



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

May 18, 2026

Mr. Darren Corey
BlueTriton Brands, Inc.
Hollis, ME 04042

***Sent via electronic mail
Delivery confirmation requested***

***RE: Integrated Compliance Information System (ICIS) Tracking #MEU508428
Maine Waste Discharge License (WDL) Application #W008248-5S-D-T
Final License Renewal***

Dear Mr. Corey,

Enclosed please find a copy of your **final** Maine WDL which was approved by the Department of Environmental Protection. Please read this license and its attached conditions carefully. Compliance with this 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 "*Appeals to the Board of Environmental Protection.*"

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

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

Sincerely,

Bekah Farmer
Division of Water Quality Management
Bureau of Water Quality

Enclosure

cc: Laura Crossley, DEP
Galen Nickerson, DEP
Wendy Garland, DEP
Fred Gallant, DEP
Gregg Wood, DEP
Lori Mitchell, DEP
Megan Griffin, DEP
Irene Saumur, DEP
Richard Carvalho, EPA



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MELANIE LOYZIM
COMMISSIONER

IN THE MATTER OF

BLUETRITON BRANDS, INC.)	PROTECTION AND IMPROVEMENT
d/b/a POLAND SPRING BOTTLING CO.)	OF WATERS
HOLLIS, YORK COUNTY, MAINE)	
DRINKING WATER BOTTLING FACILITY)	
ICIS TRACKING #MEU508248)	WASTE DISCHARGE LICENSE
#W008248-5S-D-T)	TRANSFER & 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 U.S.C. § 1251 *et seq.*, and applicable rules of the Department of Environmental Protection (“Department”), the Department has considered the application of BlueTriton Brands, Inc. (“BlueTriton”/“licensee”), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

On December 14, 2023, the Department accepted as complete for processing an application from BlueTriton Brands, Inc. for renewal of combination Waste Discharge License (WDL) #W008248-5S-C-R / ICIS tracking number #MEU508248, which was issued to Nestle Waters of North America, Inc. (NWNA) by the Department on November 2, 2018 for a five-year term. The 11/2/2018 license authorized the weekly maximum discharge during the period of March 15 through November 20 of each year of 981,000 gallons of treated process wastewater, boiler blowdown and chiller/cooling tower waters via a surface wastewater disposal system (spray irrigation system) on 26-acres to ground water, Class GW-A, in Hollis, Maine.

The Department was notified on May 18, 2021 of the company name change from NWNA to BlueTriton Brands, Inc. The applicant has been duly qualified by the Maine Secretary of State to be in good standing and authorized the corporation to conduct business under the laws of the State of Maine as of the date of this transfer. The applicant has submitted information demonstrating that it has legal title, right, and or interest in the facility and has provided a statement that it possesses the financial capacity and technical ability to operate the facility in compliance with the terms and conditions of the license.

LICENSE SUMMARY

- a. Terms and Conditions: This licensing action is carrying forward all terms and conditions of the previous licensing action and it is:
 1. Revising the label of the Effluent Characteristic from Nitrate-Nitrogen to Nitrogen as N to align with Departmental codes for Discharge Monitoring Reports;
 2. Revising footnotes in Special Condition A, *Effluent Limitations and Monitoring Requirements* to be consistent with other WDL licenses and MEPDES permits subsequent to BlueTriton’s 2018 license and to include sufficiently sensitive methods; and

LICENSE SUMMARY (cont'd)

3. Combining Special Condition G, *Spray Irrigation Operational Constraints*, and Special Condition H, *Spray Irrigation Operational Procedures, Logs, and Reports*, to improve clarity.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated May 15, 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 waterbody are not met, the discharge will not cause or contribute to the failure of the waterbody to meet the standards of classification;
 - (d) Where the actual quality of any classified receiving waterbody 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 waterbody, 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 *Condition of licenses*, 38 M.R.S. § 414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the above noted application of BLUETRITON BRANDS, INC. d/b/a Poland Springs Bottling Co. to discharge 981,000 gallons per week of commercial wastewater during the period of March 15 through November 20 of each year via a surface wastewater disposal system in Hollis, 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 license becomes effective upon the date of signature below and expires at midnight five (5) years from the effective date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this license, the terms and conditions of this license 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 APPEALS PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS 15 DAY OF May, 2026.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: *Brian Kavanah*

For MELANIE LOYZIM, Commissioner

Date of initial receipt of application: December 11, 2023

Date of application acceptance: December 14, 2023

This Order prepared by Bekah Farmer, BUREAU OF WATER QUALITY

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The licensee is authorized to discharge treated wastewater from the **LAGOON (OUTFALL #001A)** via a surface wastewater treatment and disposal system. The licensee is not required to test these parameters during a month where no wastewater was disposed of via the spray irrigation system. Such discharges are limited and must be monitored by BlueTriton Brands, Inc. as specified below⁽¹⁾:

April 1st – October 31st of each year

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
Freeboard ⁽²⁾ <i>[82564]</i>	2.0 feet <i>[27]</i>	---	2/Month ⁽³⁾ <i>[2/30]</i>	Record <i>[RC]</i>
Total Phosphorus <i>[00665]</i>	---	Report mg/L <i>[19]</i>	1/Month <i>[1/30]</i>	Grab <i>[GR]</i>
Nitrate as N <i>[00620]</i>	---	Report mg/L <i>[19]</i>	1/Month <i>[1/30]</i>	Grab <i>[GR]</i>
Total Kjeldahl-Nitrogen (TKN) <i>[00625]</i>	---	Report mg/L <i>[19]</i>	1/Month <i>[1/30]</i>	Grab <i>[GR]</i>
pH <i>[00400]</i>	---	Report S.U. <i>[12]</i>	1/Month <i>[1/30]</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.

Footnotes: See Pages 7 through 8 of this license for applicable footnotes.

SPECIAL CONDITIONS

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

2. The licensee is authorized to discharge treated wastewater from the **SPRAY IRRIGATION FIELD (SF1)** via a spray irrigation system in Hollis, ME. Such discharges are limited and must be monitored by BlueTriton Brands, Inc. as specified below⁽¹⁾:

March 15th – November 20th of each year

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	Monthly Total	Weekly Maximum	Measurement Frequency	Sample Type
Application Rate ⁽⁴⁾ <i>[51128]</i>	---	981,000 (Gallons) ⁽⁵⁾ <i>[57]</i>	1/Week ⁽⁶⁾ <i>[01/07]</i>	Record <i>[RC]</i>
Flow – Total Gallons ⁽⁴⁾ <i>[51500]</i>	Report (Gallons) <i>[57]</i>	---	1/Month <i>[01/30]</i>	Record <i>[RC]</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.

