Concerning the Processing of Applications and Other Administrative Matters*, 06-096 C.M.R. Ch. 2(20)(A) (effective September 15, 2024)]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS 7 DAY OF January 2026.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: *Brian Kavanah*  
For Melanie Loyzim, Commissioner

Date of initial receipt of application: August 16, 2021

Date of application acceptance: August 23, 2021

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 **treated fish hatchery wastewater from Outfall #001A** to Black Brook in Pierce Pond Township, Maine. Such discharges are limited and must be monitored by the permittee as specified below<sup>(1)</sup>:

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow <i>[50050]</i>	1.75 MGD <i>[03]</i>	---	---	---	Daily <i>[01/01]</i>	Estimated <i>[ES]</i>
TSS <i>[00530]</i>	75 lbs./day <i>[26]</i>	125 lbs./day <i>[26]</i>	6 mg/L <i>[19]</i>	10 mg/L <i>[19]</i>	1/Month <i>[01/30]</i>	Composite <sup>(2)</sup> <i>[CP]</i>
Fish on Hand <i>[45604]</i>	---	Report (lbs./day) <i>[26]</i>	---	---	1/Month <i>[01/30]</i>	Calculate <i>[CA]</i>
Total Phosphorous <sup>(3)</sup> From June 1 to Sept. 30 annually <i>[00665]</i>	---	---	Report (mg/L) <i>[19]</i>	Report (mg/L) <i>[19]</i>	1/Month <i>[01/30]</i>	Grab <i>[GR]</i>
pH <sup>(4)</sup> <i>[00400]</i>	---	---	---	6.5 – 9.0 S.U. <i>[12]</i>	1/Month <i>[01/30]</i>	Grab <i>[GR]</i>

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.

2. The permittee must perform ambient receiving water monitoring for Cold Brook in Pierce Pond Township, Maine. Such sampling must be monitored by the permittee as specified below<sup>(1)</sup>:

Ambient Receiving Water Characteristic	Ambient Report	Monitoring Requirements	
	Monthly Average	Measuring Frequency	Sample Type
Total Phosphorous <sup>(3)</sup> (June 1 to September 30) <i>[00665]</i>	Report Only <i>[19]</i>	1/Month <i>[01/30]</i>	Grab <i>[GR]</i>

**FOOTNOTES:** See Pages 5 and 6 of this permit for applicable footnotes.

## SPECIAL CONDITIONS

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

#### FOOTNOTES

1. **Sampling** – Any change in sampling location must be approved by the Department in writing. The permittee must conduct sampling and analysis in accordance with; a) methods approved by 40 Code of Federal Regulations (C.F.R.) Part 136; b) alternative methods approved by the Department in accordance with the procedures in 40 C.F.R. 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 sent to a publicly owned treatment works (POTW) 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 Rules*, 10-144 C.M.R. Ch. 263 (amended March 15, 2023). Laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of 10 – 144 C.M.R. Ch. 263. If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 C.F.R. Part 136 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR).

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.

#### Sampling Locations

**Flow** – Flow is to be measured at the v-notch weir located at the west end of the settling pond and recorded daily.

**TSS, pH & Total Phosphorous** – TSS, pH and Total Phosphorous samples are to be collected at the settling pond outfall immediately above the v-notch weir.

**Ambient Monitoring** – Ambient monitoring samples are to be collected at the headbox of the facility.

## SPECIAL CONDITIONS

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

2. **Composite Samples** – Samples must consist of 24-hour composites collected with an automatic composite sampler. Alternatively, when weather conditions and/or equipment prevents automatic compositing and upon Department notification, the permittee may manually composite a minimum of eight grab samples collected at one-hour intervals during the working day at the facility. The permittee must indicate the type of sample collected on the DMR.
3. **Total Phosphorous** – Total phosphorus monitoring must be performed in accordance with **Attachment A** of this permit entitled, *Protocol For Total P Sample Collection and Analysis for Waste Water – May, 2014*, unless otherwise specified by the Department. Monitoring requirements are seasonal and are only in effect from June 1 through September 30 of each year.

Ambient total phosphorous is to be monitored at the ambient sampling point on the same day as effluent monitoring. Black Brook influent will be turned off between the period of June 1 – September 30, and ambient phosphorous will only be recorded from Cold Brook. Black Brook water does not come into contact with fish at any point.

4. **pH** – 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, effluent measurements may not deviate more than 0.1 S.U. from background sampling. Background sampling must be conducted at the facility's ambient sampling station within 10 minutes of the effluent sampling. The time of each discharge measurement must be noted and reported to the inspector with each applicable Discharge Monitoring Report.

### 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 August 23, 2021; 2) the terms and conditions of this permit; and 3) only from Outfall #001A (treated fish hatchery wastewater). 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 to the system at the time of permit issuance.
2. For the purposes of this section, adequate notice must include information on:
  - i. The quality or 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.

In addition, in accordance with 40 C.F.R. § 451, the permittee must report failure in, or damage to, the structure of an aquatic animal containment system resulting in an unanticipated material discharge of pollutants to waterbodies. A containment system means a culture or rearing unit such as a raceway, pond, tank, net, or other structure used to contain, hold, or produce aquatic animals. The containment system includes structures designed to hold sediments and other materials that are part of a wastewater treatment system, such as a settling pond. The permittee must provide an oral report within 24 hours of discovery of any reportable failure or damage that results in a material discharge of pollutants, describing the cause of the failure or damage in the containment system and identifying materials that have been released to the environment as a result of this failure. The permittee must provide a written report within 7 days of discovery of the failure or damage documenting the cause, the estimated time elapsed until the failure or damage was repaired, an estimate of the material released as a result of the failure or damage, and steps being taken to prevent a recurrence.

### **E. 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:

## SPECIAL CONDITIONS

### E. MONITORING AND REPORTING (cont'd)

1. Submitted by a facility authorized signatory; and
2. Submitted no later than **midnight on the 15<sup>th</sup> day of the month** following the completed reporting period.

