



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

August 5, 2026

Mr. Jason Ingalls
Town of Millinocket
197 Penobscot Avenue
Millinocket, ME 04462

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

***RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0100803
Maine Waste Discharge License (WDL) Application #W00280-6D-J-R
Proposed Permit/License***

Dear Mr. Ingalls:

Enclosed is a **proposed draft** MEPDES permit and Maine WDL which the Department proposes to issue as a final document for your facility after opportunity for your review and comment. By transmittal of this letter, you are provided with an opportunity to comment on the proposed draft permit and its conditions (special conditions specific to this permit are enclosed). If it contains errors or does not accurately reflect present or proposed conditions, please respond to this Department so that changes can be considered.

By copy of this letter, the Department is requesting comments on the proposed draft permit from various state and federal agencies and from any other parties who have notified the Department of their interest in this matter.

The comment period begins today Wednesday, August 05, 2026, and ends **Friday, September 4, 2026**. All comments on the proposed draft permit must be received in the Department of Environmental Protection office on or before the close of business Friday, September 04, 2026. Failure to submit comments in a timely fashion will result in the proposed draft/license permit document being issued as drafted.

Town of Millinocket
August 5, 2026
Page 2 of 2

Comments in writing should be submitted to my attention at the following address:

Maine Department of Environmental Protection
Bureau of Water Quality
Division of Water Quality Management
17 State House Station
Augusta, ME 04333-0017

If you have any questions regarding the matter, please feel free to call me at 207-215-6856 or email me at Asenath.Frizzell@maine.gov.

Sincerely,



Asenath Frizzell
Division of Water Quality Management
Bureau of Water Quality

Enc.

cc: Gary Brooks, DEP
Wendy Garland, DEP
Gregg Wood, DEP
Holly Ireland, DEP
Laura Crossley, DEP
Lori Mitchell, DEP
Michael Cobb, USEPA
Kathryn Rosenberg, USEPA
Richard Carvalho, USEPA
Sean Mahoney, CLF



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

IN THE MATTER OF

TOWN OF MILLINOCKET	)	MAINE POLLUTANT DISCHARGE
PUBLICLY OWNED TREATMENT WORKS	)	ELIMINATION SYSTEM PERMIT
MILLINOCKET, PENOBSCOT COUNTY, MAINE)		AND
ME0100803	)	WASTE DISCHARGE LICENSE
W002680-6D-J-R	)	RENEWAL
APPROVAL		

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

APPLICATION SUMMARY

On April 9, 2021, the Department accepted as complete for processing an application from the Town of Millinocket for renewal of combination Waste Discharge License (WDL) # W002680-6D-I-R / Maine Pollutant Discharge Elimination System (MEPDES) permit # ME0100803, which was issued by the Department on June 7, 2016 for a five-year term. The June 7, 2016 permit authorized the monthly average discharge of 2.33 million gallons per day (MGD) of secondary treated sanitary wastewater from a publicly owned treatment works (POTW) to the West Branch of the Penobscot River, Class C, in Millinocket, Maine.

PERMIT SUMMARY

a. Terms and Conditions

This permitting action is carrying forward all the terms and conditions from the previous permitting action and it is:

1. Expanding the *Escherichia coli* (*E.coli*) bacteria monitoring season from May 15th – September 30th, to April 15th – October 31st pursuant to 38 M.R.S § 465(3)(B);
2. Revising the *E. coli* monthly average limit from 126 colonies/100 mL to 64 colonies/100 mL, and the daily maximum from 949 colonies/100mL to 236 colonies/100mL pursuant to 38 M.R.S. § 465 (3)(B); and

3. Revising the classification of the West Branch of the Penobscot River, from the confluence with Millinocket Stream to its confluence with the East Branch of the Penobscot River, including all impoundments, from Class C to Class B pursuant to 38 M.R.S. § 467(7)(C)(1)(g).
4. Establishing report only monthly average and daily maximum concentration limitations and a once per month (1/Month) effluent and ambient total phosphorus sampling from June 1st through September 30th for the last two years of this permit term.

CONCLUSIONS

BASED on the findings in the attached PROPOSED Fact Sheet dated August 5, 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 *Conditions of licenses*, 38 M.R.S. § 414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the above noted application of the TOWN OF MILLINOCKET to discharge a monthly average of 2.33 million gallons per day of secondary treated sanitary wastewater from the permittee's facility to the West Branch of the Penobscot River, Class B, in Millinocket, Maine, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

1. *"Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable to All Permits,"* revised July 1, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This permit becomes effective upon the date of signature below and expires at midnight five (5) years from the effective date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the terms and conditions of this permit and all subsequent modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. *Maine Administrative Procedure Act*, 5 M.R.S. § 10002 and Department Rule *Concerning the Processing of Applications and Other Administrative Matters*, 06-096 C.M.R. ch. 2(20)(A) effective September 15, 2024).

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
For Melanie Loyzim, Commissioner

Date of initial receipt of application: March 30, 2021

Date of application acceptance: April 9, 2021

This Order prepared by Asenath Frizzell, Bureau of Water Quality

SPECIAL CONDITIONS**A. AUTHORIZED DISCHARGES**

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on April 9, 2021, 2) the terms and conditions of this permit; and 3) only from Outfall #001A. Discharges of wastewater from any other point source are not authorized under this permit, and must be reported in accordance with Standard Condition D(1)(f), *Twenty-four hour reporting*, of this permit.

B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge secondary treated sanitary wastewater from **Outfall #001A** to the West Branch of the Penobscot River in Millinocket, Maine. Such discharges are limited and must be monitored by the permittee as specified below⁽¹⁾:

Effluent Limitations			Discharge Limitations			Minimum Monitoring Requirements		
	Monthly Average	Weekly Average	Daily Maximum	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow [50050]	2.33 MGD [03]	---	Report MGD [03]	---	---	---	Continuous [99/99]	Recorder [RC]
BOD ₅ [00310]	583 lbs./day [26]	874 lbs./day [26]	972 lbs./day [26]	30 mg/L [19]	45 mg/L [19]	50 mg/L [19]	1/Week [01/07]	24-Hour Composite [24]
BOD ₅ Percent Removal ⁽²⁾ [81010]	---	---	---	85% [23]	---	---	1/Month [01/30]	Calculate [CA]
TSS [00530]	583 lbs./day [26]	874 lbs./day [26]	972 lbs./day [26]	30 mg/L [19]	45 mg/L [19]	50 mg/L [19]	1/Week [01/07]	24-Hour Composite [24]
TSS Percent Removal ⁽²⁾ [81011]	---	---	---	85% [23]	---	---	1/Month [01/30]	Calculate [CA]

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 (DMRs). **Footnotes:** See Pages 8-12 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

2. The permittee is authorized to discharge secondary treated sanitary wastewater from **Outfall #001A** to the West Branch of the Penobscot River in Millinocket, Maine. Such discharges are limited and must be monitored by the permittee as specified below⁽¹⁾:

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
E. coli Bacteria ⁽³⁾ (April 15 – October 31) [31633]			64 /100mL ⁽⁴⁾ [13]	236 / 100mL ⁽⁴⁾ [13]	2/Week ⁽⁵⁾ [02/07]	Grab [GR]
Total Residual Chlorine ⁽⁶⁾ [50060]	---	---	---	1.0 mg/L [19]	1/Day [01/01]	Grab [GR]
pH ⁽⁷⁾ [00400]	---	---	---	6.0 – 9.0 S.U. [12]	1/Week [01/07]	Grab [GR]
Mercury (Total) ⁽⁸⁾ [71900]	---	---	12.4 ng/L [3M]	18.6 ng/L [3M]	1/Year [01/YR]	Grab [GR]
Total Phosphorus ^(9a) [00665] (June 1 st – September 30 th) Last 2 years of permit	---	---	Report Only [19]	Report Only [19]	1/Month [01/30]	Grab [GR]

The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports (DMRs). **Footnotes:** See Pages 8-12 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

3. The permittee must collect ambient data from the West Branch of the Penobscot River in Millinocket and record the data as **Outfall #001B**, for the last two years of the permitting term. Such discharges are limited and must be monitored by the permittee as specified below⁽¹⁾:

Ambient Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Total Phosphorus ^(9b) [00665] (June 1 st – September 30 th)	---	---	Report Only [19]	Report Only [19]	1/Month [01/30]	Grab [GR]

The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports (DMRs). **Footnotes:** See Pages 8-12 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

4. **SCREENING LEVEL** - Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement.

Effluent Characteristics	Discharge Limitations			Minimum Monitoring Requirement		
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Whole Effluent Toxicity^(10b) Acute (A-NOEL) <i>Ceriodaphnia dubia</i> (Water flea) [TDA3B] <i>Salvelinus fontinalis</i> (Brook trout) [TDA6F] Chronic (C-NOEL) <i>Ceriodaphnia dubia</i> (Water flea) [TBP3B] <i>Salvelinus fontinalis</i> (Brook trout) [TBQ6F]	---	---	---	Report % [23] Report % [23]	1/Year [01/YR] 1/Year [01/YR]	Composite [24] Composite [24]
Analytical Chemistry^(11b, 13) [51477]	---	---	---	Report µg/L [28]	1/Quarter [01/90]	Composite/ Grab [24]
Priority Pollutant^(12b, 13) [50008]	---	---	---	Report µg/L [28]	1/Year [01/YR]	Composite/ Grab [24]

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 (DMRs). **Footnotes:** See Pages 8-12 of this permit for applicable footnotes.

SPECIAL CONDITIONS

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

FOOTNOTES

1. **Sampling – Influent Samples** for BOD₅ and TSS must be collected in the wet well of the last pump station prior to being conveyed to the treatment facility. **Effluent Samples** for all parameters must be collected after the last treatment process prior to discharge to the receiving water. The permittee may move the effluent sampling point to the operations building when the facility is *NOT* chlorinating or dechlorinating the effluent. Any change in sampling location(s) must be reviewed and approved by the Department in writing. The permittee must conduct sampling and analysis in accordance with; a) methods approved by 40 Code of Federal Regulations (C.F.R.) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 C.F.R. Part 136, or c) as otherwise specified by the Department.