Footnotes: See Pages 7 through 8 of this license for applicable footnotes.

SPECIAL CONDITIONS

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

3. The licensee is authorized to operate a surface wastewater treatment and disposal system. The **GROUND WATER MONITORING WELL(S) (MW-1 & MW-2)** are limited and must be monitored as specified below⁽¹⁾.

MW-1 is located approximately 800 feet south-southeast and down-gradient of the 26-acre spray site.

MW-2 is located approximately 800 feet east and down-gradient of the 26-acre spray site.

April 1st through October 31st of each year

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
Depth to Water Level Below Land Surface <i>[72019]</i>	---	Report (feet) ⁽⁷⁾ <i>[27]</i>	1/Month <i>[1/30]</i>	Record <i>[RC]</i>
Total Suspended Solids <i>[00530]</i>	---	Report mg/L <i>[19]</i>	1/Quarter ⁽⁸⁾ <i>[1/90]</i>	Grab <i>[GR]</i>
Specified Conductance <i>[00095]</i>	---	Report (umhos/cm) ⁽⁹⁾ <i>[11]</i>	1/Quarter ⁽⁸⁾ <i>[1/90]</i>	Grab <i>[GR]</i>
Nitrate As N <i>[00620]</i>	---	10 mg/L <i>[19]</i>	1/Quarter ⁽⁸⁾ <i>[1/90]</i>	Grab <i>[GR]</i>
Total Phosphorus <i>[00665]</i> (June 1 – Sept. 30)	---	Report mg/L <i>[19]</i>	1/Quarter ⁽⁸⁾ <i>[1/90]</i>	Grab <i>[GR]</i>
pH (Standard Units) <i>[00400]</i>	---	6.0 – 9.0 S.U. <i>[12]</i>	1/Quarter ⁽⁸⁾ <i>[1/90]</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.

Footnotes: See Pages 7 through 8 of this license 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 licensee 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 POTW 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 licensee monitors any pollutant more frequently than required by the license using test procedures approved under 40 C.F.R. Part 136 or as specified in this license, 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 licensee 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 license 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

Lagoon Effluent parameters, except freeboard, will be monitored at the point of discharge from the lagoon. Lagoon freeboard will be monitored in the lagoon.

Spray Irrigation Field will be monitored by the spray irrigation system located in the spray irrigation field.

2. **Freeboard** – Freeboard is defined as being the difference in elevation between the surface of the water in the lagoon and lowest point of the lagoon berm. Measurements must be conducted between April 1 – October 31 (inclusive) and measurements must be made to the nearest one tenth (1/10th) of a foot. If site

SPECIAL CONDITIONS

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

conditions prevent safe or accurate measurements, the licensee must estimate this value and indicate this to the Department.

3. **Twice per Month Monitoring** – Monitoring required at a minimum frequency of 2/month must be collected no less than 14 days between sampling events, unless specifically authorized by the Department's compliance inspector.
4. **Application Rate & Flow** – The licensee must measure the application rate and flow of wastewater to the irrigation area by the use of a meter or pump calibration data.
5. **Application Rate Weekly Maximum** – For Discharge Monitoring Report (DMR) reporting purposes, the licensee must report the highest weekly application rate for the month in the applicable box on the form. Compliance with weekly reporting requirements must be reported for the month in which the calendar week ends.
6. **1/Week** – The gallons applied to the field must be summed weekly, defined as Sunday through Saturday.
7. **Depth to Water Level Below Land Surface Daily Maximum** – The daily maximum depth to water level below the land surface must be measured to the nearest one tenth (1/10th) of a foot as referenced from the surface of the ground at the base of the monitoring well.
8. **1/Quarter Groundwater Sampling** – Ground water sampling must be conducted once per quarter from April 1 – October 31 (inclusive) of each year and there must be at least 45 days between sampling events. Sampling, handling, and preservation must be conducted in accordance with approved methods (See footnote #1).
9. **Specific conductance** – Specific conductance (calibrated to 25.0° C) is considered to be a "field" parameter meaning it is measured directly in the field via instrumentation and does not require laboratory analysis. However, in certain instances, specific conductance samples may be preserved and forwarded to a laboratory for evaluation. The licensee is required to test for this parameter whether wastewater was disposed of via the spray-irrigation system or not. Specific conductance values indicating a statistically significant trend upwards or sudden spikes from previous levels may necessitate the need for additional ground water testing requirements.

B. NARRATIVE EFFLUENT LIMITATIONS

1. The licensee must not discharge effluent that contains materials in concentrations or combinations which would impair the usages designated by the classification of the ground water.
2. The licensee 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 licensee is authorized to discharge only in accordance with: 1) the licensee's General Application for Waste Discharge Permit, accepted for processing on December 14, 2023; 2) the terms and conditions of this license; and 3) only to the existing spray irrigation field (SF1). Discharges of wastewater from any other point source are not authorized under this license, and must be reported in accordance with Standard Condition D(1)(F), *Twenty-four hour reporting*, of this license.

D. NOTIFICATION REQUIREMENT

In accordance with Standard Condition D, the licensee 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 license issuance.
2. For the purposes of this section, adequate notice must include information on:
 - a. The quality and quantity of wastewater introduced to the wastewater collection and treatment system; and
 - b. Any anticipated impact caused by the change in the quantity or quality of the wastewater to be discharged from the treatment system.

E. TREATMENT PLANT OPERATOR

The person who has management responsibility over the treatment facility must hold a Maine **Grade SITS-II** certificate or must be a Maine Registered Professional Engineer [P.E.] pursuant to *Wastewater Treatment Plant Operators*, 32 M.R.S., §§ 4171-4182 and *Wastewater Treatment Plan Operator Certification*, 06-096 C.M.R. Ch. 531 (effective July 24, 2023). All proposed contracts for facility operation by any person must be approved by the Department before the licensee may engage the services of the contract operator.