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

### F. OPERATIONS AND MAINTENANCE (O&M) PLAN

The permittee must have a current written Operation & Maintenance (O&M) Plan for the facility. The plan must provide a systematic approach by which the permittee must 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. An acceptable O&M plan must ensure the following items are adequately addressed:

1. Definitions
  - i. Drug means any substance defined as a drug in section 201(g)(1) of the *Federal Food, Drug and Cosmetic Act* [21 U.S.C. §321]
  - ii. Pesticide means any substance defined as a pesticide in section 2(u) of the *Federal Insecticide, Fungicide, and Rodenticide Act* [7 U.S.C. § 136 (u)]
2. Solids Control
  - i. Methods and practices to ensure efficient feed management and feeding strategies that limit feed input to the minimum amount reasonably necessary to achieve production goals and sustain targeted rates of aquatic animal growth in order to minimize potential discharges to waters of the State.
  - ii. In order to minimize the discharge of accumulated solids from the settling basin, settling tanks, and production systems, identify and implement procedures for routine cleaning of rearing units and settling tanks, and procedures to minimize any discharge of accumulated solids during the inventorying, grading, and harvesting of aquatic animals in the production system.
  - iii. Procedure for removal and disposal of mortalities to prevent discharge to waters of the State.
3. Materials Storage
  - i. Ensure proper storage of drugs, pesticides, feed, and any petroleum and/or hazardous waste products in a manner designed to prevent spills that may result in the discharge of drugs, pesticides, or feed to waters of the State.
  - ii. Implement procedures for properly containing, cleaning, and disposing of any spilled material that has the potential to enter waters of the State.

## SPECIAL CONDITIONS

### F. OPERATIONS AND MAINTENANCE (O&M) PLAN (cont'd)

4. Structural Maintenance
  - i. Inspect the production system and the wastewater treatment system on a routine basis in order to identify and promptly repair any damage.
  - ii. Conduct regular maintenance of the production system and the wastewater treatment system in order to ensure that they are properly functioning.
5. Recordkeeping
  - i. Maintain records for fish rearing units documenting the feed amounts and estimates of the numbers and weight of fish.
  - ii. Maintain records that document the frequency of cleaning, inspections, repairs and maintenance made to ensure the proper operation of the treatment system.
  - iii. Maintain records that document drug/pesticide/other compound use as indicated under Special Condition G, *Use of Drugs for Disease Control* and Special Condition H, *Pesticides and Other Compounds*.
6. Training
  - i. In order to ensure the proper clean-up and disposal of spilled material adequately, train all relevant personnel in spill prevention and how to respond in the event of a spill.
  - ii. Train staff on the proper operation and cleaning of production and wastewater treatment systems including training in feeding procedures and proper use of equipment to prevent unauthorized discharges.
7. Wastewater Operations
  - i. Provide a flow chart for the wastewater treatment process, the sludge and solids dewatering and removal process, and effluent discharge system.
  - ii. Identify and develop operational and maintenance standard operating procedures for the treatment system components used to treat clean water, sludge water from cleaning mechanical filters, sludge water from backflushing biological treatment filters, and other wastewaters, as applicable:
    - a. Belt/drum filters and thickeners;
    - b. Use of flocculants/coagulants;
    - c. Clarifiers/settling tanks;
    - d. Fish exclusion barriers;
    - e. Centrifuges;
    - f. UV disinfection/sterilization;
    - g. Chemical storage and disposal;
    - h. Intake/outfall maintenance;
    - i. Other

## SPECIAL CONDITIONS

### F. OPERATIONS AND MAINTENANCE (O&M) PLAN (cont'd)

iii. Define each of the following operator responsibilities:

- a. Operations Manager qualifications and duties;
- b. Staff duties;
- c. Sample collection and analysis;
- d. Regulatory reporting;
- e. Discharge monitoring reports
- f. Spill/release reports;
- g. Any other wastewater operations responsibilities not listed.

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

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

### G. USE OF DRUGS FOR DISEASE CONTROL

1. **Definitions.** Definitions are in accordance with 40 C.F.R. § 451.2.

- i. Drug means any substance defined as a drug in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act.
- ii. Extralabel drug use means a drug approved under the Federal Food, Drug and Cosmetic Act that is not used in accordance with the approved label directions.
- iii. Investigational new animal drug (INAD) means a drug for which there is a valid exemption in effect under section 512(j) of the Federal Food, Drug and Cosmetic Act to conduct experiments.

2. **General requirements.** All drugs used for disease prevention or control must be approved or authorized by the U.S. Food and Drug Administration (FDA) and be applied in compliance with federal labeling restrictions.

3. **FDA-approved drugs.** Drugs approved by the FDA for fish culture purposes may be used in accordance with label instructions.

- i. **Preventative treatments.** The discharge of any approved drug administered as a preventative measure is not authorized by this permit, unless the following conditions are met: the drug must be approved by FDA, and the treatment and route of administration must be consistent with the drug's intended use. Discharges may occur through direct application of a drug or indirectly through feed, injection, ingestion, or immersion at the facility.

## SPECIAL CONDITIONS

### G. USE OF DRUGS FOR DISEASE CONTROL (cont'd)

- ii. Drugs identified in the permittee's application: A list of drugs, pesticides and other compounds proposed for use at Dead River Fish Hatchery during the term of the permit, which was provided by the permittee on Form DEPLW1999-18 included with its August 23, 2021, General Application for Waste Discharge Permit, is included as **Attachment B** of this permit.
4. Drugs not identified in the permittee's application. When the need to treat or control diseases requires the use of an FDA-approved drug not identified in an application, the permittee must notify the department orally or by electronic mail prior to initial use of the drug.
  - i. The notification must include a description of the drug, its intended purpose, the method of application, the amount, the concentration, the duration of the use, and information on aquatic toxicity.
  - ii. ***Within seven (7) days of*** the initial notification the permittee must submit a written report that includes all of the information outlined in Special Condition G(4)(i) above.
  - iii. If the drug is to be used for more than 30 consecutive days, the Department may require the permittee to submit an application for permit modification, including public notice requirements.
  - iv. Upon review of information regarding the extralabel use of a drug pursuant to this section, if the Department determines that significant adverse effects are likely to occur, it may restrict or limit use of the drug.
5. **Extralabel drug use.** Extralabel drug use is not authorized by this permit, unless in accordance with a specific prescription written for that use by a licensed veterinarian.
  - i. Notification. The permittee must notify the Department orally or by e-mail prior to initial extralabel use of a drug.
    - a. The notification must include a description of the drug, its intended purpose, the method of application, the amount, concentration, and duration of the use, information on aquatic toxicity, and a description of how and why the use qualifies as an extralabel drug use under FDA requirements.
    - b. ***Within seven (7) days of*** the initial notification the permittee must submit a written report that includes all of the information outlined in Section G(5)(i)(a) above. Notice must include documentation that a veterinarian has prescribed the drug for the proposed use. A copy of the veterinarian's prescription must be maintained on-site during treatment for Department review.
    - c. If, upon review of information regarding the extralabel use of a drug pursuant to this section, the Department determines that significant adverse effects are likely to occur, it may deny, restrict or limit use of the drug.