Samples that are sent out for analysis must be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services for wastewater. Samples that are sent to another 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 permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 C.F.R. Part 136 or as specified in this permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the discharge monitoring report (DMR).

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

2. **BOD₅ and TSS Percent Removal** – The treatment facility must maintain a minimum of 85 percent removal of BOD₅ and a minimum of 85% removal for TSS for all flows receiving secondary treatment. Compliance with the limitation is based on a twelve-month rolling average. Calendar monthly average percent removal values must be calculated based on influent and effluent concentrations. The twelve-month rolling average calculation is based on the most recent twelve-month period.
3. ***E. coli* Bacteria** – Limits and monitoring requirements are seasonal and apply between April 15th and October 31st of each year. In accordance with 38 M.R.S. § 414-A(5), the Department may, at any time and with notice to the permittee, modify this permit to establish bacteria limitations on a year-round basis to protect the health, safety, and welfare of the public.
4. **Bacteria Reporting** – The monthly average *E. coli* bacteria limitation is a geometric mean limitation and sample results must be reported as such. Results must be expressed in MPN/100 mL or CFU/100 mL.
5. **Two/Week Sampling Requirement** – There must be at least one day between sampling events when required to sample 2/week.
6. **Total Residual Chlorine (TRC) Monitoring** – Limitations and monitoring requirements are in effect any time elemental chlorine or chlorine-based compounds are utilized to disinfect the discharge(s). The permittee must utilize a USEPA-approved test method capable of bracketing the TRC limitations specified in this permitting action. For instances when a facility has not disinfected with chlorine-based compounds for an entire reporting period, the facility must report “N9” for this parameter on the monthly DMR.
7. **pH** - The pH value of the effluent must not be lower than 6.0 S.U. nor higher than 9.0 S.U. at any time unless due to natural causes.
8. **Mercury** – The permittee must conduct all mercury monitoring required by this permit to determine compliance with interim limitations established pursuant to 06-096 C.M.R. ch. 519 in accordance with the U.S. Environmental Protection Agency’s (USEPA) “clean sampling techniques” found in USEPA Method 1669, *Sampling Ambient Water For Trace Metals At EPA Water Quality Criteria Levels*. All mercury analysis must be conducted in accordance with USEPA Method 1631E, *Determination of Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Atomic Fluorescence Spectrometry*. For the most up-to-date reporting form use [“Whole Effluent Toxicity, Chemistry, and Mercury Reporting Forms”](#) for a reporting form for mercury test results. Compliance with the monthly average limitation established in Special Condition A of this permit will be based on the cumulative arithmetic mean of all mercury tests results that were conducted utilizing sampling method 1669 and analysis Method 1631E on file with the Department for this facility.

9. Total Phosphorus – See Attachment D of this Fact Sheet for Protocol for Total Phosphorus Sample Collection and Analysis for Wastewater and Receiving Water Monitoring Required by Permits.

- a. **Effluent Sampling** – Sample should be taken at the effluent sampling location. Monitoring and Reporting total phosphorus concentrations are only required seasonally June 1 – September 30th of the last two years of this permitting term.
- b. **Ambient Sampling** – Sample should be taken above the facility's outfall. Monitoring and Reporting total phosphorus concentrations are only required seasonally June 1 – September 30th of the last two years of this permitting term.

10. Whole Effluent Toxicity (WET) Testing – Definitive WET testing is a multi-concentration testing event (a minimum of five dilutions bracketing the critical acute and chronic thresholds of 0.71% and 0.16%, respectively), which provides a point estimate of toxicity in terms of No Observed Effect Level or Concentration, commonly referred to as NOEL or NOEC. A-NOEL is defined as the acute no observed effect level with survival as the end point. C-NOEL is defined as the chronic no observed effect level with survival, reproduction, and growth as the end points. The critical acute and chronic thresholds were derived as the mathematical inverse of the applicable acute and chronic dilution factors of 141:1 and 617:1, respectively.

- a. **Surveillance level testing** – Waived pursuant to Department rule, 06-096 C.M.R. 530 ch. 2 (D)(3).
- b. **Screening level testing** – Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement. The permittee must conduct screening level WET testing at a minimum frequency of once per year (1/Year) on the water flea and brook trout.

WET test results must be submitted to the Department not later than the next DMR required by the permit, provided, however, that the permittee may review the toxicity reports for up to 10 business days of their availability from the laboratory before submitting them. The permittee must evaluate test results being submitted and identify to the Department possible exceedances of the critical acute and chronic water quality thresholds of 0.71% and 0.16%, respectively.

Toxicity tests must be conducted by an experienced laboratory approved by the Department. The laboratory must follow procedures as described in the following USEPA methods manuals.

- a. U.S. Environmental Protection Agency. 2002. *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms*, 5th ed. EPA 821-R-02-012. U.S. Environmental Protection Agency, Office of Water, Washington, D.C., October 2002 (the acute method manual).
- b. U.S. Environmental Protection Agency. 2002. *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms*, 4th ed. EPA 821-R-02-013. U.S. Environmental Protection Agency, Office of Water, Washington, D.C., October 2002 (the freshwater chronic method manual).

Results of WET tests must be reported on the "[Whole Effluent Toxicity, Chemistry and Mercury Reporting Forms](#)" form each time a WET test is performed.

The permittee must analyze the effluent for the analytical chemistry and priority pollutant parameters specified on the "[Whole Effluent Toxicity, Chemistry and Mercury Reporting Forms](#)" form each time a WET test is performed.

11. Analytical Chemistry – Refers to those pollutants listed in their respective categories on the "[Whole Effluent Toxicity, Chemistry and Mercury Reporting Forms](#)".

- c. **Surveillance level testing** – Waived pursuant to Department rule, 06-096 C.M.R. 530 ch. 2 (D)(3).
- b. **Screening level testing** – Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement. The permittee must conduct screening level analytical chemistry testing at a minimum frequency of four times per year (4/Year) in successive calendar quarters.

12. Priority Pollutant Testing – Refers to those pollutants listed in their respective categories on the "[Whole Effluent Toxicity, Chemistry and Mercury Reporting Forms](#)".

- a. **Surveillance level testing** – Waived pursuant to Department rule, 06-096 C.M.R. 530 ch. 2 (D)(3).
- b. **Screening level testing** – Beginning 24 months prior to permit expiration and lasting through 12 months prior to permit expiration (Year 4 of the term of the permit) and every five years thereafter if a timely request for renewal has been made and the permit continues in force, or is replaced by a permit renewal containing this requirement. The permittee must conduct screening level priority pollutant testing at a minimum frequency of once per year

(1/Year) in any calendar quarter provided the sample is representative of the discharge and any seasonal or other variations in effluent quality.

- 13. Analytical Chemistry and Priority Pollutant Testing** – Testing must be conducted on samples collected at the same time as those collected for whole effluent toxicity tests, when applicable, and must be conducted using methods that permit detection of a pollutant at existing levels in the effluent or that achieve the most current minimum reporting levels of detection as specified by the Department.

Analytical chemistry and priority pollutant test results must be submitted to the Department not later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, that the permittee may review the laboratory reports for up to 10 business days after receiving the test results from the laboratory conducting the testing before submitting them. The permittee must evaluate test results being submitted and identify to the Department, possible exceedances of the acute, chronic, or human health ambient water quality criteria (AWQC) as established in 06-096 C.M.R. ch. 584 (last amended February 16, 2020). For the purposes of DMR reporting, enter a “1” for **yes**, testing done this monitoring period or “N-9” monitoring **not required** this period.

C. NARRATIVE EFFLUENT LIMITATIONS

1. The permittee must not discharge effluent that contains a visible oil sheen, foam or floating solids at any time which would impair the usages designated for the classification of the receiving waters.
2. The permittee must not discharge effluent that contains materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated for the classification of the receiving waters.
3. The permittee must not discharge effluent that imparts color, taste, turbidity, toxicity, radioactivity or other properties which cause those waters to be unsuitable for the designated uses and characteristics ascribed to their classification.
4. The permittee must not discharge effluent that lowers the quality of any classified body of water below such classification, or lowers the existing quality of any body of water if the existing quality is higher than the classification.

D. TREATMENT PLANT OPERATOR

The person who has management responsibility over the treatment facility must hold a Maine **Grade III**, Biological Treatment certificate (or higher) or must be a Maine Registered Professional Engineer pursuant to *Wastewater Treatment Plant Operators*, 32 M.R.S. § 4171-4182 and *Wastewater Treatment Plant 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 **permittee** may engage the services of the contract operator.

E. LIMITATIONS FOR INDUSTRIAL USERS

Pollutants introduced into the wastewater collection and treatment system by a non-domestic source (user) must not pass through or interfere with the operation of the treatment system. **The Permittee must conduct an Industrial Waste Survey (IWS) any time a new industrial user proposes to discharge within its jurisdiction; an existing user proposes to make a significant change in its discharge; or at an alternative minimum, once every permit cycle,** and submit the results to the Department. The IWS must identify, in terms of character and volume of pollutants, any Significant Industrial Users discharging into the POTW subject to Pretreatment Standards under section 307(b) of the federal Clean Water Act, 40 C.F.R. Part 403 (general pretreatment regulations) or *Pretreatment Program*, 06-096 C.M.R. ch. 528 (last amended March 17, 2008).

F. NOTIFICATION REQUIREMENT

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

1. Any introduction of pollutants into the wastewater collection and treatment system from an indirect discharger in a primary industrial category discharging process wastewater; and
2. Any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants into the system at the time of permit issuance.
3. For the purposes of this section, adequate notice must include information on:
 - (a) The quality and quantity of wastewater introduced to the wastewater collection and treatment system; and
 - (b) Any anticipated impact of the change in the quantity or quality of the wastewater to be discharged from the treatment system.

G. MONITORING AND REPORTING

NPDES Electronic Reporting, 40 C.F.R. Part 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.