F. GENERAL OPERATIONAL CONSTRAINTS

1. All wastewater must receive pretreatment through septic tanks and a properly designed, operated, and maintained lagoon system prior to land irrigation.
2. The spray irrigation facilities must be effectively maintained and operated at all times so that there is no discharge to surface waters, nor any contamination of ground waters which will render them unsatisfactory for usage as a public drinking water supply.
3. The surface wastewater disposal system must not cause lowering of the quality of the ground water, as measured in the ground water monitoring wells specified by this license below the State Primary and Secondary Drinking Water Standards specified in the Maine State Drinking Water Regulations pursuant to Maine Law *Drinking water regulations*, 22 M.R.S. § 2611.

In the event that ground water monitoring indicates adverse effects, the licensee may be required to take immediate remedial action(s), which may include but is

SPECIAL CONDITIONS

F. GENERAL OPERATIONAL CONSTRAINTS (cont'd)

not limited to, adjustment of the irrigation schedule or application rates, reduction of the pollutant loading, groundwater remediation, or ceasing operation of the system until the Department determines that such actions are no longer required.

4. The Department must be notified as soon as the licensee becomes aware of any threat to public health, unlicensed discharge of wastewater, or any malfunction that threatens the proper operation of the system, and action taken to repair/correct, and prevent recurrence. Notification must be made in accordance with the attached Standard Condition D of this license.
5. The licensee must maintain a file on the location of all system components and relevant features. Each component must be mapped and field-located sufficiently to allow adequate inspection and monitoring by both the licensee and the Department. Septic tanks must be accessible for inspection and pumping. Risers must be installed as necessary.
6. All system components including collection pipes, tanks, manholes, pumps, pumping stations, spray disposal fields, and monitoring wells must be identified and referenced by a unique identifier (alphabetic, numeric or alpha-numeric) in all logs and reports.

G. SPRAY IRRIGATION OPERATIONAL PROCEDURES, LOGS, AND REPORTS

1. Suitable vegetative cover must be maintained. Wastewater may not be applied to areas without sufficient vegetation or ground cover to prevent erosion or surface water runoff outside the designated boundaries of the spray field.
2. There may be no significant ponding within or out of the spray irrigation area due to the spray irrigation events.
3. At least 10 inches of separation from the ground surface to the ground water table must be present prior to spraying.
4. There will be no runoff outside the designated spray field boundaries as a result of operation of the spray system.
5. No wastewater will be applied to the site following a rainfall accumulation exceeding 1.0 inches within the previous 24-hour period. A rain gauge must be located on site to monitor daily precipitation. The licensee must also manage application rates by taking into consideration the forecast for rain events in the 48-hour period to follow a scheduled application.
6. No wastewater may be applied where there is snow present on the surface of the ground.
7. No wastewater may be applied when there is any evidence of frost within the upper 10 inches of the soil profile.
8. No traffic or equipment must be allowed in the spray-irrigation field except where installation of equipment occurs or where normal operations and maintenance is performed.

SPECIAL CONDITIONS

G. SPRAY IRRIGATION OPERATIONAL PROCEDURES, LOGS, AND REPORTS (cont'd)

9. Prior to the commencement of spray irrigation for the season, the licensee must notify the Department's compliance inspector that it has verified site conditions are appropriate (frozen ground, soil moisture, etc.) for spray irrigation.
10. Each day prior to irrigating, the licensee must visually inspect the spray irrigation site to determine if the soil-moisture conditions are appropriate for spraying and all the operational constraints listed in this Special Condition are met.
11. The licensee must at all times maintain in good working order and operate at maximum efficiency all wastewater collection, treatment and/or control facilities. **Within one hour after start-up of the spray-irrigation system and at the conclusion of the spray-event**, the licensee must walk the spray irrigation site to check the system for leakage in the piping system and determine if individual spray heads and pump(s) are functioning as designed, and verify that application rates are appropriate for the existing site conditions. Should significant malfunctions or leaks be detected, the licensee must shut down the malfunctioning portion of the spray system and make necessary repairs before resuming operation of the system. The licensee must cease irrigation if runoff is observed outside the designated boundaries of the spray field(s).
12. The licensee must maintain a daily log of all spray irrigation operations which records the date, precipitation in the previous 24 hours, air temperature, weather and soil conditions, wind conditions, lagoon freeboard (lowest point of the lagoon berm to the water surface), depth to groundwater in observation wells, and total volume sprayed. The log must be in accordance with the format or similar format of the "*Monthly Operations Log*" provided as **Attachment A** of this license.

Weekly spray application rates must be reported in accordance with the format or similar format of the "*Spray Application Report by Week*" provided as **Attachment B** of this license.

The *Monthly Operational Log* and *Spray Application Report by Week* for each month must be submitted to the Department as attachments to the monthly Discharge Monitoring Reports (DMR's). Copies will also be maintained on site for Department review and for license operation maintenance purposes.

H. VEGETATION MANAGEMENT

1. The licensee must remove vegetation in the spray-irrigation areas as necessary to prevent impairment of the operation of the spray-irrigation system and to ensure uniform distribution of wastewater over the desired application area.
2. The vegetative buffer zones along the perimeter of the site must be maintained to maximize vegetation and forest canopy density in order to minimize off-site drift of spray.

SPECIAL CONDITIONS

I. LAGOON MAINTENANCE

1. The banks of the lagoon must be inspected weekly during the operating season and properly maintained. There must be no overflow through or over the banks. Any signs of leaks, destructive animal activity or soil erosion of the berms must be repaired immediately. The Department must be notified in writing within five (5) days of such incidents documenting the corrective action(s) that were taken to eliminate the overflow.
2. Maintenance of the banks of the lagoon must be conducted to keep them free of woody vegetation and other vegetation that may be detrimental to the integrity of the berm and or lagoon liner.
3. The waters within the lagoon must be kept free of all vegetation (i.e. grasses, reeds, cattails, etc.) that hinders the operation of the lagoon.
4. The lagoon must be dredged as necessary to maintain the proper operating depths that will provide best practicable treatment of the wastewater. All material removed from the lagoon(s) must be properly disposed of in accordance with all applicable State and Federal rules and regulations.
5. At the end of each spray season, the lagoon must be lowered to a level sufficient to allow for storage of precipitation and/or infiltration during the period the spray system is not being used and/or operated.
6. The licensee must maintain the lagoon freeboard at design levels or at least two (2) feet, whichever is greater. Freeboard measured to the nearest tenth of a foot, must be reported on the daily operational logs as the mathematical difference between the water level in the lagoon and the lowest elevation point on the lagoon berm of the beginning and end of spray irrigation.

