



DEPARTMENT ORDER

IN THE MATTER OF

HUHTAMAKI, INC.)	MAINE POLLUTANT DISCHARGE
WATERVILLE, MAINE, KENNEBEC CTY)	ELIMINATION SYSTEM PERMIT
COOLING WATER DISCHARGE)	AND
#ME0037389)	WASTE DISCHARGE LICENSE
#W009105-5R-C-R)	RENEWAL
APPROVAL)	

In compliance with the applicable provisions of *Pollution Control*, 38 M.R.S. § 411-424-C, *Water Classification Program* 38 M.R.S. § 464-470 and *Federal Water Pollution Control Act*, Title 33 USC, § 1251 *et seq*, and applicable rules of the Department of Environmental Protection (“Department”) has considered the application of HUHTAMAKI, INC. (“permittee”) , with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

On December 26, 2023, the Department accepted as complete for processing an application from the permittee for the renewal of combination Waste Discharge License (WDL) ##W009105-5R-B-R / Maine Pollutant Discharge Elimination System (MEPDES) permit # ME0037389, which was issued on December 20, 2018, for a five-year term, and authorized the discharge of 1.5 million gallons per day (MGD) of non-contact cooling water and an unspecified amount of stormwater to the Kennebec River, Class C, in Waterville, Maine.

PERMIT SUMMARY

This permit carries forward all the terms and conditions of the previous permit.

CONCLUSIONS

BASED on the findings in the attached PROPOSED DRAFT Fact Sheet dated February 26, 2026, and subject to the Conditions listed below, the Department makes the following conclusions:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, *Classification of Maine Waters*, 38 M.R.S. §464(4)(F), will be met, in that:
 - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected.
 - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected.
 - (c) Where the standards of classification of the receiving water body are 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 discharge will be subject to effluent limitations that require application of best practicable treatment as defined in *Condition of Licenses*, 38 M.R.S. § 414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the application of HUHTAMAKI, INC., to discharge 1.5 MGD of non-contact cooling water and an unspecified quantity of stormwater from outfall #001 “North End” to the Kennebec River, Class C, 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 effluent limitations and monitoring requirements.
3. This permit and the authorization to discharge become effective upon the date of signature below and expires at midnight five (5) years from the effective date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the authorization to discharge and the terms and conditions of this permit and all modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act, 5 M.R.S. § 10002 and Department Rule, Concerning the Processing of Applications and Other Administrative Matters, 06-096 CMR Ch. 2(20)(A) (effective September 15, 2024)*]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
For MELANIE LOYZIM, Commissioner

Date of initial receipt of application: _____ December 11, 2023.

Date of application acceptance: _____ December 26, 2023.

This Order prepared by Rod Robert BUREAU OF WATER QUALITY

SPECIAL CONDITIONS

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

B. 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 December 26, 2023; 2) the terms and conditions of this permit; and 3) only from Outfall #001. Discharges of wastewater from any other point source are not authorized under this permit and must be reported in accordance with Standard Condition D(f)(1), *Twenty-Four-Hour Reporting*, of this permit.

SPECIAL CONDITIONS

C. NOTIFICATION REQUIREMENT

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

Any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system. For the purposes of this section, notice regarding substantial change must include information on:

- (a) the quality and quantity of wastewater introduced to the wastewater collection and treatment system; and
- (b) any anticipated impact caused by the change in the quantity or quality of the wastewater to be discharged from the treatment system.

D. REOPENING OF PERMIT FOR MODIFICATIONS

In accordance with 38 M.R.S. Section 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 limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded; (2) require additional monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new

E. SEVERABILITY

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

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

FACT SHEET

DATE: **February 26, 2026**

PERMIT NUMBER: **#ME0037389**

LICENSE NUMBER: **#W009105-5R-C-R**

NAME AND ADDRESS OF APPLICANT:

**HUHTAMAKI, INC.
9201 PACKAGING DRIVE
DESOTO, KANSAS 66018**

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

**HUHTAMAKI, INC.
242 COLLEGE AVE.
WATERVILLE, MAINE 04901
KENNEBEC COUNTY**

COGNIZANT OFFICIAL CONTACT INFORMATION:

**Chris Perry
(207) 861-7377
EMAIL: chris.perry@hutamaki.com**

1. APPLICATION SUMMARY

- a. Application: On December 26, 2023, the Department of Environmental Protection (Department) accepted as complete for processing an application from the permittee for the renewal of combination Waste Discharge License (WDL) ##W009105-5R-B-R / Maine Pollutant Discharge Elimination System (MEPDES) permit # ME0037389, which was issued on December 20, 2018, for a five-year term, and authorized the discharge of 1.5 million gallons per day (MGD) of non-contact cooling water and an unspecified amount of stormwater to the Kennebec River, Class C, in Waterville, Maine. . See **Attachment A** of this Fact Sheet for a location map of the facility.

2. PERMIT SUMMARY

- a. History: The most current relevant regulatory actions and significant events include the following:

November 6, 2013 – The Department issued combination MEPDES permit ME0037389/WDL #W009105-5R-A-N to Hutamaki Inc. for a five-year term.

December 20, 2018, – The Department issued combination MEPDES permit ME0037389/WDL #W009105-5R-B-R to Hutamaki Inc. for a five-year term.