## SPECIAL CONDITIONS

### G. USE OF DRUGS FOR DISEASE CONTROL (cont'd)

6. **Investigational New Animal Drug (INAD).** In accordance with 40 C.F.R. § 451.3, the discharge of drugs authorized by the FDA for use during studies conducted under the INAD program is not authorized by this permit, unless in accordance with specific prior consent given in writing by the Department.
  - i. Initial report. The permittee must provide a written report to the Department for the proposed use of an INAD *within seven (7) days* of agreeing or signing up to participate in an INAD study. The written report must identify the INAD to be used, method of use, dosage, and disease or condition the INAD is intended to treat.
  - ii. Evaluation and monitoring. *At least ninety (90) days prior to initial use* of an INAD at a facility, the permittee must submit for Department review and approval a study plan for the use of the drug that:
    - a. Indicates the date the facility agreed or signed up to participate in the INAD study
    - b. Demonstrates that the minimum amount of drug necessary to evaluate its safety, efficacy, and possible environmental impacts will be used.
    - c. Includes an environmental monitoring and evaluation program that at a minimum describes sampling strategies, analytical procedures, evaluation techniques and a timetable for completion of the program. Currently available data or literature that adequately characterizes the environmental fate of the INAD and its metabolite(s) may be proposed for consideration in determinations of environmental monitoring and evaluation programs required by the Department pursuant to this section.
  - iii. Notification. The permittee must notify the Department orally or by electronic mail *no more than forty-eight (48) hours after* beginning the first use of the INAD under the approved plan.

### H. PESTICIDES AND OTHER COMPOUNDS

**General requirements.** All pesticides used at the facility must be applied in compliance with federal labeling restrictions and in compliance with applicable statute, Board of Pesticides Control rules and best management practices (BMPs). Chemicals or compounds not registered as pesticides and proposed for use at the facility must be identified in the permittee's application and may only be discharged to waters of the State with express approval in this permitting action. It is the Department's Best Professional Judgment (BPJ) that the incidental discharge of these chemicals will not cause or contribute to non-attainment of applicable water quality standards. In accordance with Special Condition D of this permit, 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.

### I. SPILLS

In the event of a spill of drugs, pesticides, or feed, that results in a discharge to waters of the State, the permittee must provide an oral report of the spill to the Department within 24 hours of its occurrence and a written report within 5 days to the Department. The report must identify and quantify the amount of material spilled, and describe methods used to contain and remediate the spill.

## **SPECIAL CONDITIONS**

### **J. TOTAL PHOSPHOROUS SAMPLING PLAN**

The Department generally conducts sampling for the purpose of making decisions on the attainment of designated uses or maintenance of existing uses. In accordance with *Nutrient Criteria for Class AA, A, B, and C Fresh Surface Waters*, 06-096 C.M.R. Ch. 583(4)(E)(1), the Department may request or require a holder of a Waste Discharge License to conduct sampling of effluent and ambient conditions. This permitting action is establishing a requirement to monitor effluent and ambient total phosphorous. The permittee must develop and adhere to a phosphorous sampling plan to ensure data integrity. The phosphorous sampling plan must be submitted to the Department for review and acceptance before collecting data. The plan must include but is not limited to:

1. Designation of responsibilities for the data preparation, collection, analysis, and reporting;
2. Sampling procedures including the location;
3. Any training needed for sample collection; and
4. Quality control procedures.

Sampling must be performed by qualified persons based on considerations such as relevant education, training, and experience.

### **K. REOPENING OF PERMIT FOR MODIFICATION**

In accordance with 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 permittee, 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.

### **L. 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 must 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.

# **ATTACHMENT A**

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

Approved Analytical Methods: EPA 200.7 (Rev. 44), 365.1 (Rev. 2.0), (Lachat), 365.3, 365.4; SM 3120 B, 4500-P B.5, 4500-P E, 4500-P F, 4500-P G, 4500-P H; ASTM D515-88(A), D515-88(B); USGS I-4471-97, I-4600-85, I-4610-91; OMAAOAC 973.55, 973.56

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

**Sample Preservation:** During compositing the sample must be at 0-6 degrees C (without freezing). If the sample is being sent to a commercial laboratory or analysis cannot be performed the day of collection then the sample must be preserved using H<sub>2</sub>SO<sub>4</sub> to obtain a sample pH of <2 su and refrigerated at 0-6 degrees C (without freezing). The holding time for a preserved sample is 28 days.

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

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

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

# **ATTACHMENT B**

### Dead River Fish Hatchery Drugs/Pesticides Used

Name	Freq. of Use	Concentration	Qty. Used/Year
Parasite-S (formalin)	As needed	1667 ppm for 15 min. duration	+/- 150 gallons
		150 – 250 ppm for 1-hour duration	

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

**FACT SHEET**

DATE: **January 7, 2026**

PERMIT NUMBER: **#ME0110477**

WASTE DISCHARGE LICENSE: **#W000905-6F-H-R**

NAME AND ADDRESS OF APPLICANT:

**DEAD RIVER HATCHERY-BLUETRITON BRANDS  
123 PRESERVATION WAY  
POLAND, MAINE 04274**

COUNTY: **SOMERSET**

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

**DEAD RIVER FISH HATCHERY  
78 RATCHET ROAD  
PIERCE POND TOWNSHIP, MAINE 04961**

RECEIVING WATER AND CLASSIFICATION:

**BLACK BROOK, CLASS B**

COGNIZANT OFFICIAL CONTACT INFORMATION:

**MARK LAPLANTE  
207-318-6002  
[mark.laplante@primobrands.com](mailto:mark.laplante@primobrands.com)**

**1. APPLICATION SUMMARY**

- a. Application: On August 23, 2021, the Department accepted as complete for processing an application from Dead River Hatchery-BlueTriton Brands, Inc. for renewal of combination Waste Discharge License (WDL) #W000905-6F-G-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0110477, which was issued by the Department to Nestlé Waters North America, Inc. (Nestlé) on September 6, 2016 for a five-year term. The September 6, 2016 MEPDES permit authorized the monthly average discharge of 1.75 million gallons per day (MGD) of treated fish hatchery wastewater from its Dead River Fish Hatchery to Black Brook, Class B, in Pierce Pond Township, Maine. The name of the corporation was changed from Nestlé Waters North America, Inc. to BlueTriton Brands, Inc. on March 31, 2021. There was no transfer of ownership.
- b. Source Description: The Dead River Fish Hatchery and rearing facility was originally built in 1947 and raises Rainbow Trout. The facility is currently owned and operated by BlueTriton Brands, Inc. The hatchery produces less than 20,000 pounds of aquatic animals every year, with an average of 1,500 to 2,000 pounds of fish on hand and a maximum of 6,000 pounds. The facility raises fish for private purchase and is used by the State of Maine Inland Fisheries and Wildlife department.