J. DISPOSAL OF TRANSPORTED WASTE IN WASTEWATER TREATMENT FACILITY

The licensee is prohibited from introducing transported wastes into the wastewater treatment facility. "Transported wastes" means any liquid non-hazardous waste delivered to a wastewater treatment facility by a truck or other similar conveyance that has different chemical constituents or a greater strength than the influent described on the facility's application for a waste discharge license. Such wastes may include, but are not limited to, septage, industrial wastes or other wastes to which chemicals in quantities potentially harmful to the treatment facility or receiving water have been added.

K. INSPECTIONS AND MAINTENANCE

The licensee must conduct periodic inspections and maintenance. Requirements for the inspections and maintenance are below:

1. All inspections must include an evaluation of any repair, upgrades, pumping, operational and/or maintenance needs.
2. The inspection report or log must include the date of the inspection, the names of the person performing the inspection, and other relevant system operations.

SPECIAL CONDITIONS

K. INSPECTIONS AND MAINTENANCE (cont'd)

3. Maintenance logs must be maintained for each system component including pumps, pump stations, septic tanks, lagoons, spray apparatus, and pipes. At a minimum, the log must include the alphanumeric ID, the date of maintenance, type of maintenance performed, name(s) of person(s) performing the maintenance, and other relevant system observations.

L. OPERATIONS AND MAINTENANCE (O&M) PLAN

The licensee must have a current written comprehensive Operation & Maintenance (O&M) Plan. The plan must provide a systematic approach by which the licensee 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 licensee to achieve compliance with the conditions of this license.

By December 31 of each year, or within 90 days of any process changes or minor equipment upgrades, the licensee 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.

M. GROUND WATER MONITORING

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

All monitoring wells shall be equipped with a cap and lock to limit access and shall be maintained in a secured state at all times when they are not being sampled. The Department reserves the right to require increasing the depth and/or relocating any of the ground water monitoring wells if the well is perennially dry or is determined not to be representative of ground water conditions.

N. MONITORING AND REPORTING

Electronic Reporting

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

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

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

Documentation submitted 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 15th day of the month following the completed reporting period.

SPECIAL CONDITIONS

O. REOPENING OF THE LICENSE FOR MODIFICATIONS

In accordance with 38 M.R.S. § 414-A(5) and upon evaluation of the test results specified by the Special Conditions of this licensing action, new site specific information, or any other pertinent test results or information obtained during the term of this license, the Department may, at any time and with notice to the licensee, modify this license 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.

P. SEVERABILITY

In the event that any provision, or part thereof, of this license is declared to be unlawful by a reviewing court, the remainder of the license 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

Monthly Operations Log

BlueTriton Brands, Inc. (WDL #W008248) (Month/Year) _____

Spray Field: SF#1 **Weekly Application Rate:** _____ gallons/week

A	B	C	D	E	F	G	H
Date	Precipitation Previous 24 Hours (inches)	Air Temp (°F)	Weather/Soil Conditions	Wind Direction/ Speed (mph)	Lagoon Freeboard (1/10 th of a foot)	Depths to GW in Observation well (inches)	Total Gallons Pumped
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
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Signature of Responsible Official: _____ Date _____

ATTACHMENT B

Spray Application Report by Week

BlueTriton Brands, Inc. (WDL #W008248)

(Month/Year) _____

Spray Field #	Weekly Limit (Gallons/Week)	Spray Application Rates (Gallons/Week)					Monthly Total
		Week 1	Week 2	Week 3	Week 4	Week 5	

Signature of Responsible Official: _____

Date _____

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

DATE: **May 15, 2026**

COMPLIANCE TRACKING NUMBER: **MEU508248**

WASTE DISCHARGE LICENSE: **W008248-5S-D-T**

NAME AND ADDRESS OF APPLICANT: **BLUE TRITON BRANDS INC.
D/B/A POLAND SPRING BOTTLING COMPANY
400 KILLICK POND ROAD
HOLLIS, ME 04042**

COUNTY: **YORK**

NAME AND ADDRESS WHERE DISCHARGE(S) OCCUR(S):
**POLAND SPRING BOTTLING COMPANY
400 KILLICK POND ROAD
HOLLIS, MAINE, 04042**

RECEIVING WATER CLASSIFICATION: **Groundwater/Class GW-A**

COGNIZANT OFFICIAL CONTACT INFORMATION:
**MR. DARREN COREY
BLUETRITON BRANDS INC.
D/B/A POLAND SPRING BOTTLING COMPANY
(207) 727-7201
DARREN.COREY@BLUETRITON.COM**

1. APPLICATION SUMMARY

- a. Application: On December 14, 2023, the Department accepted as complete for processing an application from BlueTriton Brands Inc. for renewal of combination Waste Discharge License (WDL) W008248-5S-C-R / ICIS tracking number MEU508248, which was issued to Nestle Waters of North America Inc. (NWNA) by the Department on November 2, 2018 for a five-year term. The 11/2/2018 license authorized the weekly maximum discharge of 981,000 gallons of treated process wastewater, boiler blowdown and chiller/cooling tower waters via a surface wastewater disposal system (spray irrigation system) on 26-acres to ground water, Class GW-A, in Hollis, Maine.

The name of the company changed from NWNA to BlueTriton Brands. The Department was notified on May 18, 2021. The applicant has been duly qualified by the Maine Secretary of State to be in good standing and authorized the corporation to conduct business under the laws of the State of Maine as of the date of this transfer. The applicant has submitted information demonstrating that it has legal title, right, and or interest in the facility and has provided a statement that it possesses the financial capacity and technical ability to operate the facility in compliance with the terms and conditions of the license.