Toxics reporting must be done using the Department toxsheet reporting form. An electronic copy of the toxsheet reporting document must be submitted to your Department compliance inspector as an attachment to an email. 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.

H. OPERATION & MAINTENANCE (O&M) PLAN

The permittee must maintain a current written comprehensive Operation & Maintenance (O&M) Plan. The plan must provide a systematic approach by which the permittee must at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit.

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

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

I. WET WEATHER FLOW MANAGEMENT PLAN

The treatment facility staff must have a current written Wet Weather Flow Management Plan to direct the staff on how to operate the facility effectively during periods of high flow. The Department acknowledges that the existing collection system may deliver flows in excess of the monthly average design capacity of the treatment plant during periods of high infiltration and rainfall.

The plan must conform to Department guidelines for such plans and must include operating procedures for a range of intensities, address solids handling procedures (including septic waste and other high strength wastes if applicable) and provide written operating and maintenance procedures during the events.

The permittee must review their plan annually and record any necessary changes to keep the plan up to date. The Department may require review and update of the plan as it is determined to be necessary.

J. STATEMENT FOR REDUCED/WAIVED TOXICS TESTING

In accordance with 06-096 C.M.R. ch. 530(2)(D)(4), and by **December 31** of each calendar year, the permittee must provide the Department with a certification describing any of the following that have occurred since the effective date of this permit [ICIS Code 75305]. See **Attachment C** of the Fact Sheet for an acceptable certification form to satisfy this Special Condition.

- (a) Changes in the number or types of non-domestic wastes contributed directly or indirectly to the wastewater treatment works that may increase the toxicity of the discharge;
- (b) Changes in the operation of the treatment works that may increase the toxicity of the discharge;
- (c) Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge;

In addition, in the comments section of the certification form, the permittee must provide the Department with statements describing;

- (d) Changes in stormwater collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge; and
- (e) Increases in the type or volume of transported (hailed) wastes accepted by the facility.

The Department may require that routine screening or surveillance level testing be re-instated if it determines that there have been changes in the character of the discharge or if annual certifications described above are not submitted.

K. TOTAL PHOSPHORUS SAMPLING PLAN

The Department generally conducts sampling for the purpose of making decisions on the attainment of designated uses or maintenance of existing uses. In accordance with *Nutrient Criteria for Class AA, A, B, and C Fresh Surface Waters*, 06-096 C.M.R. ch. 583(4)(E)(1), the Department may request or require a holder of a Waste Discharge License to conduct sampling of effluent and ambient conditions. This permitting action is establishing a requirement to monitor effluent and ambient

total phosphorus. The permittee must develop and adhere to a phosphorus sampling plan to ensure data integrity. The phosphorus sampling plan must be submitted to the Department for review and acceptance before collecting data. The plan must include but is not limited to:

1. Designation of responsibilities for the data preparation, collection, analysis (including lab and analytical method to be used), and reporting;
2. Sampling procedures including the location;
3. Any training needed for sample collection; and
4. Quality control procedures.

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

L. REOPENING OF PERMIT 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 permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at any time and with notice to the permittee, modify this permit to: (1) include effluent limitations necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded; (2) require additional monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

M. SEVERABILITY

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

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

PROPOSED FACT SHEET

DATE: **August 5, 2026**

MEPDES PERMIT: **ME0100803**
WASTE DISCHARGE LICENSE: **W002680-6D-J-R**

NAME AND ADDRESS OF APPLICANT:

**TOWN OF MILLINOCKET
197 PENOBSCOT AVENUE
MILLINOCKET, ME 04462**

COUNTY: **PENOBSCOT**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**MILLINOCKET WASTEWATER
TREATMENT FACILITY
36 LAGOON ROAD
MILLINOCKET, ME 04462**

RECEIVING WATER / CLASSIFICATION:

**WEST BRANCH OF THE
PENOBSCOT RIVER/CLASS B**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER:

**MR. JASON INGALLS
(207) 723-7040
ww@millinocket.org**

1. APPLICATION SUMMARY

- a. **Application:** On April 9, 2021, the Department accepted as complete for processing an application from the Town of Millinocket for renewal of combination Waste Discharge License (WDL) # W002680-6D-I-R / Maine Pollutant Discharge Elimination System (MEPDES) permit # ME0100803, which was issued by the Department on June 7, 2016 for a five-year term. The June 7, 2016 permit authorized the monthly average discharge of 2.33 million gallons per day (MGD) of secondary treated sanitary wastewater from a publicly owned treatment works (POTW) to the West Branch of the Penobscot River, Class C, in Millinocket, Maine.
- b. **Source Description:** The wastewater treatment facility receives sanitary wastewater flows from a population of approximately 5,200 residential and commercial users within the Town of Millinocket. The Town owns and maintains a sewer collection system that is approximately 36 miles in length and is 100% separated. The collection system has five (5) pump stations (one dedicated to a public school), all with emergency power provisions and audio/visual alarm systems. A map showing the location of the facility and the receiving water is included as Fact Sheet **Attachment A**.
- c. **Wastewater Treatment:** The wastewater treatment facility provides for a secondary level of treatment via three aerated facultative lagoons each with fine bubble diffused aeration (Pond #2 upgraded in 1999 and Pond #1 upgraded in 2001) that can be operated in series or parallel. The three lagoons have a total surface area of 13.1 acres, a total volume of 33.2 million gallons and provides for a detention time of up to 28 days. The effluent from the final lagoon is disinfected by sodium hypochlorite and discharged to the West Branch of the Penobscot River via a reinforced concrete pipe measuring 36-inches in diameter that outlets on the north bank of the river, five feet from shore in a depth of one foot at summer river stage level. During the next scheduled sludge removal, Millinocket plans to replace the existing aeration lines in Pond #3 to provide better mixing and oxygen transfer. A process flow schematic for the facility is included as Fact Sheet **Attachment B**.

2. PERMIT SUMMARY

- a. **Terms and conditions:** This permitting action is carrying forward all the terms and conditions from the previous permitting action and it is:
 1. Expanding the *Escherichia coli* (*E.coli*) bacteria monitoring season from May 15th – September 30th, to April 15th – October 31st pursuant to 38 M.R.S § 465(3)(B);
 2. Revising the *E. coli* monthly average limit from 126 colonies/100 mL to 64 colonies/100 mL, pursuant to 38 M.R.S. § 465 (3)(B); and
 3. Revising the classification of the West Branch of the Penobscot River, from the confluence with Millinocket Stream to its confluence with the East Branch of the

Penobscot River, including all impoundments, from Class C to Class B pursuant to 38 M.R.S. § 467(7)(C)(1)(g).

4. Establishing report only monthly average and daily maximum concentration limitations and a once per month (1/Month) effluent and ambient total phosphorus sampling from June 1st through September 30th for the last two years of this permit term.

- b. **History:** This section provides a summary of significant licensing/permitting actions and milestones that have been completed for the Millinocket Wastewater Treatment Facility.

June 26, 1992 – The U.S. Environmental Protection Agency (USEPA) issued National Pollutant Discharge Elimination System (NPDES) permit #ME0100803 to the Town of Millinocket for a five-year term. This constituted the last USEPA permitting action for the facility.

April 30, 1997 – The Department issued WDL #W-002680-46-D-R for a five-year term.

May 23, 2000 – Pursuant to Maine law, 38 M.R.S. §420 and §413 and Department rule, 06-096 C.M.R. ch. 519, *Interim Effluent Limitations and Controls for the Discharge of Mercury*, the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL #W002680-46-D-R by establishing interim monthly average and daily maximum effluent concentration limits of 12.4 parts per trillion (ppt) and 18.6 ppt, respectively, and a minimum monitoring frequency requirement of 4 tests per year for mercury.

January 12, 2001 – The Department received authorization from the USEPA to administer the NPDES permit program in Maine. From that date forward, the permit program has been referred to as the MEPDES permit program and ME0100803 (same as the NPDES permit) will be the primary reference number for the facility.

May 6, 2003 – The Department issued WDL #W-002680-5L-E-R for a five-year term.

February 11, 2004 – The Department issued WDL #W-002680-5L-F-M / MEPDES Permit #ME0100803 to the Town of Millinocket for the discharge of up to a monthly average of 2.33 MGD of secondary treated sanitary wastewater to the West Branch of the Penobscot River. The Permit/WDL incorporated the terms and conditions of the MEPDES permit program and was issued for a five-year term.

May 25, 2011 – The Department issued MEPDES permit #ME0100803 / WDL #W002680-6D-G-R for a five-year term.

February 6, 2012 – The Department issued a modification of the May 2011 permit to reduce the monitoring frequency for mercury to once per year. MEPDES permit #ME0100803/WDL #W002680-6D-H-M.

June 7, 2016 – The Department issued MEPDES permit #ME0100803 / WDL #W002680-6D-I-R for a five-year term.

September 2019 – The Department started the process to reclassify the main stem of the West Branch of the Penobscot River from Class C to Class B. The reclassification was approved in 2021.

March 30, 2021 – The permittee submitted a timely and complete General Application to the Department for renewal of the June 7, 2016 permit (including subsequent minor permit revisions and permit modifications). The application was accepted for processing on April 9, 2021 and was assigned WDL #W002680-6D-J-R / MEPDES #ME0100803.