- b. Source Description:

Wastewater discharged from the facility (between 0.5 and 1.5 MGD, varying seasonally) consists of non-contact cooling water (NCCW), used by the plant's air compressor cooling system and related processes. The outfall is normally submerged about four (4) feet below the surface of the Kennebec River.

Water used as cooling water is drawn from the Kennebec River but is occasionally augmented with water drawn from the Kennebec Water District (KWD) water supply.

Much like the KWD water supply, Huhtamaki provides a single shock doses of sodium hypochlorite to the river water prior to use. No chlorine residual is present in either cooling water stream at the time of discharge.

3. CONDITIONS OF PERMITS

Conditions of licenses, 38 M.R.S. § 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require the 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 CMR ch. 530 (effective March 21, 2012), require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR ch. 584 (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)(A) (10-A) (a) classifies Kennebec River mainstem waters impounded by the Hydro-Kennebec Dam and the Lockwood Dam in Waterville-Winslow as Class C waters. Standards for classification of fresh surface waters, 38 M.R.S., § 465(4) describes the standards for Class C waters as follows:

4. Class C waters. Class C shall be the 4th highest classification.

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

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

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

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

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

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

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

4. RECEIVING WATER QUALITY STANDARDS (cont'd)

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

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

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

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine Department of Environmental Protection 2018/2020/2022 Integrated Water Quality Monitoring and Assessment Report, prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the segment of Kennebec River, (Assessment Unit ID ME0103000306_339R_02_01) main stem from Fairfield-Skowhegan boundary to Sebasticook River which includes the receiving water at the point of discharge as Category 4-B: Rivers and Streams Impaired by Pollutants – Pollution Control Requirements Reasonably Expected to Result in Attainment. Impairment in this context refers to dioxin (including 2,3,7,8-TCDD). The report also lists this segment as Category 5-D: Rivers and Streams Impaired by Legacy Pollutants for legacy polychlorinated biphenyls (PCBs).

5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

The Report also lists all of Maine's fresh waters as *Category 4-A: Rivers and Streams Impaired by Atmospheric Deposition of Mercury*. Impairment in this context refers to a statewide fish consumption advisory due to elevated levels of mercury in some fish tissues. The Report states, "All freshwaters are listed in Category 4-A (TMDL Completed) due to US EPA approval of a Regional Mercury TMDL in December 2007. Maine has a fish consumption advisory for fish taken from all freshwaters due to mercury. Many waters, and many fish from any given water, do not exceed the action level for mercury. However, because it is impossible for someone consuming a fish to know whether the mercury level exceeds the action level, the Maine Department of Health and Human Services decided to establish a statewide advisory recommending limits on consumption for all freshwater fish. Maine has instituted statewide programs for removal and reduction of mercury sources."

The Department has no information that the discharge from the permittee, as permitted, causes or contributes to non-attainment of applicable water quality standards.

6. REGULATIONS RELATING TO TEMPERATURE

Regulations Relating to Temperature 06-096 CMR Ch. 582 (last amended May 4, 1996), states that no discharge must cause the ambient temperature of any freshwater body to be raised more than 5 degrees Fahrenheit, nor must any discharge cause the temperature of any waters to exceed the USEPA national ambient water quality criteria established to protect all species of fish that are indigenous to the receiving waters. When the ambient temperature of any body of water naturally exceeds the applicable USEPA criteria, no thermal discharge may be allowed which alone or in combination with other discharges would raise the ambient temperature of the receiving water more than 0.5 degrees Fahrenheit.

The Department has established that cold water fish species are indigenous to all Maine rivers and streams. USEPA has established maximum temperatures for the protection of growth and survival of cold-water fish as follows: a weekly average temperature of 66 degrees Fahrenheit; and a daily maximum temperature of 73 degrees Fahrenheit.

7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

USEPA has not promulgated National Effluent Guidelines for non-contact cooling water. The DEP has made a Best Professional Judgment (BPJ) determination that BPT for cooling water is no treatment.

The Department has calculated that, under worst case conditions of maximum cooling water flow (1.5 MGD), maximum cooling water temperature (120 degrees Fahrenheit, based on applicant's information), and 7Q10 receiving water flow (2503 cfs), and without any treatment to reduce thermal loading, the discharge will raise the ambient temperature of the receiving water by only 5/100th (or 0.05 degrees) of a degree Fahrenheit. Therefore, the Department has determined that neither effluent limitations nor monitoring requirements are necessary to ensure that applicable water quality standards are met.

However, the discharge is 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). The permittee must have developed BMPs and make a list and description of the BMPs available in writing for the Department to review and comment upon requests.

8. ANTI-BACKSLIDING

Federal regulation 40 CFR, §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 effluent limitations, standards, or conditions must be at least as stringent as the final effluent limitations, standards, or conditions in the previous permit, except for provisions specified in the regulation.

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 the previous permit.

9. ANTI-DEGRADATION

The Department has made a best professional judgment determination based on information gathered to date, that as permitted, the discharge will not cause or contribute to the failure of the receiving water to meet the standards for Class C classification, and the designated uses of the waterbody will continue to be maintained and protected.

10. PUBLIC COMMENTS

Public notice of this application was made in the Morning Sentinel on or about December 4, 2023. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits must have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR Ch.522 (effective January 12, 2001).

11. DEPARTMENT CONTACTS

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

Rodney Robert
Division of Water Quality Management
Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 446-1875
rodney.robert@maine.gov

12. RESPONSE TO COMMENTS

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

ATTACHMENT A