- b. Source Description: The water bottling process at the PSBC facility in Hollis generates wastewater such as spillage from bottling operations, clean-in-place (CIP) waters (cleaning of bottling lines), boiler blowdown and chiller/cooling tower waters. Combined, the daily maximum flow is anticipated to be as high as

1. APPLICATION SUMMARY (cont'd)

100,000 gpd. The spillage and CIP waters are generated on a daily basis and the boiler blowdown and chiller/cooling tower waters are generated intermittently and seasonally. From March 15 through November 20, all process wastewater, chiller/cooling tower waters and boiler blowdown are discharged via a surface spray irrigation system on a 26-acres to ground water, as long as the site has suitable conditions. From November 21 through March 14, and when the site does not have suitable conditions, the wastewater is transported to the municipal wastewater treatment facility owned and operated by the Town of Saco. Sanitary wastewater generated by employees at the facility are trucked to the municipal wastewater treatment facility owned and operated by South Berwick Sewer District. The discharges from the municipal wastewater treatment facilities in Saco and South Berwick are permitted by this Department via the MEPDES permit program.

- c. Wastewater Treatment and Spray-Irrigation: The applicant treats commercial wastewater through a slow-rate land irrigation system (spray-irrigation). Prior to spraying, the wastewater receives primary treatment of settling and pH adjustment. Once the pH is adjusted, wastewaters are conveyed to a synthetically lined storage lagoon with a working capacity of 250,000 gallons. Between March 15 and November 20 (inclusive) of each year, the water in the lagoon is sprayed onto a 26-acre site via a center pivot spray apparatus. The site is covered in low-lying vegetation that is mown once per year. See **Attachment A** of this Fact Sheet for a sketch of the lagoon and spray irrigation site.
- d. Site Conditions: The lagoon and spray irrigation area are located on a gradual slope about 4,000 feet north of Wales Pond, the nearest water body. Surveys performed of the area of the system indicate the soil series consist of Adams and Croghan soils, characterized as well-drained loamy sands that extend to depths of 12 – 30 feet. The ground water table ranges from 5 to 11 and 6 to 20 feet below the surface of the ground in Monitoring Well-1A and Monitoring Well-2A, respectively, and the flow direction is west to east towards Wales Pond Brook.

2. LICENSE SUMMARY

- a. Terms and Conditions: This licensing action is carrying forward all the terms and conditions from the previous licensing action and it is:
 1. Revising the label of the Effluent Characteristic from Nitrate-Nitrogen to Nitrogen as N to align with Departmental codes for Discharge Monitoring Reports;
 2. Revising footnotes in Special Condition A, *Effluent Limitations and Monitoring Requirements* to be consistent with other WDL licenses and MEPDES permits subsequent to BlueTriton's 2018 license and to include sufficiently sensitive methods; and
 3. Combining Special Condition G, *Spray Irrigation Operational Constraints*, and Special Condition H, *Spray Irrigation Operational Procedures, Logs, and Reports*, to improve clarity.

2. LICENSE SUMMARY (cont'd)

- b. History: This section provides a summary of significant licensing actions and milestones that have been completed for the licensee.

July 21, 2008 – The Department issued Wastewater Discharge License (WDL) #W008248-5S-A-N/ ICIS Tracking MEU508248 to Nestle Waters of North America (Nwana) for a five-year term.

July 17, 2013 – The Department issued Wastewater Discharge License (WDL) #W008248-5S-B-R/ ICIS Tracking MEU508248 to Nwana for a five-year term.

November 2, 2018 – The Department issued Wastewater Discharge License (WDL) #W008248-5S-C-R/ ICIS Tracking MEU508248 to Nwana for a five-year term.

December 11, 2023 – BlueTriton Brands Inc. submitted a complete General Application to the Department for renewal and transfer of ownership of the July 2018 WDL license. The application was accepted for processing on December 14, 2023 and was assigned WDL #W008248-5S-T-D / ICIS Tracking #MEU508248.

3. CONDITIONS OF LICENSE

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 C.M.R. Ch. 530, 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 Ground Water, 38 M.R.S. § 470 classifies the groundwater at the point of discharge as Class GW-A receiving waters, stating “*All ground water shall be classified as not less than Class GW-A, except as otherwise provided in this section.*” *Standards of Classification of Ground Water*, 38 M.R.S., Section 465-C(1), describes the standards for waters classified as Class GW-A thus:

Class GW-A shall be the highest classification of groundwater and shall be of such quality that it can be used for public water supplies. These waters shall be free of radioactive matter or any matter that imparts color, turbidity, taste or odor which would impair use of these waters, other than that occurring from natural phenomena.”

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 WQSSs, 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 Department has no information as of the date of this licensing action that ground water down gradient from the spray irrigation field does not meet the standards of its assigned classification.

7. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Slow rate land irrigation treatment is an environmentally sound and appropriate technology for best practicable treatment and disposal of waste waters such as the wastewater discharged at this facility. The soils and vegetation within the irrigation area will provide adequate filtration and absorption to preserve the integrity of the soil, and both the surface and groundwater quality in the area.

Outfall #001A – Lagoon

- a. Freeboard: The previous licensing action contained, and this licensing action is carrying forward, a daily minimum limit of 2.0 feet of freeboard to be monitored twice per month during the period of April through October. Freeboard is defined as the distance between the surface of the water in the lagoon to the lowest part of the lagoon berm. The licensee is not required to measure freeboard when site conditions prevent safe measurements. In such cases, the licensee must report an estimated value and indicate this to the Department at such times.

The Department reviewed the DMRs that were submitted for the monitoring period of April 2021 through October 2025. A review of the data indicates the following:

Freeboard (N = 30)

Limit (feet)	Minimum (feet)	Maximum (feet)	Average (feet)
>2.0	2.0	29.0	5.3

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

- b. Nutrients: The previous licensing action contained, and this licensing action is carrying forward, a monitoring requirement for total phosphorus, nitrate-nitrogen, and total kjeldahl-nitrogen (TKN) for lagoon effluent as it exits the lagoon to be sprayed. Monitoring is required once per month during the period of April through October of each year. Monitoring for these parameters yields an indication of the effectiveness of the lagoon treatment process and the condition of the wastewater being applied.

The Department reviewed the DMRs that were submitted for the monitoring period of April 2021 through October 2025. A review of the data indicates the following:

Total phosphorus (N = 30)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Daily Maximum	Report	0.1 – 1.0	0.4

Nitrate As N (N = 30)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Daily Maximum	Report	1.4 – 12.0	5.7

Total kjeldahl-nitrogen (N = 30)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Daily Maximum	Report	0.25 – 2.80	1.49

- c. pH: The previous licensing action contained, and this licensing action is carrying forward, the requirement to report pH at Outfall 001A based on Department best professional judgment of best practicable treatment (BPT) for this discharge. A monitoring frequency of once per month during the period of April through October of each year is being carried forward in this licensing action.