3. CONDITIONS OF PERMIT

Conditions of licenses, 38 M.R.S. § 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require 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 major river basins, 38 M.R.S. § 467(7)(C)(1)(g) classifies the West Branch of the Penobscot River from the confluence with Millinocket Stream to its confluence with the East Branch of the Penobscot River, including all impoundments, which includes the river at the point of discharge, as Class B waters. *Standards for classification of fresh surface waters*, 38 M.R.S. § 465(3) describes the standards for Class B waters as follows:

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

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

- B. Class B waters must be of sufficient quality to support all aquatic species indigenous to those waters without detrimental changes in the resident biological community. The dissolved oxygen content of Class B waters may not be less than 7 parts per million or 75% of saturation, whichever is higher, except that for the period from October 1st to May 14th, in order to ensure spawning and egg incubation of indigenous fish species, the 7-day mean dissolved oxygen concentration may not be less than 9.5 parts per million and the one-day minimum dissolved oxygen concentration may not be less than 8.0 parts per million in identified fish spawning areas. Between April 15th and October 31st, the number of Escherichia coli bacteria in these waters may not exceed a geometric mean of 64 CFU or MPN per 100 milliliters over a 90-day interval or 236 CFU or MPN per 100 milliliters in more than 10% of the samples in any 90-day interval.*
- C. Discharges to Class B waters may not cause adverse impact to aquatic life in that the receiving waters must be of sufficient quality to support all aquatic species indigenous to the receiving water without detrimental changes in the resident biological community.*
- (1-A) For the purpose of allowing the discharge of aquatic pesticides or chemicals approved by the department and conducted by the department, the Department of Inland Fisheries and Wildlife or an agent of either agency to restore resident biological communities affected by an invasive species, the department may find that the discharged effluent will not cause adverse impact to aquatic life as long as the materials and methods used do not cause a significant loss of any nontarget species and allow restoration of nontarget species. The department may find that an unavoidable, temporary loss of nontarget species does not constitute a significant loss of nontarget species.*
- (2) For the purpose of allowing the discharge of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety, the department may find that the discharged effluent will not cause adverse impact to aquatic life as long as the materials and methods used provide protection for nontarget species. When the department issues a license for the discharge of aquatic pesticides authorized under this subparagraph, the department shall notify the municipality in which the application is licensed to occur and post the notice on the department's publicly accessible website.*

5. REASONABLE POTENTIAL

Pursuant to 33 U.S.C. § 1311(b)(1)(C) and 40 C.F.R. § 122.44(d)(1), NPDES permits must contain any requirements in addition to technology based effluent limitations (TBELs) that are necessary to achieve water quality standards established under 33 U.S.C. § 1311(b)(1)(C). In addition, limitations “must control any pollutant or pollutant parameter (conventional, non-conventional, or toxic) which the permitting authority determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any water quality standard (WQS), including State narrative criteria for water quality,” 40 C.F.R. § 122.44(d)(1)(i). To determine if the discharge causes, or has the reasonable potential to cause, or

contribute to an excursion above any WQS, EPA considers: 1) existing controls on point and non-point sources of pollution; 2) the variability of the pollutant or pollutant parameter in the effluent; 3) the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity); and 4) where appropriate, the dilution of the effluent by the receiving water. See 40 C.F.R. § 122.44(d)(1)(ii).

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

6. RECEIVING WATER QUALITY CONDITIONS

The State of Maine Department of Environmental Protection 2018/2020/2022 Integrated Water Quality Monitoring and Assessment Report (Report), prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the main stem of the West Branch of the Penobscot River below the confluence with Millinocket Stream, at the point of discharge as the (Assessment Unit ID #ME0102000109_205R01) as Category 4-B: Rivers and Streams Impaired by Pollutants-Pollution Control Requirements Reasonably Expected to Result in Attainment for nutrient/eutrophication biological indicators and dissolved oxygen. The report indicates that from 2013-2019, instantaneous data indicated attainment of dissolved oxygen criteria but collecting continuous data to confirm criteria attainment is still needed. This segment was upgraded from Class C to Class B in 2019. The Department has no information that the discharge from the permittee, as conditioned, causes or contributes to non-attainment of applicable Class B water quality standards.

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

Pursuant to 38 M.R.S. § 420(1-B)(B)(1), "a facility is not in violation of the ambient criteria for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413 subsection 11." Pursuant to 06-096 C.M.R. ch. 519, the Department has established interim monthly average and daily maximum mercury concentration limits and requirements for this facility.

7. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

- a. **Flow:** This permitting action is carrying forward the previously established monthly average discharge flow limitation of 2.33 MGD.

The Department conducted a review of the Discharge Monitoring Reports (DMRs) for the period June 2016 through October 2025 indicates values have reported as follows:

Flow (n = 112)

Value	Limit (MGD)	Range (MGD)	Mean (MGD)
Monthly Average	2.33	0.18 – 2.78*	0.71
Daily Maximum	Report	0.39 – 4.69	1.5

*There was one monthly average exceedance during this period during April 2019.

- b. **Dilution Factors:** The Department established applicable dilution factors for the discharge in accordance with freshwater protocols established in *Surface Water Toxics Control Program*, 06-096 C.M.R. ch. 530 (last amended March 21, 2012). These dilution factors were established based on the 2.33 MGD flow limit to ensure that water quality-based limits are protective of receiving water quality on a year-round basis.

$$\text{Modified Acute} = 500 \text{ cfs} \Rightarrow \frac{(500 \text{ cfs})(0.6464) + (2.33 \text{ MGD})}{(2.33 \text{ MGD})} = 140:1$$

$$\text{Acute: } 1\text{Q}10 = 2,000 \text{ cfs} \Rightarrow \frac{(2,000 \text{ cfs})(0.6464) + (2.33 \text{ MGD})}{(2.33 \text{ MGD})} = 556:1$$

$$\text{Chronic: } 7\text{Q}10 = 2,219 \text{ cfs} \Rightarrow \frac{(2,219 \text{ cfs})(0.6464) + (2.33 \text{ MGD})}{(2.33 \text{ MGD})} = 617:1$$

$$\text{Harmonic Mean: } = 2,364 \text{ cfs} \Rightarrow \frac{(2,364 \text{ cfs})(0.6464) + (2.33 \text{ MGD})}{(2.33 \text{ MGD})} = 657:1$$

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

“Analyses using numerical acute criteria for aquatic life must be based on ¼ of the 1Q10 stream design flow to prevent substantial acute toxicity within any mixing zone and to ensure a zone of passage of at least ¾ of the cross-sectional area of any stream as required by Chapter 581. Where it can be demonstrated that a discharge achieves rapid and complete mixing with the receiving water by way of an efficient diffuser or other effective method, analyses may use a greater proportion of the stream design flow, up to and including all of it, as long as the required zone of passage is maintained.”

The Department’s Division of Environmental Assessment (DEA) has determined that mixing of the effluent with the receiving water is not rapid and complete and

recommends that acute evaluations be based on the default stream design flow of $\frac{1}{4}$ of the 1Q10 in accordance with 06-096 C.M.R. ch. 530(4)(B)(1).

- c. **Biochemical Oxygen Demand (BOD₅) and Total Suspended Solids (TSS):** This permitting action is carrying forward the previously established monthly average and weekly average BOD₅ and TSS concentration limits of 30 milligrams per liter (mg/L) and 45 mg/L, respectively, which were based on secondary treatment requirements pursuant to 40 C.F.R. Part 133.102 and 06-096 C.M.R. ch. 525(3)(III). This permitting action is also carrying forward the previously established daily maximum BOD₅ and TSS concentration limits of 50 mg/L based on a Department best professional judgement (BPJ) of BPT for secondary treated wastewater.

The mass limitations were derived as follows:

$$\text{Monthly Average} = \left(30 \frac{\text{mg}}{\text{L}}\right) * \left(8.34 \frac{\text{lbs}}{\text{gal}}\right) (2.33 \text{ MGD}) = 583 \text{ lbs/day}$$

$$\text{Weekly Average} = \left(45 \frac{\text{mg}}{\text{L}}\right) * \left(8.34 \frac{\text{lbs}}{\text{gal}}\right) * (2.33 \text{ MGD}) = 874 \text{ lbs/day}$$

$$\text{Daily Maximum} = \left(50 \frac{\text{mg}}{\text{L}}\right) * \left(8.34 \frac{\text{lbs}}{\text{gal}}\right) * (2.33 \text{ MGD}) = 972 \text{ lbs/day}$$

All three mass limitations are being carried forward in this permitting action. This permitting action is also carrying forward the requirement for a minimum of 85% removal of BOD₅ & TSS pursuant to 06-096 C.M.R. ch. 525(3)(III)(a&b)(3). This permitting action is also carrying forward the once per month (1/Month) monitoring frequency for percent removal for both BOD₅ and TSS.

The Department conducted a review of the monthly DMRs data for the period June 2016 through October 2025. A review of data indicates the following:

BOD₅ mass (n = 112)

Value	Limit (lbs./day)	Range (lbs./day)	Average (lbs./day)
Monthly Average	583	8 - 226	52
Weekly Average	874	11 - 477	78
Daily Maximum	972	11 - 477	79

BOD₅ concentration (n = 112)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	3.0 - 19	8.4
Weekly Average	45	3.7 - 29	10.6
Daily Maximum	50	4.0 - 29	10.6

TSS Mass (n = 112)

Value	Limit (lbs./day)	Range (lbs./day)	Average (lbs./day)
Monthly Average	583	0.0 - 190	33.1
Weekly Average	874	4.0 - 336	53.2
Daily Maximum	972	4.0 - 336	54.1

TSS Concentration (n = 112)

Value	Limit (mg/L)	Range (mg/L)	Average (mg/L)
Monthly Average	30	1.0 - 17.0	4.8
Weekly Average	45	2.0 - 28	6.6
Daily Maximum	50	2.0 - 28	6.6

In consideration of *Interim Guidance for Performance Based Reductions of NPDES Permit Monitoring Frequencies* (USEPA Guidance April 1996) and, *Performance Based Reduction of Monitoring Frequencies – Modification of EPA Guidance Released April 1996* (Maine DEP May 22, 2014), the June 2016 permitting action established a reduced monitoring frequency for BOD₅ and TSS of once per week (1/Week). This permit is carrying that action forward.

- d. ***Escherichia coli* Bacteria (*E.coli*):** Previous permitting action established seasonal monthly average and daily maximum *E.coli* bacteria limitations of 126 colonies/100 ml (geometric mean) and 949 colonies/100 ml (instantaneous), respectively.

In 2019, Maine's Legislature approved a reclassification of the West Branch of the Penobscot River, from the confluence with Millinocket Stream to its confluence with the East Branch of the Penobscot River, including all impoundments from Class C to Class B. The *E.coli* limits for Class B are stricter than the limits for Class C. Both Class B and C have the same seasonality as well as duration and frequency components.