## 1. APPLICATION SUMMARY (cont'd)

Influent water for the facility may be obtained from two streams and from on-site groundwater springs, Cold Brook and Black Brook. Cold Brook is located on the south side of the facility and Black Brook is located on the north side of the facility, with both streams flowing westerly and converging northwest and downstream of the Dead River Fish Hatchery. Influent flows from the two streams were historically blended based on their volumes and temperatures. However, in the past few years the facility has solely been using water from Cold Brook and groundwater springs. Black Brook still flows through the facility to prevent the pipes they run through from freezing and bursting during winter months. Black Brook water does not come into contact with fish and as of this permit will be turned off while phosphorous is being monitored to provide an accurate representation of the impact of the discharger. Each surface water inlet is equipped with a coarse steel grate to screen out large organic matter. The Dead River Fish Hatchery may also obtain water from ten, 4-foot to 5-foot diameter overburden tiles, which are connected to provide a source of 500-600 gallons per minute (GPM). All influent water is provided to the Dead River Fish Hatchery through gravity flow. A map showing the location of the facility is included as **Attachment A** of this Fact Sheet.

- c. Wastewater Treatment: A water flow diagram provided by the permittee is included as **Attachment B** of this Fact Sheet. Wastewater is conveyed to a settling pond and to the receiving water via Outfall #001A. The settling pond is an excavated earthen pond approximately 100 feet long by 40 feet wide with an average depth of 5 feet and a capacity of approximately 150,000 gallons and provides approximately one hour of retention time. The settling pond outlets through an 8-foot wide by approximately 30-foot-long constructed conveyance ditch, then through a 500-foot to 600-foot-long channel to Black Brook. The settling pond is checked annually and cleaned when accumulated materials occupy 20% of its capacity. The sludge material is transported offsite and applied to an approved upland site or sites to ensure there is no discharge to surface waters.

## 2. PERMIT SUMMARY

- a. Terms and Conditions: This permitting action is carrying forward all the terms and conditions of the previous permit and it is:
  1. Revising the legal name of the owner of record from Nestlé Waters North America, Inc. to BlueTriton Brands, Inc.;
  2. Establishing pH limits and monitoring requirements to ensure anti-backsliding in accordance with 40 C.F.R. Part 122.44(l);
  3. Establishing phosphorous monitoring requirements based on the adoption of 06-069 C.M.R. Ch. 583;
  4. Revising Special Condition F, *Operation and Maintenance Plan*, to include updates to MEPDES Permit boilerplate language for land-based fish hatcheries;
  5. Establishing Special Condition G, *Use of Drugs for Disease Control*, to include the use of Formalin, as the permittee has indicated that these compounds are used at the facility;

## 2. PERMIT SUMMARY (cont'd)

6. Establishing Special Condition H, *Pesticides and Other Compounds*, to include updates to MEPDES Permit boilerplate language for land-based fish hatcheries; and
7. Establishing Special Condition J, *Total Phosphorous Sampling Plan*, to ensure data integrity.

- b. History: This section provides a summary of recent/significant licensing and permitting actions and other significant regulatory actions completed for the facility currently operated as the Dead River Fish Hatchery.

*June 9, 1976* – The Department issued WDL #905 for the discharge of a daily average of 1.5 MGD of treated fish hatchery wastewater from the Beautiful Valley Trout Farm hatchery in Pierce Pond Township to Black Brook, Class B-1. The WDL was issued for a five-year term.

*April 19, 1985* – The Department issued WDL #W000905-41-A-R to Beautiful Valley Trout Farm for the discharge of a daily average of 1.5 MGD of treated fish hatchery wastewater. The WDL was issued for a five-year term.

*March 25, 1987* – The Department issued # W000905-41-B-M, transferring the WDL for the Pierce Pond Township facility to Sea Run Partnership. The term of the WDL remained the same as in #W000905-41-A-R.

*July 1, 1999* – The Department received an application from Sea Run Holdings, Inc. for renewal of the WDL for the discharge of fish hatchery wastewater from the Pierce Pond Township facility. The application was assigned #W000905-5Q-C-R.

*January 12, 2001* – The Department received authorization from the U.S. Environmental Protection Agency (USEPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine, excluding areas of special interest to Maine Indian Tribes. From that point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) program, and MEPDES permit # ME0110477 has been utilized for this facility.

2004 – The Pierce Pond Township facility was purchased by Nestlé Waters North America, Inc. and renamed the Dead River Hatchery.

*December 19, 2005* – The Department issued MEPDES Permit #ME0110477 / Maine WDL #W000905-5Q-C-R / D-T to Dead River Hatchery for the discharge of a monthly average of 1.5 MGD of fish hatchery wastewater to Black Brook in Pierce Pond Township, Class B. The Permit / WDL was issued for a five-year term.

*June 27, 2007* – The Department issued a Minor Revision of Maine WDL #W000905-5Q-C-R / D-T / MEPDES Permit #ME0110477, to eliminate permit requirements for annual macroinvertebrate biomonitoring. The Department's review of 2006 macroinvertebrate monitoring data indicated that Black Brook meets Class A aquatic life standards. The Minor Revision also revised the effluent flow limit from 1.5 MGD to 1.75 MGD.

*March 23, 2011* – The Department issued MEPDES Permit #ME0110477 / Maine WDL #W000905-6F-F-R to Dead River Hatchery for the discharge of a monthly average of 1.75 MGD of fish hatchery wastewater to Black Brook in Pierce Pond Township, Class B for a five-year term.