The Department reviewed the DMRs that were submitted for the monitoring period of April 2021 through October 2025. A review of the data indicates the following:

pH (N=30)

Value	Limit (S.U.)	Minimum (S.U.)	Maximum (S.U.)
Range	Report	6.0	10.0

Spray Irrigation Field – SF1

- d. Application Rate & Total Flow: The previous licensing action contained, and this licensing action is carrying forward, a seasonal (March 15 – November 20), weekly maximum application rate of 981,000 gallons per week for spray area SF1 based on the characteristics of the in-situ soils.

The Department reviewed the DMRs that were submitted for the monitoring period of March 2021 through November 2025. A review of the data indicates the following:

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

Weekly application rates (N = 38)

Value	Limit (gal/week)	Range (gal/week)	Average (gal/week)
Weekly Maximum	981,000	0 – 938,580	475,538

In addition to containing a weekly maximum application rate, the previous licensing action contained, and this licensing action is carrying forward, a reporting requirement for the total quantity of wastewater applied to the spray field on a monthly basis. With a maximum application of 981,000 gallons per week, the licensee is theoretically limited to 3,923,920 gallons per month.

The Department reviewed DMRs that were submitted for the monitoring period of March 2021 through November 2025. A review of the data indicates the following:

Monthly totals (N = 38)

Value	Limit (gallons)	Range (gallons)	Average (gallons)
Total gallons/month	Report	0 – 2,639,700	1,464,891

Monitoring Wells MW-1 & MW-2 (See Attachment B)

- e. Depth to Ground Water: The previous licensing action contained, and this licensing action is carrying forward, a monitoring requirement to track ground water levels once per month during the period of April through October of each year. The licensee is not required to measure ground water levels November through March due to the logistics of monitoring said levels during the winter season.

The Department reviewed the DMRs that were submitted for the monitoring period of April 2021 through October 2025. A review of the data indicates the following:

Depth to Ground Water

Daily Maximum Limit (feet)	Limit	Range (feet)	Average (feet)
MW-1 (N = 32)	Report	5.1 – 8.6	6.7
MW-2 (N = 31)	Report	6.4 – 19.9	11.5

- f. Total Suspended Solids (TSS): The previous licensing action contained, and this licensing action is carrying forward, a monitoring requirement to measure TSS in ground water once per quarter during the period of April through October of each year.

The Department reviewed DMRs that were submitted for the monitoring period of June 2021 through September 2025. A review of the data indicates the following:

TSS

Monitoring Well	Limit	Range (mg/L)	Average (mg/L)
MW-1 (N=13)	Report	4 – 780	245
MW-2 (N=12)	Report	4 – 590	120

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

- g. Specific Conductance: The previous licensing action contained, and this licensing action is carrying forward, a monitoring requirement to measure specific conductance in groundwater once per quarter during the period of April through October of each year. Tracking the levels of these parameters is important in determining the efficiency of the soil in attenuating the pollutant loading via the spray-irrigation area and is likely to identify chronic leakage in the lagoon. Specific conductivity is considered a surveillance-level monitoring parameter that is used as early-warning indicators of potential ground water contamination.

For purposes of this license, specific conductivity (normally a field parameter) may be measured in the laboratory as long as Department approved methods for handling and preservation of the sample are adhered to and analysis is performed in accordance with methods approved by 40 Code of Federal Regulations (CFR) Part 136. By definition, the sample must be temperature-calibrated to 25°C. Specific conductance values indicating a statistically significant trend upwards or sudden spikes from previous levels may necessitate the need for additional ground water testing requirements.

The Department reviewed the DMRs that were submitted for the monitoring period of January 2021 through December 2025. A review of the data indicates the following:

Specific conductance

Monitoring Well	Limit	Range (uMHO/cm)	Average (umhos/cm)
MW-1 (N=13)	Report	180 – 580	253
MW-2 (N=12)	Report	140 – 580	212

- h. Nitrate As N: The previous licensing action contained, and this licensing action is carrying forward, a seasonal (April – October) nitrate limitation of 10 mg/mL to be monitored once per quarter. Nitrogen compounds are by-products of the biological breakdown of ammonia and organic nitrogen, and are inherent in domestic-like sanitary wastewater. Because nitrate-nitrogen is weakly absorbed by soil, it functions as a reliable indicator of contamination from waste-disposal sites. Also, elevated levels of nitrate-nitrogen in the drinking water supply are of human health concern. The limit of 10 mg/L is a National Primary Drinking Water standard.

The Department reviewed DMRs for MW-1 and MW-2 that were submitted for the period June 2021 through September 2025. A review of the data indicates the following:

Nitrate As N

Monitoring Well	Limit (mg/L)	Range (mg/L)	Average (mg/L)
MW-1 (N=13)	10	0.03 – 0.50	0.13
MW-2 (N=12)	10	0.04 – 0.50	0.09

- i. Total Phosphorus: The previous licensing action contained, and this licensing action is carrying forward a daily maximum concentration reporting requirement for total phosphorous during the critical warm season of June 1 through September 30 of each year to assist the licensee and the Department in evaluating potential impacts resulting from the authorized discharge via the

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

subsurface system. The previous licensing action also contained, and this licensing action is carrying forward a seasonal (April – October), once per quarter monitoring requirement to measure total Phosphorus in ground water.

The Department reviewed the DMRs that were submitted for the monitoring period of June 2021 through September 2025. A review of the data indicates the following:

Total phosphorus

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
MW-1 (N = 13)	Report	0.03 – 0.17	0.10
MW-2 (N = 12)	Report	0.06 – 0.10	0.09

- j. **pH:** The previous licensing action contained, and this licensing action is carrying forward the pH range limitation of 6.0 – 9.0 standard units (S.U.) in monitored ground water based on a National Secondary Drinking Water Standard established by the U.S. Environmental Protection Agency (USEPA) for drinking water. Monitoring is to be conducted once per quarter during the period of April through October of every year.