In 2021, Maine's Legislature approved the amendment of 38 M.R.S. § 465 (3)(b) to update the *E. coli* monitoring season from May 15th through September 30th to April 15th through October 31st, as well as the daily maximum limit from 427 colonies/ 100 mL. Therefore, this permitting action is establishing a monthly average *E. coli* limit of 64 MPN or CFU/ 100 mL and the daily maximum 236 MPN or CFU/ 100 mL with a monitoring season of April 15th through October 31st. The Department reserves the right to impose year-round bacteria limits, if necessary, to protect the health, safety and welfare of the public. The monitoring frequency for *E.coli* bacteria is twice per week (2/Week).

A review of the monthly DMRs data for the period June 2016 through October 2025 indicates the following:

***E. coli* Bacteria (n = 49)**

Value	Limit (col/100 ml)	Range (col/100 ml)	Mean (col/100 ml)
Monthly Average	126	1.0 - 114	19.6
Daily Maximum	949	3.1 - 518	115

- e. **Total Residual Chlorine (TRC):** Previous permitting action established a daily maximum BPT-based concentration limit of 1.0 mg/L. The Department specifies TRC limitations in order to ensure that ambient water quality standards are maintained and that BPT technology is being applied to the discharge. The Department imposes the more stringent of either water quality-based or BPT-based limits.

1. *Water Quality-Based Limit:* With dilution factors as determined above, end-of-pipe (EOP) water quality-based concentration thresholds must be calculated as follows:

Criterion	Dilution Factors	Calculated Threshold
Acute = 0.019 mg/L	1/4 Acute = 140:1	Daily Max. = 2.66 mg/L
Chronic = 0.011 mg/L	Chronic = 617:1	Monthly Average = 6.79 mg/L

Acute Limit = Acute Criteria x Acute Dilution Factor

Acute Limit = 0.019 mg/L (140) = 2.66 mg/L

Chronic Limit = Chronic Criteria x Chronic Dilution Factor

Chronic Limit = 0.011 mg/L (617) = 6.79 mg/L

2. *BPT-Based Limit*

- a. The Department has established a daily maximum BPT limitation of 1.0 mg/L for facilities that disinfect their effluent with elemental chlorine or chlorine-based compounds.
- b. For facilities that must dechlorinate the discharge in order to meet water quality-based thresholds, the Department has established daily maximum and monthly average BPT limits of 0.3 mg/L and 0.1 mg/L, respectively.

The permittee's wastewater treatment process does not include effluent dechlorination following disinfection. This permitting action is carrying forward the daily maximum BPT-based concentration limit of 1.0 mg/L as it is more stringent than the water quality-based thresholds of 2.66 mg/L (acute) and 6.79 mg/L (chronic) as calculated above. The June 2016 permitting action amended the monitoring requirement for TRC from 5/Week to 1/Day (1/Day) at the permittee's request. Although bacteria limitations are seasonal and apply between April 15th and October 31st of each year, the facility must monitor and report TRC during any period that chlorine-based compounds are in use at the facility because chlorine compounds are toxic at all times of the year.

A review of the monthly DMRs data for the period June 2016 through October 2025 indicates the following:

Total Residual Chlorine (n = 2)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	1.0	0.17 - 0.2	0.19

- f. **pH:** This permitting action is carrying forward the previously established technology-based pH range limitation of 6.0 – 9.0 standard units pursuant to 06-096 C.M.R. ch. 525(3)(III)(c). Based on the consistent nature of the wastewater, as well as facility compliance, the June 2016 permitting action reduced the monitoring frequency for pH from twice per week (2/Week) to once per week (1/Week), this monitoring frequency is also being carried forward in this permitting action.

A review of the monthly DMRs data for the period June 2016 through October 2025 indicates the following:

pH (n = 60)

Value	Limit (SU)	Range (SU)
Range	6.0 – 9.0	6.30 – 9.60*

*There were two exceedances that occurred during this period in May 2017 and May 2018.

- g. **Total Phosphorus:** *Waste Discharge License Conditions*, 06-096 C.M.R. ch. 523 specifies that water- quality-based limits are necessary when it has been determined that a discharge has a reasonable potential to cause or contribute to an excursion above any State water quality standard including State narrative criteria. In addition, 06-096 C.M.R. ch. 523 specifies that water-quality-based limits may be based upon criterion derived from a proposed State criterion or from an explicit State policy or regulation interpreting its narrative water quality criterion. On June 11, 2025, U.S. EPA Region 1 approved the State of Maine's *Nutrient Criteria for Class AA, A, B, and C Fresh Surface Waters* (06-096 C.M.R. ch. 583). This rule includes criteria for the protection of fresh surface waters from eutrophication impacts due to the discharge of total phosphorus (TP). Under this rule, the West Branch of the Penobscot River at Millinocket, a Class B water, has an in-stream TP limit of 30 µg/L (0.030 mg/L) during August median flow conditions.

Due to no previous total phosphorus data being collected for neither ambient nor effluent for the Town of Millinocket facility, no reasonable potential (RP) analysis could be completed. To ensure a defensible analysis for river conditions, this permitting action is establishing a report only, once per month (1/month) monitoring of ambient total phosphorus upstream of the discharge by the permittee from June 1st to September 30th and a report only, once per month (1/month) monitoring of effluent total phosphorus by the permittee from June 1st to September 30th. The permittee is to sample during June 1st through September 30th for the last two years of this permit term.

- h. **Mercury:** Pursuant to 38 M.R.S. § 420, 38 M.R.S. § 413 and 06-096 C.M.R. ch. 519, the Department issued a *Notice of Interim Limits for the Discharge of Mercury* to the permittee thereby administratively modifying WDL # W002680-46-D-R by establishing interim monthly average and daily maximum effluent concentration limits of 12.4 parts per trillion (ppt) and 18.6 ppt, respectively, and a minimum monitoring frequency requirement of 4 tests per year for mercury. 38 M.R.S. § 420(1-B)(B)(1) provides that a facility is not in violation of the AWQC for mercury if the facility is in compliance with an interim discharge limit established by the Department.

On February 6, 2012, the Department issued a minor revision to the May 25, 2011 permit thereby revising the minimum monitoring frequency requirement from four times per year to once per year (1/Year) pursuant to 38 M.R.S. § 420(1-B)(F). This minimum monitoring frequency was carried forward in the 2016 permit and is being continued in this permitting action.

A review of the Mercury results submitted throughout the life of the facility from 1997 through 2025 indicates results have been reported as follows:

Mercury (n = 54)

Value	Limit (ng/L)	Range (ng/L)	Mean (ng/L)
Monthly Average	12.4	1.10 – 17.1	6.2
Daily Maximum	18.6		

- i. **Whole Effluent Toxicity (WET), Priority Pollutant, and Analytical Chemistry Testing**

38 M.R.S. § 414-A and 38 M.R.S. § 420 prohibit the discharge of effluents containing substances in amounts that would cause the surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the USEPA. 06-096 C.M.R. ch. 530 sets forth effluent monitoring requirements and procedures to establish safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected and narrative and numeric water quality criteria are met. 06-096 C.M.R. ch. 584 sets forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

WET, priority pollutant and analytical chemistry testing, as required by 06-096 C.M.R. ch. 530, is included in this permit in order to characterize the effluent. WET monitoring is required to assess and protect against impacts upon water quality and designated uses caused by the aggregate effect of the discharge on specific aquatic organisms. Acute and chronic WET tests are performed on the water flea (*Ceriodaphnia dubia*) and the brook trout (*Salvelinus fontinalis*). Chemical-specific monitoring is required to assess the levels of individual toxic pollutants in the discharge, comparing each pollutant to acute, chronic, and human health water quality criteria. Analytical Chemistry and Priority Pollutant refers to those

pollutants listed in their respective categories on the [“Whole Effluent Toxicity, Chemical, and Mercury Reporting Forms.”](#)

06-096 C.M.R. ch. 530(2)(A) specifies the dischargers subject to the rule as:

“All licensed dischargers of industrial process wastewater or domestic wastes discharging to surface waters of the State must meet the testing requirements of this section. Dischargers of other types of wastewater are subject to this subsection when and if the Department determines that toxicity of effluents may have reasonable potential to cause or contribute to exceedances of narrative or numerical water quality criteria.”

Millinocket discharges domestic (sanitary) wastewater to surface waters and is therefore subject to the testing requirements of the toxics rule.

06-096 C.M.R. ch. 530(2)(B) categorizes dischargers subject to the toxics rule into one of four levels (Levels I through IV).

The four categories for dischargers are as follows:

Level I	Chronic dilution factor of <20:1
Level II	Chronic dilution factor of $\geq 20:1$ but <100:1.
Level III	Chronic dilution factor $\geq 100:1$ but <500:1 or >500:1 and $Q \geq 1.0$ MGD
Level IV	Chronic dilution >500:1 and $Q \leq 1.0$ MGD

Based on the criteria, the permittee’s facility is considered a Level III discharger as the chronic dilution of the receiving water is 617:1 and the permitted flow is greater than or equal to 1.0 MGD. 06-096 C.M.R. ch. 530(2)(D) specifies *default* WET, priority pollutant, and analytical chemistry test schedules for Level III dischargers as follows.

Surveillance Level Testing

Level	WET Testing	Priority pollutant testing	Analytical chemistry
III	1 per year	None required	1 per year

Screening Level Testing

Level	WET Testing	Priority pollutant testing	Analytical chemistry
III	1 per year	1 per year	4 per year

This permit provides for reconsideration of effluent limits and monitoring schedules after evaluation of toxicity testing results. The monitoring schedule includes consideration of results currently on file, the nature of the wastewater, existing treatment, and receiving water characteristics.