## 2. PERMIT SUMMARY (cont'd)

*February 29, 2016* – Nestlé submitted a timely and complete General Application to the Department for renewal of the March 23, 2011 MEPDES permit. The application was accepted for processing on March 1, 2016, and was assigned WDL #W000905-6F-G-R / MEPDES #ME0110477.

*September 6, 2016* – The Department issued MEPDES Permit #ME0110477 / Maine WDL #W000905-6F-G-R to Dead River Hatchery for the discharge of a monthly average of 1.75 MGD of fish hatchery wastewater to Black Brook in Pierce Pond Township, Class B for a five-year term. This permit superseded the previous WDLs issued on March 23, 2011; December 19, 2005; April 19, 1985; and June 9, 1976.

*March 31, 2021* – Nestle Water North America was acquired by One Rock Capitol Partners LLC and Metropoulos & Co. and was renamed BlueTriton Brands, Inc.

*August 16, 2021* – BlueTriton Brands Inc. submitted a timely and complete General Application to the Department for renewal of the September 7, 2016 MEPDES permit. The application was accepted for processing on August 23, 2021 and was assigned WDL #W000905-6F-H-R / MEPDES #ME0110477.

## 3. CONDITIONS OF PERMIT

*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 Department rule *Surface Water Toxics Control Program*, 06-096 C.M.R. 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 C.M.R. 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)(a) classifies Black Brook below the Dead River Fish Hatchery as Class B. *Standards for classification of fresh surface waters*, 38 M.R.S. § 465(3) describes the standards for Class B waters as follows:

*Class B shall be the 3rd highest classification.*

- a. *Class B 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 habitat for fish and other aquatic life. The habitat must be characterized as unimpaired.*

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

- b. *Class B waters must be of sufficient quality to support all aquatic species indigenous to those waters without detrimental changes in the resident biological community. The dissolved oxygen content of Class B 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. Between April 15th and October 31st, the number 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. *Discharges to Class B waters may not cause adverse impact to aquatic life in that the receiving waters must be of sufficient quality to support all aquatic species indigenous to the receiving water without detrimental changes in the resident biological community.*

#### 5. REASONABLE POTENTIAL

Pursuant to 33 U.S.C. § 1311(b)(1)(C) and 40 C.F.R. § 122.44(d)(1), NPDES permits must contain any requirements in addition to technology based effluent limitations (TBELs) that are necessary to achieve water quality standards established under 33 U.S.C. §1311(b)(1)(C). In addition, limitations “must control any pollutant or pollutant parameter (conventional, non-conventional, or toxic) which the permitting authority determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any water quality standard (WQS), including State narrative criteria for water quality,” 40 C.F.R. § 122.44(d)(1)(i). To determine if the discharge causes, or has the reasonable potential to cause, or contribute to an excursion above any WQS, EPA considers: 1) existing controls on point and non-point sources of pollution; 2) the variability of the pollutant or pollutant parameter in the effluent; 3) the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity); and 4) where appropriate, the dilution of the effluent by the receiving water. *See* 40 C.F.R. § 122.44(d)(1)(ii).

If the permitting authority determines that the discharge of a pollutant will cause, has the reasonable potential to cause, or contribute to an excursion above WQSs, the permit must contain water quality-based effluent limitations (WQBELs) for that pollutant. *See* 40 C.F.R. § 122.44(d)(1)(i).

#### 6. RECEIVING WATER QUALITY CONDITIONS

*The State of Maine 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 tributaries of the Dead River below Flagstaff Lake (Assessment Unit ID ME0103000204\_310R) which includes Black Brook at and below the point of discharge, as *Category 2: Rivers and Streams Attaining Some Designated Uses – Insufficient Information for other Uses*.

## 6. RECEIVING WATER QUALITY CONDITIONS (cont'd)

The most recent macroinvertebrate sampling conducted in Black Brook below the discharge from the Dead River Fish Hatchery (Station Number S-831) was completed in 2006. Based on results of standard Department monitoring and assessment protocols (Methods for Biological Sampling and Analysis of Maine's Rivers and Streams, DEPLW0387-C2014), the Department determined that the waterbody met Class A narrative and numeric aquatic life standards described in 38 M.R.S. § 465(2)(B) and Department rules Chapter 579 (Classification Attainment Evaluation Using Biological Criteria for Rivers and Streams). 38 M.R.S. § 465(2)(B) also states that "aquatic life and bacteria content of Class A waters shall be as naturally occurs."

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."

## 7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- a. Applicability of National Effluent Guidelines: The USEPA has promulgated national effluent guidelines (ELGs) for the *Concentrated Aquatic Animal Production Point Source Category* at 40 C.F.R. § 451 Subpart A, *Flow-Through and Recirculating Systems Subcategory*. The ELGs are national standards for wastewater discharges to surface waters and municipal sewage treatment plants, and their purpose is to reduce discharges of conventional pollutants, nonconventional pollutants (e.g. nutrients, drugs, and chemicals), and toxic pollutants (metals and PCBs) from CAAP facilities covered by the regulation. The ELGs apply to facilities that contain, grow, or hold aquatic animals when the facility produces greater than or equal to 100,000 lb./year of aquatic animals in a flow-through or recirculating system. The Dead River Fish Hatchery does not produce 100,000 pounds or more per year of aquatic animals and is therefore not categorically subject to regulation under this subpart. However, 38 M.R.S. § 414-A(1)(D) requires that:

*The discharge will be subject to effluent limitations that require application of the best practicable treatment. "Effluent limitations" means any restriction or prohibition including, but not limited to, effluent limitations, standards of performance for new sources, toxic effluent standards and other discharge criteria regulating rates, quantities and concentrations of physical, chemical, biological and other constituents that are discharged directly or indirectly into waters of the State. "Best practicable treatment" means the methods of reduction, treatment, control and handling of pollutants, including process methods, and the application of best conventional pollutant control technology or best available technology economically achievable, for a category or class of discharge sources that the department determines are best calculated to protect and improve the quality of the*

**7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)**

*receiving water and that are consistent with the requirements of the Federal Water Pollution Control Act, as amended, and published in 40 Code of Federal Regulations. If no applicable standards exist for a specific activity or discharge, the department must establish limits on a case-by-case basis using best professional judgment, after consultation with the applicant and other interested parties of record. In determining best practicable treatment for each category or class, the department shall consider the existing state of technology, the effectiveness of the available alternatives for control of the type of discharge and the economic feasibility of such alternatives.*