The Department reviewed the DMRs that were submitted for the monitoring period of June 2021 through September 2025. A review of the data indicates the following:

pH

Value	Limit (SU)	Minimum (SU)	Maximum (SU)
MW-1 (DMRs=13)	6.0 – 9.0	6.0	8.0
MW-2 (DMRs=12)	6.0 – 9.0	6.1	7.9

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-DEGRADATION

As licensed, 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 GW-A.

10. PUBLIC COMMENTS

Public notice of this application was made in *The Reporter* newspaper on or about November 2, 2023. 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 licenses 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

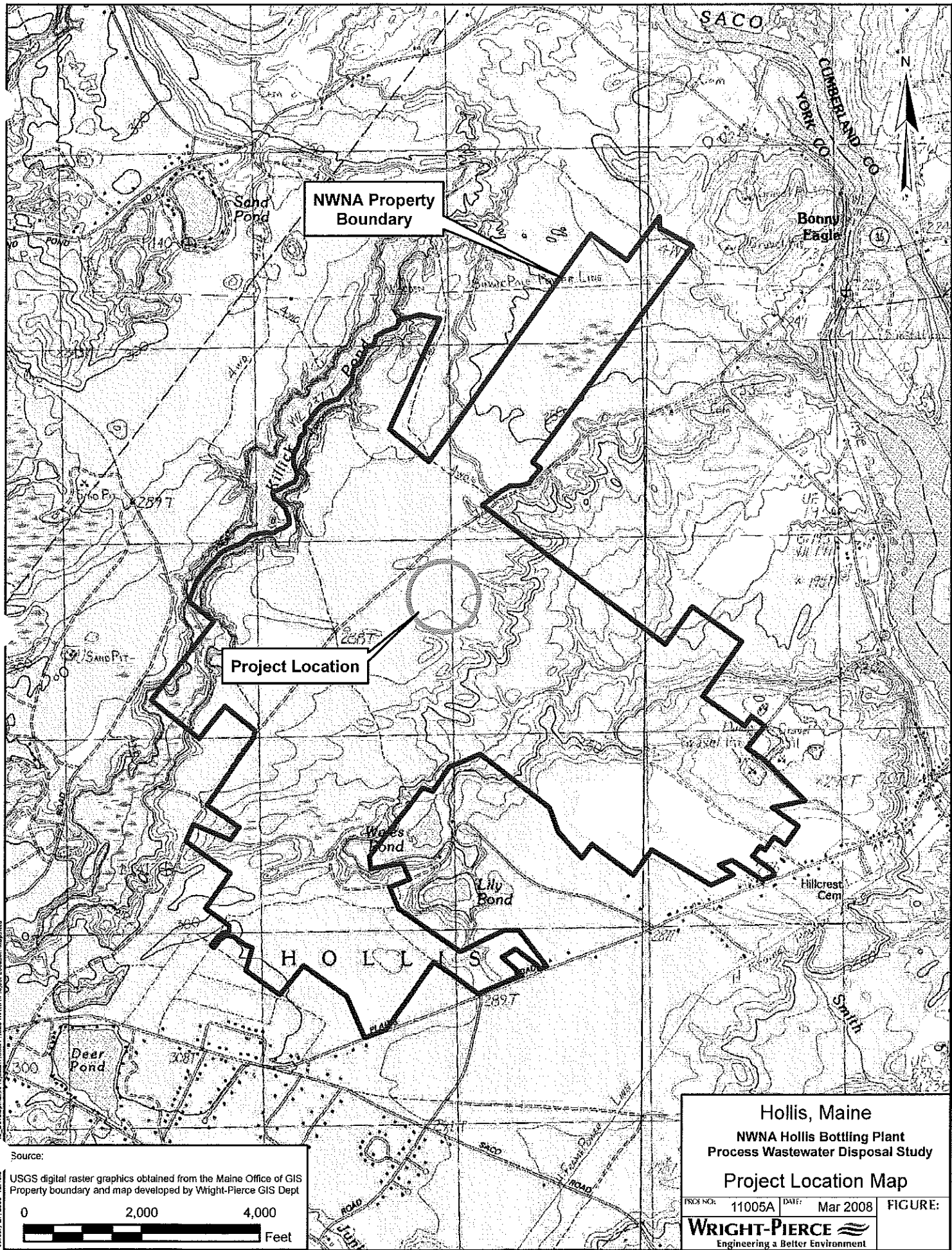
Additional information concerning this licensing action may be obtained from, and written comments sent to:

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

12. RESPONSE TO COMMENTS

During the period from April 14, 2026 through May 14, 2026, 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



NWNA Property Boundary

Project Location

HOLLIS

SACO

CUMBERLAND CO
YORK CO

Bonny Eagle

Sand Pond

Miller Pond

Waves Pond

Lily Pond

Dear Pond

Hillcrest Cem

Smith

Source:
USGS digital raster graphics obtained from the Maine Office of GIS
Property boundary and map developed by Wright-Pierce GIS Dept