- a. **Whole Effluent Toxicity (WET):** The June 7/2016 permit did not establish any WET limitations as a statistical evaluation, at the time all results indicated no reasonable potential or exceedances. 06-096 C.M.R. ch. 530(3)(E) states:

“For effluent monitoring data and the variability of the pollutant in the effluent, the Department shall apply the statistical approach in Section 3.3.2 and Table 3-2 of USEPA’s “Technical Support Document for Water Quality-Based Toxics Control” (USEPA Publication 505/2-90-001, March, 1991, EPA, Office of Water, Washington, D.C.) to data to determine whether water-quality based effluent limits must be included in a waste discharge license. Where it is determined through this approach that a discharge contains pollutants or WET at levels that have a reasonable potential to cause or contribute to an exceedance of water quality criteria, appropriate water quality-based limits must be established in any licensing action.”

On October 23, 2025, the Department conducted a statistical evaluation on the most recent 60 months of WET test results on file with the Department for the Millinocket POTW in accordance with the statistical approach outlined above. The October 23, 2025 statistical evaluation indicates the discharge from the Millinocket POTW has not exceeded or demonstrated a reasonable potential to exceed the critical acute or chronic ambient water quality thresholds for the water flea (*Ceriodaphnia dubia*) or brook trout (*Salvelinus fontinalis*).

06-096 C.M.R. ch. 530(2)(D)(3)(b) states, “Dischargers in Levels III and IV may be waived from conducting surveillance testing for individual WET species or chemicals provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedances...” Based on the provisions of 06-096 C.M.R. ch. 530 and Department best professional judgment, this permitting action is waiving surveillance level WET testing requirements for this facility. Special Condition J. *Statement For Reduced/Waived Toxics Testing* of this permit explains the statement required by the discharger to waive WET testing.

- b. **Analytical Chemistry & Priority Pollutant Testing Evaluation:** The June 7, 2016 permit did not established any water quality-based mass limits, since at the time results did not indicated any reasonable potential.

06-096 C.M.R. ch. 530(3)(E) states,

“Where it is determined through this approach [the statistical approach referred to in USEPA’s Technical Support Document for Water Quality-

Based Toxics Control] that a discharge contains pollutants or WET at levels that have a reasonable potential to cause or contribute to an exceedance of water quality criteria, appropriate water quality-based limits must be established in any licensing action.”

06-096 C.M.R. ch. 530(3)(D) states,

“Where the need for effluent limits has been determined, limits derived from acute water quality criteria must be expressed as daily maximum values. Limits derived from chronic or human health criteria must be expressed as monthly average values.”

On October 23, 2025, the Department conducted a statistical evaluation of the most recent 60 months of chemical-specific test results on file with the Department. The evaluation was based on 15% of the ambient water quality criteria being withheld (Report ID 1642). The October 23, 2025 evaluation indicates that test results from the Millinocket facility discharge has no reasonable potential to exceed any AWQC, as established in 06-096 C.M.R. ch. 584, Surface Water Quality Criteria for Toxic Pollutants. See Attachment D of this Fact Sheet for test dates and results for the pollutants of concern.

Based on the provisions of 06-096 C.M.R. ch. 530 and the Department’s best professional judgement, this permitting action is waiving surveillance level analytical chemistry testing requirements for this facility.

8. SEGMENT RECLASSIFICATION

In September 2019, Maine’s Legislature approved the reclassification of the West Branch of the Penobscot River, from the confluence with Millinocket Stream to its confluence with the East Branch of the Penobscot River, including all impoundments, from class C to class B. The 2018 List of Water Quality Standards Re-Classification Proposals states, “Water quality monitoring shows that Class B criteria are attained in this segment, including impoundments. Closure of mills on Millinocket Stream and the West Branch has significantly improved water quality in Millinocket Stream below Millinocket and in the West Branch below confluence with Millinocket Stream. Redevelopment efforts may result in new discharges. MDEP modeling indicates that new discharges at actual 2005-2009 discharge levels at this site will not prevent attainment of Class B standards.”

9. 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.

10. ANTI-DEGRADATION

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

11. PUBLIC COMMENTS

Public notice of this application was made in the *Bangor Daily News* newspapers on or about *February 24, 2021*. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits must have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 C.M.R. ch. 522 (effective January 12, 2001).

12. DEPARTMENT CONTACTS

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

Asenath Frizzell
Division of Water Quality Management
Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 215-6856
e-mail: Asenath.Frizzell@maine.gov

13. RESPONSE TO COMMENTS

This section reserved for future comments

ATTACHMENT A



MILLINOCKET WWTF

001

MEPDES - Facility

- ACTIVE FACILITY
- INACTIVE FACILITY
- RETIRED

MEPDES - Outfalls

- ACTIVE OUTFALL
- INACTIVE OUTFALL
- RETIRED

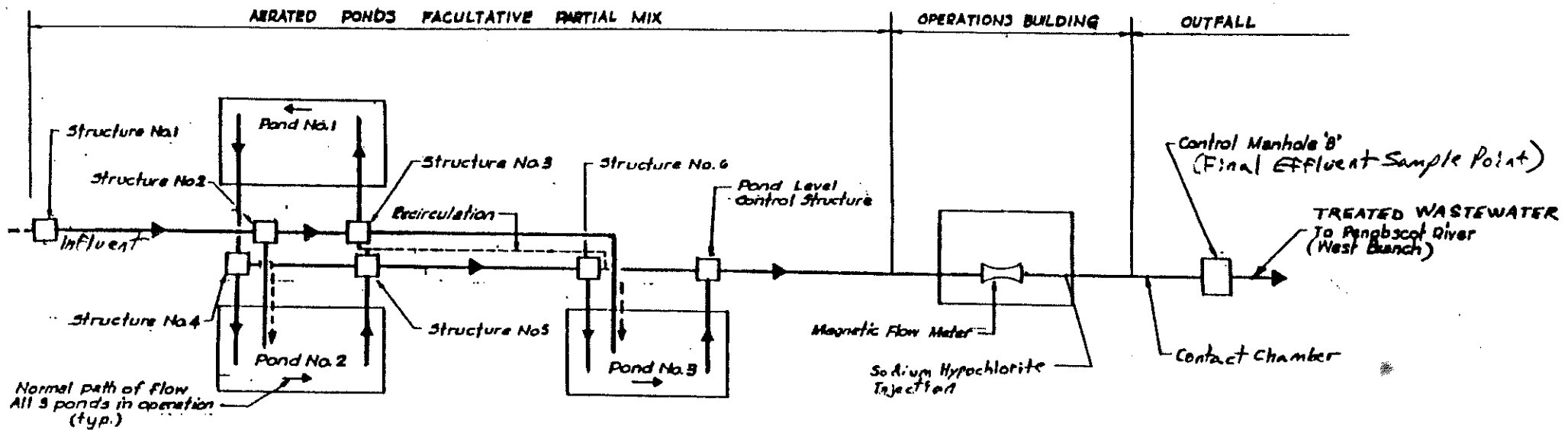
CSO

- ACTIVE CSO
- CLOSED CSO

ATTACHMENT B

Millinocket Wastewater Treatment

Process Schematic



Item #2) A

Attachment "A"

ATTACHMENT C

Facility name: **MILLINOCKET WWTP**Permit Number: **ME0100803**

Parameter: 1,1,1-TRICHLOROETHANE	Test date	Result (ug/l)	Lsthan
	06/11/2024	2.000	Y
Parameter: 1,1,2,2-TETRACHLOROETHA	Test date	Result (ug/l)	Lsthan
	06/11/2024	1.000	Y
Parameter: 1,1,2-TRICHLOROETHANE	Test date	Result (ug/l)	Lsthan
	06/11/2024	1.500	Y
Parameter: 1,1-DICHLOROETHANE	Test date	Result (ug/l)	Lsthan
	06/11/2024	1.500	Y
Parameter: 1,1-DICHLOROETHYLENE	Test date	Result (ug/l)	Lsthan
	06/11/2024	1.000	Y
Parameter: 1,2-(O)DICHLOROBENZEN	Test date	Result (ug/l)	Lsthan
	06/11/2024	5.000	Y
Parameter: 1,2,4-TRICHLOROBENZEN	Test date	Result (ug/l)	Lsthan
	06/11/2024	5.000	Y
Parameter: 1,2-DICHLOROETHANE	Test date	Result (ug/l)	Lsthan
	06/11/2024	1.500	Y
Parameter: 1,2-DICHLOROPROPANE	Test date	Result (ug/l)	Lsthan
	06/11/2024	3.500	Y
Parameter: 1,2-DIPHENYLHYDRAZINE	Test date	Result (ug/l)	Lsthan
	06/11/2024	2.000	Y
Parameter: 1,2-TRANS-DICHLOROETHY	Test date	Result (ug/l)	Lsthan
	06/11/2024	1.500	Y
Parameter: 1,3-(M)DICHLOROBENZEN	Test date	Result (ug/l)	Lsthan
	06/11/2024	5.000	Y
Parameter: 1,3-DICHLOROPROPYLENE	Test date	Result (ug/l)	Lsthan
	06/11/2024	1.500	Y
Parameter: 1,4-(P)DICHLOROBENZENE	Test date	Result (ug/l)	Lsthan
	06/11/2024	5.000	Y
Parameter: 2,4,6-TRICHLOROPHENOL	Test date	Result (ug/l)	Lsthan
	06/11/2024	5.000	Y
Parameter: 2,4-DICHLOROPHENOL	Test date	Result (ug/l)	Lsthan
	06/11/2024	5.000	Y
Parameter: 2,4-DIMETHYLPHENOL	Test date	Result (ug/l)	Lsthan
	06/11/2024	5.000	Y
Parameter: 2,4-DINITROPHENOL	Test date	Result (ug/l)	Lsthan
	06/11/2024	20.000	Y
Parameter: 2,4-DINITROTOLUENE	Test date	Result (ug/l)	Lsthan