In the absence of promulgated technology-based standards for facilities that produce less than 100,000 pounds per year of aquatic animals in a flow-through or recirculating system, the Department is applying the standards set forth at 40 C.F.R. § 451, Subpart A. 40 C.F.R. § 451.11 states that any existing point source subject to the *Flow-Through and Recirculating Systems Subcategory* must meet the following requirements, expressed as practices, representing the application of best practicable control technology currently available (BPT): 1) solids control; 2) materials storage; 3) structural maintenance; 4) recordkeeping; and 5) training. While 40 C.F.R. § 451.11 does not establish numeric technology-based effluent limitation guidelines for this subcategory, it does provide that the permitting authority may require any modification to the BPT guidelines based on its exercise of its best professional judgment. The BPT requirement identified in #1-5 of this paragraph are incorporated into the permit as Special Condition F, *Operations and Maintenance (O&M) Plan*. The basis statement for all other effluent limitations and monitoring requirements is explained in this section of this fact sheet.

- b. Flow: The June 2007 permitting action established, and this permitting action is carrying forward, a monthly average discharge flow limit of 1.75 MGD to be monitored daily. The higher limit was established to address the inflow and subsequent outflow of seasonal storm flows beyond the control of the facility. Pollutant mass limits that were calculated using the previous 1.5 MGD permitted flow were not revised. This effectively maintains the pollutant load limitations for discharge to Black Brook.

The following table summarizes effluent data reported on Discharge Monitoring Reports (DMRs) for the period of October 1, 2016 – March 31, 2025. There were no excursions during this time period.

**Flow (N = 100)**

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	1.75	1.0 – 1.3	1.0

- c. Dilution Factors: Dilution factors associated with the permitted discharge flow of 1.75 MGD from the Dead River Fish Hatchery were derived using a USGS regression equation to compute the 7Q10 in accordance with 06-096 C.M.R. Ch. 530(4)(A). The 1Q10 flow was estimated as being 85% of the 7Q10 and the harmonic mean flow was estimated as being 300% of the 7Q10. The dilution factor equations follow:

$$\text{Mod. Acute: } \frac{1}{4} 1Q10 = 0.19 \text{ cfs} \Rightarrow \frac{(0.19 \text{ cfs})(0.6464) + 1.75 \text{ MGD}}{1.75 \text{ MGD}} = 1.1:1$$

$$\text{Acute: } 1Q10 = 0.76 \text{ cfs} \Rightarrow \frac{(0.76 \text{ cfs})(0.6464) + 1.75 \text{ MGD}}{1.75 \text{ MGD}} = 1.3:1$$

**7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)**

$$\text{Chronic: } 7Q10 = 0.9 \text{ cfs} \quad \Rightarrow \frac{(0.9 \text{ cfs})(0.6464) + 1.75 \text{ MGD}}{1.75 \text{ MGD}} = 1.3:1$$

$$\text{Harmonic Mean} = 2.7 \text{ cfs} \quad \Rightarrow \frac{(2.7 \text{ cfs})(0.6464) + 1.75 \text{ MGD}}{1.75 \text{ MGD}} = 2.0:1$$

06-096 C.M.R. Ch. 530(4)(B)(1) states,

*Analyses using numerical acute criteria for aquatic life must be based on 1/4 of the 1Q10 stream design flow to prevent substantial acute toxicity within any mixing zone and to ensure a zone of passage of at least 3/4 of the cross-sectional area of any stream as required by Chapter 581. Where it can be demonstrated that a discharge achieves rapid and complete mixing with the receiving water by way of an efficient diffuser or other effective method, analyses may use a greater proportion of the stream design flow, up to and including all of it, as long as the required zone of passage is maintained.*

The Dead River Fish Hatchery discharges to the bank of Black Brook. The Department is making a best professional judgment that this discharge does not achieve complete and rapid mixing of the effluent with the receiving waters. Therefore, the Department is utilizing the default stream flow of ¼ of the 1Q10 in acute evaluations pursuant to 06-096 C.M.R. Ch. 530.

- d. **Total Suspended Solids (TSS):** Neither the USEPA nor the Department has promulgated effluent limitation guidelines for TSS that are applicable to the discharge from the Dead River Fish Hatchery. The 2005 permitting action established monthly average and daily maximum concentration limitations of 6 mg/L and 10 mg/L, respectively, for TSS based on best professional judgment (BPJ) of best practicable treatment (BPT). The 2005 permitting action also established monthly average and daily maximum mass limitations of 75 lbs./day and 125 lbs./day, respectively, for TSS that were derived from a previous flow limit of 1.5 MGD. These calculations are as follows:

$$\text{Monthly Average Mass: } (6 \text{ mg/L})(8.34 \text{ lbs./gallon})(1.5 \text{ MGD}) = 75 \text{ lbs./day}$$

$$\text{Daily Maximum Mass: } (10 \text{ mg/L})(8.34 \text{ lbs./gallon})(1.5 \text{ MGD}) = 125 \text{ lbs./day}$$

The September 2016 permitting action eliminated the effluent limitations and monitoring requirements for BOD<sub>5</sub>. After reviewing approximately 6 years of BOD<sub>5</sub> and TSS data, it was determined by the Department that a strong correlation existed between BOD<sub>5</sub> and TSS and that TSS could be relied upon to reflect BOD<sub>5</sub> conditions. In the best professional judgment of the Department, effluent limitations and monitoring requirements for BOD<sub>5</sub> were not necessary to ensure compliance with water quality standards.

A summary of the effluent TSS data as reported on the DMRs submitted to the Department for the period October 1, 2016 – March 31, 2025 follows. There were no excursions during this time period.

**TSS mass (N = 100)**

Value	Limit (lbs./day)	Range (lbs./day)	Mean (lbs./day)
Monthly Average	75	20 – 23	20
Daily Maximum	125	20 – 125	60.0

**7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)**

**TSS concentration (N = 100)**

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	6	2.5 – 4.5	2.5
Daily Maximum	10	2.5 – 4.5	2.5

The 2007 permit modification increased the permitted flow from 1.5 MGD to 1.75 MGD. The permitting action maintained the established monthly average and daily maximum TSS mass limits of 75 lbs./day and 125 lbs./day respectively, as well as the monthly average and daily maximum concentration of 6 mg/L and 10 mg/L respectively. The facility has met these limits even with the increase in flow. Therefore, this permitting action is carrying forward the concentration and mass limitations for TSS to ensure Class B water quality standards are met and that best practicable treatment is applied to the discharge. This permitting action is carrying forward a minimum monitoring frequency requirement of once per month (1/Month) on a year-round basis.