0 2,000 4,000 Feet

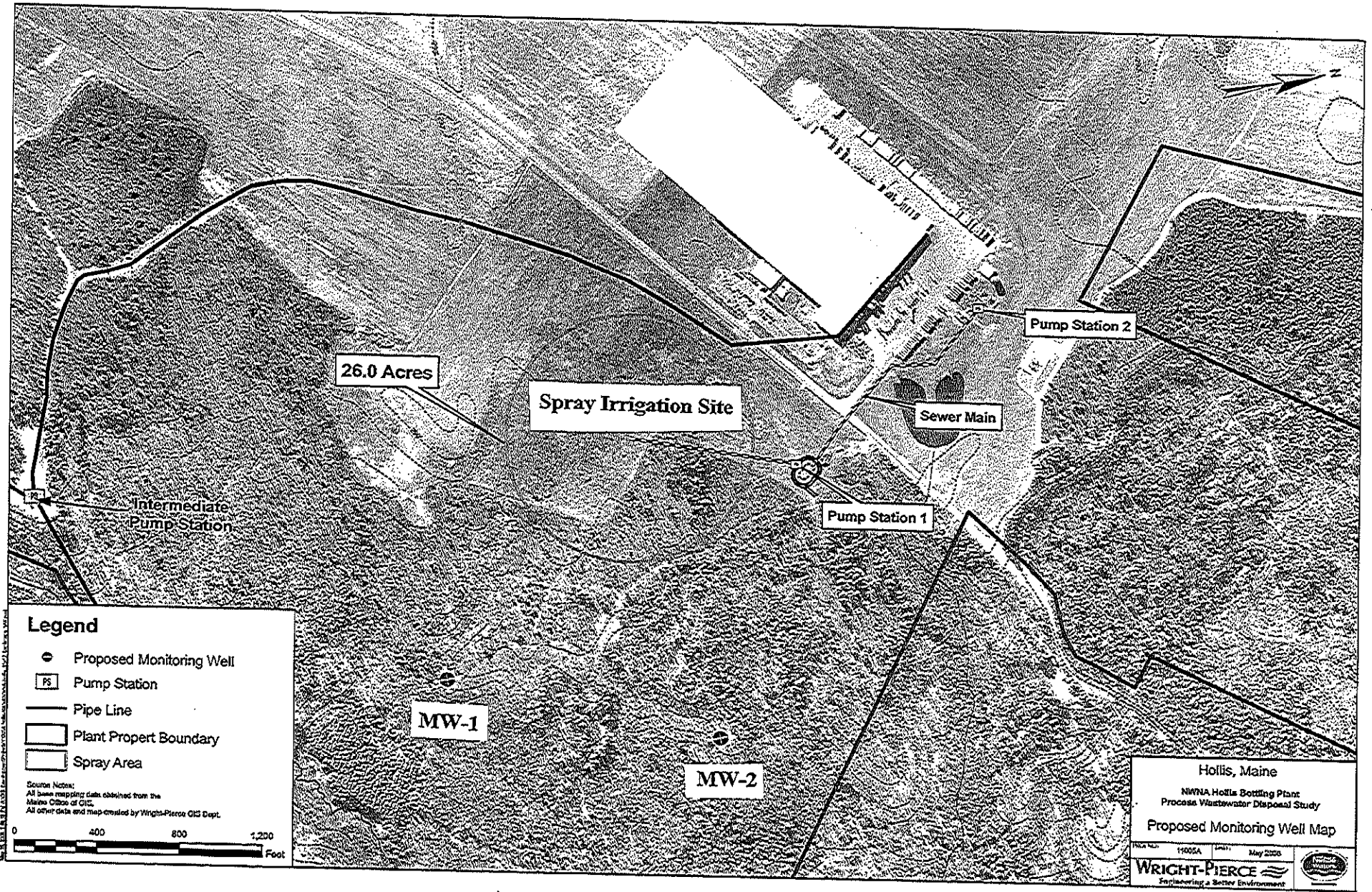
Hollis, Maine
NWNA Hollis Bottling Plant
Process Wastewater Disposal Study
Project Location Map

PROJ NO: 11005A DATE: Mar 2008 FIGURE:

WRIGHT-PIERCE
Engineering a Better Environment

B:\Development\Projects\11005A-Hollis-NWNA\Project-Location-Map.aprx
February 27, 2008 12:46:53

ATTACHMENT B



Legend

- ⊙ Proposed Monitoring Well
- PS Pump Station
- Pipe Line
- ▭ Plant Property Boundary
- ▭ Spray Area

Source Notes:
 All base mapping data obtained from the
 Maine Office of GIS.
 All other data and map created by Wright-Pierce GIS Dept.



Hollis, Maine
 NHWA Hollis Bottling Plant
 Process Wastewater Disposal Study
Proposed Monitoring Well Map

19005A (REV) May 2000

WRIGHT-PIERCE
 Engineering a Better Environment

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

A. GENERAL PROVISIONS

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

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

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

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

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

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

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

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

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

B. OPERATION AND MAINTENANCE OF FACILITIES

1. General facility requirements.

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

5. Bypasses.

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

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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

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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.

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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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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.

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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 or
(207) 314-1458

SUMMARY

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

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

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

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

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

DEADLINE TO SUBMIT AN APPEAL TO THE BOARD

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

HOW TO SUBMIT AN APPEAL TO THE BOARD

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

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

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

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

REQUIRED APPEAL CONTENTS

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

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with the administrative record.* Generally, the record on which the Board decides an appeal is limited to the record prepared by the agency in its review of the application, any supplemental evidence admitted to the record by the Board Chair and, if a hearing is held on the appeal, additional evidence admitted during the hearing. A person who seeks to appeal a decision to the Board is encouraged to contact the DEP (or State Fire Marshal for Clean-up and Response Fund decisions made by that agency) to inspect the record before filing an appeal.
2. *Be familiar with the applicable rules and laws.* An appellant is required to identify the licensing criterion or standard the appellant believes was not satisfied in issuing the decision, the bases of the objections or challenges, and the remedy sought. Prior to filing an appeal, review the decision being appealed to identify the rules and laws that are applicable to the decision. An appellant may contact the DEP or Board staff with any questions regarding the applicable rules and laws or the appeal procedure generally.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed, the license normally remains in effect pending the processing of the appeal. Unless a separate stay of the decision is requested and granted (*see* Chapter 2, section 23(M)), the licensee may proceed with an approved project pending the outcome of the appeal. Any activity initiated in accordance with the approved license during the pendency of the appeal comes with the risk of not knowing the outcome of the appeal, including the possibility that the decision may be reversed or modified by the Board.
4. *Alternative dispute resolution.* If the appeal participants agree to use mediation or another form of alternative dispute resolution (“ADR”) to resolve the appeal and so notify the Board, the Board will not hear the matter until the conclusion of that effort, provided the participants engaged in the alternative dispute resolution demonstrate satisfactory progress toward resolving the issues. *See* Chapter 2, section 23(H) or contact the Board Executive Analyst (contact information below) for more information on the ADR provision.

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

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

II. JUDICIAL APPEALS

The filing of an appeal with the Board is not a prerequisite for the filing of a judicial appeal. Maine law generally allows aggrieved persons to appeal final license decisions to Maine's Superior Court (*see* [38 M.R.S. § 346\(1\)](#); [Chapter 2](#); [5 M.R.S. § 11001](#); and [M.R. Civ. P. 80C](#)). A judicial appeal by a party to the underlying proceeding must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other aggrieved person, an appeal must be filed within 40 days of the date the decision was rendered. An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. *See* 38 M.R.S. § 346(4), the Maine Administrative Procedure Act, statutes governing a particular license decision, and the Maine Rules of Civil Procedure for substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

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

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