Facility name: **MILLINOCKET WWTP**Permit Number: **ME0100803**

Parameter: 2,6-DINITROTOLUENE	06/11/2024	5.000	Y
Test date	Result (ug/l)	Lsthan	
Parameter: 2-CHLOROETHYLVINYL ETHER	06/11/2024	5.000	Y
Test date	Result (ug/l)	Lsthan	
Parameter: 2-CHLORONAPHTHALENE	06/11/2024	10.000	Y
Test date	Result (ug/l)	Lsthan	
Parameter: 2-CHLOROPHENOL	06/11/2024	2.000	Y
Test date	Result (ug/l)	Lsthan	
Parameter: 2-NITROPHENOL	06/11/2024	2.000	Y
Test date	Result (ug/l)	Lsthan	
Parameter: 3,3'-DICHLOROBENZIDINE	06/11/2024	5.000	Y
Test date	Result (ug/l)	Lsthan	
Parameter: 3,4-BENZO(B)FLUORANTHENE	06/11/2024	5.000	Y
Test date	Result (ug/l)	Lsthan	
Parameter: 4,4'-DDD	06/11/2024	2.000	Y
Test date	Result (ug/l)	Lsthan	
Parameter: 4,4'-DDE	06/11/2024	0.040	Y
Test date	Result (ug/l)	Lsthan	
Parameter: 4,4'-DDT	06/11/2024	0.040	Y
Test date	Result (ug/l)	Lsthan	
Parameter: 4,6-DINITRO-O-CRESOL	06/11/2024	0.040	Y
Test date	Result (ug/l)	Lsthan	
Parameter: 4-BROMOPHENYLPHENYL	06/11/2024	10.000	Y
Test date	Result (ug/l)	Lsthan	
Parameter: 4-CHLOROPHENYL PHENYL	06/11/2024	2.000	Y
Test date	Result (ug/l)	Lsthan	
Parameter: 4-NITROPHENOL	06/11/2024	2.000	Y
Test date	Result (ug/l)	Lsthan	
Parameter: A-BHC	06/11/2024	10.000	Y
Test date	Result (ug/l)	Lsthan	
Parameter: ACENAPHTHENE	06/11/2024	0.020	Y
Test date	Result (ug/l)	Lsthan	
Parameter: ACENAPHTHYLENE	06/11/2024	2.000	Y
Test date	Result (ug/l)	Lsthan	
Parameter: ACROLEIN	06/11/2024	2.000	Y
Test date	Result (ug/l)	Lsthan	
	06/11/2024	8.000	Y

Data Date Range: 04/Nov/2020 - 04/Nov/2025

Showing all data

Facility name: **MILLINOCKET WWTP**Permit Number: **ME0100803**

Parameter: ACRYLONITRILE	Test date	Result (ug/l)	Lsthan
	06/11/2024	10.000	Y
Parameter: A-ENDOSULFAN	Test date	Result (ug/l)	Lsthan
	06/11/2024	0.020	Y
Parameter: ALDRIN	Test date	Result (ug/l)	Lsthan
	06/11/2024	0.020	Y
Parameter: ALUMINUM	Test date	Result (ug/l)	Lsthan
	01/26/2021	46.500	N
	06/01/2022	93.710	N
	02/08/2023	24.540	N
	06/11/2024	27.540	N
	12/17/2024	33.750	N
	02/19/2025	17.450	N
Parameter: AMMONIA	Test date	Result (ug/l)	Lsthan
	01/26/2021	9400.000	N
	06/01/2022	11400.000	N
	02/08/2023	12000.000	N
	06/11/2024	89.000	N
	12/17/2024	20800.000	N
	02/19/2025	20300.000	N
Parameter: ANTHRACENE	Test date	Result (ug/l)	Lsthan
	06/11/2024	2.000	Y
Parameter: ANTIMONY	Test date	Result (ug/l)	Lsthan
	06/11/2024	4.000	Y
Parameter: ARSENIC	Test date	Result (ug/l)	Lsthan
	01/26/2021	1.000	Y
	06/01/2022	1.000	Y
	02/08/2023	1.000	Y
	06/11/2024	1.000	Y
	12/17/2024	1.370	N
	02/19/2025	1.000	Y
Parameter: B-BHC	Test date	Result (ug/l)	Lsthan
	06/11/2024	0.020	Y
Parameter: B-ENDOSULFAN	Test date	Result (ug/l)	Lsthan
	06/11/2024	0.040	Y
Parameter: BENZENE	Test date	Result (ug/l)	Lsthan
	06/11/2024	1.000	Y
Parameter: BENZIDINE	Test date	Result (ug/l)	Lsthan
	06/11/2024	20.000	Y
Parameter: BENZO(A)ANTHRACENE	Test date	Result (ug/l)	Lsthan
	06/11/2024	2.000	Y

Facility name: **MILLINOCKET WWTP**Permit Number: **ME0100803**

Parameter: BENZO(A)PYRENE	Test date	Result (ug/l)	Lsthan
	06/11/2024	2.000	Y
Parameter: BENZO(G,H,I)PERYLENE	Test date	Result (ug/l)	Lsthan
	06/11/2024	2.000	Y
Parameter: BENZO(K)FLUORANTHENE	Test date	Result (ug/l)	Lsthan
	06/11/2024	2.000	Y
Parameter: BERYLLIUM	Test date	Result (ug/l)	Lsthan
	06/11/2024	1.000	Y
Parameter: BIS(2-CHLOROETHOXY)MET	Test date	Result (ug/l)	Lsthan
	06/11/2024	5.000	Y
Parameter: BIS(2-CHLOROETHYL)ETHER	Test date	Result (ug/l)	Lsthan
	06/11/2024	2.000	Y
Parameter: BIS(2-CHLOROISOPROPYL	Test date	Result (ug/l)	Lsthan
	06/11/2024	2.000	Y
Parameter: BIS(2-ETHYLHEXYL)PHTHA	Test date	Result (ug/l)	Lsthan
	06/11/2024	2.200	Y
Parameter: BROMOFORM	Test date	Result (ug/l)	Lsthan
	06/11/2024	1.000	Y
Parameter: BUTYLBENZYL PHTHALATE	Test date	Result (ug/l)	Lsthan
	06/11/2024	5.000	Y
Parameter: CADMIUM	Test date	Result (ug/l)	Lsthan
	01/26/2021	0.200	Y
	06/01/2022	0.200	Y
	02/08/2023	0.200	Y
	06/11/2024	0.200	Y
	12/17/2024	0.200	Y
	02/19/2025	0.200	Y
Parameter: CARBON TETRACHLORIDE	Test date	Result (ug/l)	Lsthan
	06/11/2024	1.000	Y
Parameter: CHLORDANE	Test date	Result (ug/l)	Lsthan
	06/11/2024	0.100	Y
Parameter: CHLOROBENZENE	Test date	Result (ug/l)	Lsthan
	06/11/2024	3.500	Y
Parameter: CHLORODIBROMOMETHAN	Test date	Result (ug/l)	Lsthan
	06/11/2024	1.000	Y
Parameter: CHLOROETHANE	Test date	Result (ug/l)	Lsthan
	06/11/2024	2.000	Y
Parameter: CHLOROFORM	Test date	Result (ug/l)	Lsthan

Facility name: **MILLINOCKET WWTP**Permit Number: **ME0100803**

Parameter: CHROMIUM	06/11/2024	1.000	Y
	Test date	Result (ug/l)	Lsthan
	01/26/2021	1.000	Y
	06/01/2022	1.000	Y
	02/08/2023	1.000	Y
	06/11/2024	1.000	Y
	12/17/2024	1.000	Y
	02/19/2025	1.000	Y
Parameter: CHRYSENE	Test date	Result (ug/l)	Lsthan
	06/11/2024	2.000	Y
Parameter: COPPER	Test date	Result (ug/l)	Lsthan
	01/26/2021	24.500	N
	06/01/2022	10.490	N
	02/08/2023	11.040	N
	06/11/2024	4.630	N
	12/17/2024	16.900	N
	02/19/2025	7.960	N
Parameter: CYANIDE TOTAL	Test date	Result (ug/l)	Lsthan
	01/26/2021	5.000	Y
	06/01/2022	5.000	Y
	02/08/2023	5.000	Y
	06/11/2024	5.000	Y
	12/17/2024	5.000	Y
	Test date	Result (ug/l)	Lsthan
	06/11/2024	0.020	Y
Parameter: D-BHC	Test date	Result (ug/l)	Lsthan
	06/11/2024	2.000	Y
Parameter: DIBENZO(A,H)ANTHRACEN	Test date	Result (ug/l)	Lsthan
	06/11/2024	1.000	Y
Parameter: DICHLOBROMOMETHAN	Test date	Result (ug/l)	Lsthan
	06/11/2024	0.040	Y
Parameter: DIELDRIN	Test date	Result (ug/l)	Lsthan
	06/11/2024	5.000	Y
Parameter: DIETHYL PHTHALATE	Test date	Result (ug/l)	Lsthan
	06/11/2024	5.000	Y
Parameter: DIMETHYL PHTHALATE	Test date	Result (ug/l)	Lsthan
	06/11/2024	5.000	Y
Parameter: DI-N-BUTYL PHTHALATE	Test date	Result (ug/l)	Lsthan
	06/11/2024	5.000	Y
Parameter: DI-N-OCTYL PHTHALATE	Test date	Result (ug/l)	Lsthan
	06/11/2024	5.000	Y
Parameter: ENDOSULFAN SULFATE	Test date	Result (ug/l)	Lsthan
	06/11/2024	0.040	Y