- e. Fish on Hand: The December 2005 permitting action established, and this permitting action is carrying forward, a reporting requirement for daily maximum and monthly average weight of fish on hand. The permittee is required to maintain records for fish rearing units, documenting the feed amounts and estimates of the numbers and weight of fish pursuant to Special Condition F, *Operations and Maintenance (O&M) Plan*, of the permit. The fact sheet associated with the 2005 permit states the fish on hand monitoring and reporting requirement “is intended to enable both the Department and the permittee in evaluating management practices at the facility and trends in effluent quality and receiving water impacts.”

The September 2016 permitting action eliminated the monthly average reporting requirement for fish on hand, stating that the once per month daily maximum mass reporting requirement is sufficient for purposes of assisting in compliance evaluations. This permitting action is carrying forward the daily maximum fish on hand mass reporting requirement.

The facility currently averages 2,381 lbs. of fish on hand but due to the support given by IFW, the number can increase to over 6,000 lbs. during IFW stocking periods in the spring and fall. A summary of the fish on hand data as reported on the DMRs submitted to the Department for the period October 1 2016 – March 31 2025 follows:

**Fish on Hand (N=100)**

Value	Limit (lbs./day)	Range (lbs./day)	Mean (lbs./day)
Daily Maximum	Report	979 – 6,075	2,381

- f. Total Phosphorus (TP): In accordance with 06-096 C.M.R. Ch. 583 and based on the best professional judgment of the Department, this permitting action is establishing a monitoring requirement of once per month effluent sampling and once per month upstream ambient sampling of total phosphorous during the period of June 1 to September 30 of each year.

Phosphorous is a nutrient that encourages the growth of plants and algae. An unnatural abundance of phosphorous in waterways is associated with eutrophic conditions that harm native sensitive aquatic wildlife and decrease biodiversity. Excess phosphorous can

### 7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

also result in undesirable aesthetic conditions in receiving water, impacting the water's ability to meet standards for maintaining recreational use.

The 2016 permitting action removed the requirement for phosphorous monitoring. This decision was based on the threshold of 0.100 mg/L established in the USEPA's *Quality Criteria for Water 1986* (Gold Book) and at that time drafted ambient water quality criterion of 0.030 mg/L. The newly effective rule, *Nutrient Criteria for Class AA, A, B, and C Fresh Surface Waters*, 06-096 C.M.R. Ch. 583 (effective date June 11, 2025), establishes an official limit of a geometric mean of 30.0 µg/L or 30.0 parts per billion (ppb) for a Class B waterway. In addition, the average and maximum fish on hand have increased since the 2016 permit, which may affect the phosphorous emitted.

There is no recent data on either ambient phosphorous concentration or the concentration of phosphorous in the effluent, both of which are used to calculate the reasonable potential for a facility to contribute to an exceedance of regulated limitations. The most recent data was pulled from the period of the 2016 permit for the seasonal monitoring period from 2010 through 2014.

#### Total Phosphorous Mass (N = 23)

Value	Limit (lbs./day)	Range (lbs./day)	Mean (lbs./day)
Monthly Average	0.61	No Data	No Data
Daily Maximum	Report	0.13 – 0.62	0.40

#### Total Phosphorous Concentration (N = 23)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Monthly Average	0.050	0.02 – 0.05	0.03
Daily Maximum	Report	0.02 – 0.05	0.033

The Department has determined there is a lack of sufficient recent data for ambient water quality and facility effluent total phosphorous concentration to assert there is no reasonable potential for facility effluent to cause the waterbody to exceed the regulated limit. The Department is reestablishing the requirement for the facility to monitor the concentration of total phosphorous for both facility effluent and upstream ambient concentration to determine if effluent from the facility has a reasonable potential to cause the waterway to exceed the regulated limit of total phosphorous concentration of 0.030 mg/L.

*Nutrient Criteria for Class AA, A, B, and C Fresh Surface Waters*, 06-096 C.M.R. Ch. 583(4)(E)(1) states,

*Responsibility for sampling. The Department, or its agents, generally conducts sampling for the purpose of making decisions on the attainment of designated uses or maintenance of existing uses. The Department may request or require an applicant for, or holder of, a waste discharge license, water quality certification, or other Department-issued license to conduct sampling of effluent and ambient conditions. The Department's request or requirement for monitoring and sampling may be based on the classification goal of the water, attainment status, existing water quality information, past performance of existing controls for point and nonpoint sources of pollution, the nature, magnitude, and variability of the activity relative to the affected water, or other factors at the discretion of the*

## 7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

*Department. Sampling must be performed by qualified persons based on considerations such as relevant education, training, and experience. Outside entities must submit sampling plans to the Department for review and acceptance by the Department before collecting data.*

The permittee is required to monitor for effluent and ambient total phosphorous. Towards this, the permittee must develop and adhere to a phosphorous sampling plan to ensure data integrity. The phosphorous sampling plan must be submitted to the Department for review and acceptance before collecting data. Requirements for information contained in the sampling plan can be found at Special Condition J, *Total Phosphorous Sampling Plan* of this permit.

- g. pH: This permitting action is establishing an effluent pH limitation range of 6.5 to 9.0 standard units (SU). The December 2005 permitting action established a pH range limitation of 6.0 – 8.5 SU and the 2011 permitting action removed the pH limitation and reporting requirement due to consistent results within that range. No data for pH has been reported since 2011. However, 38 M.R.S. § 464(4)(A)(5) states the Department may not issue a waste discharge permit for a discharge that causes the pH of fresh waters to fall outside of the 6.5 to 9.0 range. The dilution factor for this facility is low enough to assume the facility would have a major impact on the pH of the receiving water body. There is not enough data to calculate reasonable potential, which would require receiving water and discharge alkalinity, receiving water pH and temperature, and more.

There is a possibility the influent from the streams may be outside of the 6.5 to 9.0 range and cause the discharge to be outside of the assigned range. In such cases, effluent measurements may not deviate more than 0.1 S.U. from background sampling, an allowance given due to pH measurement accuracy. Background sampling must be conducted at the facility's ambient sampling station within 10 minutes of the effluent sampling. The time limit is present to be able to capture the potentially fast changes in the pH of the ambient water. The time of each discharge measurement must be noted and reported to the inspector with each applicable Discharge Monitoring Report.

This permitting action is establishing pH monitoring once per month.

## 8. 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.

## 9. ANTI-DEGREDAATION

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

## 10. PUBLIC COMMENTS

Public notice of this application was made in the *Morning Sentinel* newspaper on or about August 6, 2021. 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 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 C.M.R. Ch. 522 (effective January 12, 2001).

## 11. DEPARTMENT CONTACTS

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

Bekah Farmer  
Bureau of Water Quality  
Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333-0017  
Telephone: (207) 458-8706  
e-mail: [Bekah.Farmer@maine.gov](mailto:Bekah.Farmer@maine.gov)

## 12. RESPONSE TO COMMENTS

*During the period from October 8, 2025 to December 30, 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**

# Dead River Fish Hatchery

Pierce Pond Township, Maine

SPRING LAKE LANDING

Dead River

SPRING LAKE

DEAD RIVER TOWNSHIP

Dead River Hatchery

Flagstaff Lake

West Carry Pond

Google Earth

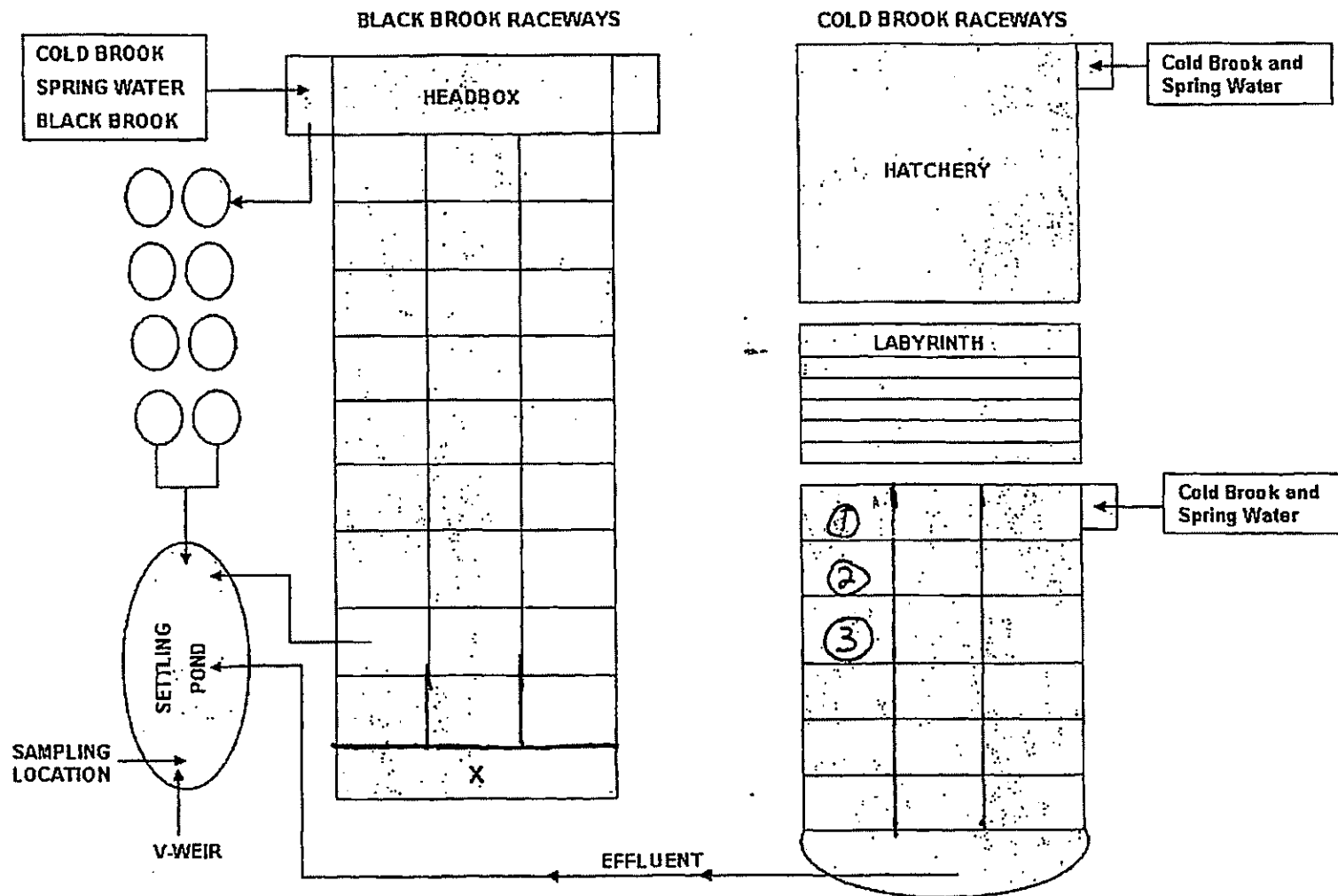
Image © 2025 Airbus

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# **ATTACHMENT B**

# WATER FLOW DIAGRAM



MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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**A. GENERAL PROVISIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**B. OPERATION AND MAINTENANCE OF FACILITIES**

**1. General facility requirements.**

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

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

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

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

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

**5. Bypasses.**

- (a) Definitions.
  - (i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
  - (ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c) and (d) of this section.
- (c) Notice.
  - (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

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- (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.

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**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.

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**D. REPORTING REQUIREMENTS**

**1. Reporting requirements.**

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**5. Publicly owned treatment works.**

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

**E. OTHER REQUIREMENTS**

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

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

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

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

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

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

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

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

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

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

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

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

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## STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

**Maximum daily discharge limitation** means the highest allowable daily discharge.

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

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

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

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

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

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

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

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



# DEP INFORMATION SHEET

## Appeals to the Board of Environmental Protection

Date: November 2024

Contact: [Clerk.BEP@maine.gov](mailto: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 30<sup>th</sup> 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](mailto: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](mailto: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](mailto:clerk.bep@maine.gov) or 207-287-2811 or the Board Executive Analyst at [bill.hinkel@maine.gov](mailto: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.

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**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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