Data Date Range: 04/Nov/2020 - 04/Nov/2025

Showing all data

Facility name: **MILLINOCKET WWTP**Permit Number: **ME0100803**

Parameter: ENDRIN	Test date	Result (ug/l)	Lsthan
	06/11/2024	0.040	Y
Parameter: ENDRIN ALDEHYDE	Test date	Result (ug/l)	Lsthan
	06/11/2024	0.040	Y
Parameter: ETHYLBENZENE	Test date	Result (ug/l)	Lsthan
	06/11/2024	1.000	Y
Parameter: FLUORANTHENE	Test date	Result (ug/l)	Lsthan
	06/11/2024	2.000	Y
Parameter: FLUORENE	Test date	Result (ug/l)	Lsthan
	06/11/2024	2.000	Y
Parameter: G-BHC	Test date	Result (ug/l)	Lsthan
	06/11/2024	0.020	Y
Parameter: HEPTACHLOR	Test date	Result (ug/l)	Lsthan
	06/11/2024	0.020	Y
Parameter: HEPTACHLOR EPOXIDE	Test date	Result (ug/l)	Lsthan
	06/11/2024	0.020	Y
Parameter: HEXACHLOROBENZENE	Test date	Result (ug/l)	Lsthan
	06/11/2024	2.000	Y
Parameter: HEXACHLOROBUTADIENE	Test date	Result (ug/l)	Lsthan
	06/11/2024	2.000	Y
Parameter: HEXACHLOROCYCLOPENTA	Test date	Result (ug/l)	Lsthan
	06/11/2024	10.000	Y
Parameter: HEXACHLOROETHANE	Test date	Result (ug/l)	Lsthan
	06/11/2024	2.000	Y
Parameter: INDENO(1,2,3-CD)PYRENE	Test date	Result (ug/l)	Lsthan
	06/11/2024	2.000	Y
Parameter: ISOPHORONE	Test date	Result (ug/l)	Lsthan
	06/11/2024	5.000	Y
Parameter: LEAD	Test date	Result (ug/l)	Lsthan
	01/26/2021	0.680	N
	06/01/2022	1.000	Y
	02/08/2023	1.000	Y
	06/11/2024	1.000	Y
	12/17/2024	1.000	Y
	02/19/2025	1.000	Y
Parameter: MERCURY	Test date	Result (ug/l)	Lsthan
	01/26/2021	0.003	N
	06/01/2022	0.013	N
	02/09/2023	0.003	N

Data Date Range: 04/Nov/2020 - 04/Nov/2025

Showing all data

Facility name: **MILLINOCKET WWTP**Permit Number: **ME0100803**

Parameter: METHYL BROMIDE	09/11/2024	0.002	N
	Test date	Result (ug/l)	Lsthan
Parameter: METHYL CHLORIDE	06/11/2024	5.000	Y
	Test date	Result (ug/l)	Lsthan
Parameter: METHYLENE CHLORIDE	06/11/2024	5.000	Y
	Test date	Result (ug/l)	Lsthan
Parameter: NAPHTHALENE	06/11/2024	1.000	Y
	Test date	Result (ug/l)	Lsthan
Parameter: NICKEL	06/11/2024	2.000	Y
	Test date	Result (ug/l)	Lsthan
Parameter: NITROBENZENE	01/26/2021	1.410	N
	06/01/2022	2.000	Y
	02/08/2023	2.000	Y
	06/11/2024	2.000	Y
	12/17/2024	2.000	Y
	02/19/2025	2.000	Y
	Test date	Result (ug/l)	Lsthan
Parameter: N-NITROSODIMETHYLAMI	06/11/2024	2.000	Y
	Test date	Result (ug/l)	Lsthan
Parameter: N-NITROSODI-N-PROPYLA	06/11/2024	2.000	Y
	Test date	Result (ug/l)	Lsthan
Parameter: N-NITROSODIPHENYLAMINE	06/11/2024	5.000	Y
	Test date	Result (ug/l)	Lsthan
Parameter: PCB-1016	06/11/2024	2.000	Y
	Test date	Result (ug/l)	Lsthan
Parameter: PCB-1221	06/11/2024	0.250	Y
	Test date	Result (ug/l)	Lsthan
Parameter: PCB-1232	06/11/2024	0.250	Y
	Test date	Result (ug/l)	Lsthan
Parameter: PCB-1242	06/11/2024	0.250	Y
	Test date	Result (ug/l)	Lsthan
Parameter: PCB-1248	06/11/2024	0.250	Y
	Test date	Result (ug/l)	Lsthan
Parameter: PCB-1254	06/11/2024	0.250	Y
	Test date	Result (ug/l)	Lsthan
Parameter: PCB-1260	06/11/2024	0.250	Y
	Test date	Result (ug/l)	Lsthan
	06/11/2024	0.200	Y

Data Date Range: 04/Nov/2020 - 04/Nov/2025

Showing all data

Facility name: **MILLINOCKET WWTP**Permit Number: **ME0100803**

Parameter: P-CHLORO-M-CRESOL	Test date	Result (ug/l)	Lsthan
	06/11/2024	2.000	Y
Parameter: PENTACHLOROPHENOL	Test date	Result (ug/l)	Lsthan
	06/11/2024	5.000	Y
Parameter: PHENANTHRENE	Test date	Result (ug/l)	Lsthan
	06/11/2024	2.000	Y
Parameter: PHENOL	Test date	Result (ug/l)	Lsthan
	06/11/2024	5.000	Y
Parameter: PYRENE	Test date	Result (ug/l)	Lsthan
	06/11/2024	2.000	Y
Parameter: SELENIUM	Test date	Result (ug/l)	Lsthan
	06/11/2024	5.000	Y
Parameter: SILVER	Test date	Result (ug/l)	Lsthan
	01/26/2021	0.200	Y
	06/01/2022	0.400	Y
	02/08/2023	0.400	Y
	06/11/2024	0.400	Y
	12/17/2024	0.400	Y
	02/19/2025	0.400	Y
Parameter: SPECIFIC CONDUCTANCE	Test date	Result (ug/l)	Lsthan
	06/01/2022	567.000	N
	06/11/2024	465.000	N
Parameter: TETRACHLOROETHYLENE	Test date	Result (ug/l)	Lsthan
	06/11/2024	1.000	Y
Parameter: THALLIUM	Test date	Result (ug/l)	Lsthan
	06/11/2024	1.000	Y
Parameter: TOLUENE	Test date	Result (ug/l)	Lsthan
	06/11/2024	1.000	Y
Parameter: TOXAPHENE	Test date	Result (ug/l)	Lsthan
	06/11/2024	0.400	Y
Parameter: TRICHLOROETHYLENE	Test date	Result (ug/l)	Lsthan
	06/11/2024	1.000	Y
Parameter: VINYL CHLORIDE	Test date	Result (ug/l)	Lsthan
	06/11/2024	1.000	Y
Parameter: ZINC	Test date	Result (ug/l)	Lsthan
	01/26/2021	32.100	N
	06/01/2022	27.400	N
	02/08/2023	29.030	N
	06/11/2024	5.700	N
	12/17/2024	28.130	N

11/4/2025

FACILITY PRIORITY POLLUTANT DATA REPORT

Data Date Range: 04/Nov/2020 - 04/Nov/2025

Showing all data



Facility name: MILLINOCKET WWTP

Permit Number: ME0100803

02/19/2025

35.980

N

ATTACHMENT D

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHAPTER 530.2(D)(4) CERTIFICATION

MEPDES# _____ Facility Name _____

Since the effective date of your permit, have there been;		NO	YES Describe in comments section
1	Increases in the number, types, and flows of industrial, commercial, or domestic discharges to the facility that in the judgment of the Department may cause the receiving water to become toxic?	☐	☐
2	Changes in the condition or operations of the facility that may increase the toxicity of the discharge?	☐	☐
3	Changes in storm water collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge?	☐	☐
4	Increases in the type or volume of hauled wastes accepted by the facility?	☐	☐

COMMENTS:

Name (printed): _____

Signature: _____ Date: _____

This document must be signed by the permittee or their legal representative.

This form may be used to meet the requirements of Chapter 530.2(D)(4). This Chapter requires all dischargers having waived or reduced toxic testing to file a statement with the Department describing changes to the waste being contributed to their system as outlined above. As an alternative, the discharger may submit a signed letter containing the same information.

Scheduled Toxicity Testing for the next calendar year

Test Conducted	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
WET Testing	☐	☐	☐	☐
Priority Pollutant Testing	☐	☐	☐	☐
Analytical Chemistry	☐	☐	☐	☐
Other toxic parameters ¹	☐	☐	☐	☐

Please place an "X" in each of the boxes that apply to when you will be conducting any one of the three test types during the next calendar year.

¹ This only applies to parameters where testing is required at a rate less frequently than quarterly.

ATTACHMENT E

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

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

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

Sample Preservation: During compositing the sample must be at 0-6 degrees C (without freezing). If the sample is being sent to a commercial laboratory or analysis cannot be performed the day of collection then the sample must be preserved using H₂SO₄ to obtain a sample pH of <2 su and refrigerated at 0-6 degrees C (without freezing). The holding time for a preserved sample is 28 days.

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

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

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

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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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 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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

5. Bypasses.

(a) Definitions.

- (i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.
- (ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c) and (d) of this section.

(c) Notice.

- (i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.
- (ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph D(1)(f), below. (24-hour notice).

(d) Prohibition of bypass.

- (i) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:
 - (A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

- (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (C) The permittee submitted notices as required under paragraph (c) of this section.
- (ii) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph (d)(i) of this section.

6. Upsets.

- (a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- (c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (i) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (ii) The permitted facility was at the time being properly operated; and
 - (iii) The permittee submitted notice of the upset as required in paragraph D(1)(f) , below. (24 hour notice).
 - (iv) The permittee complied with any remedial measures required under paragraph B(4).
- (d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

C. MONITORING AND RECORDS

1. General Requirements. This permit shall be subject to such monitoring requirements as may be reasonably required by the Department including the installation, use and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). The permittee shall provide the Department with periodic reports on the proper Department reporting form of monitoring results obtained pursuant to the monitoring requirements contained herein.

2. Representative sampling. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. If effluent limitations are based wholly or partially on quantities of a product processed, the permittee shall ensure samples are representative of times when production is taking place. Where discharge monitoring is required when production is less than 50%, the resulting data shall be reported as a daily measurement but not included in computation of averages, unless specifically authorized by the Department.

3. Monitoring and records.

- (a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- (b) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.
- (c) Records of monitoring information shall include:
 - (i) The date, exact place, and time of sampling or measurements;
 - (ii) The individual(s) who performed the sampling or measurements;
 - (iii) The date(s) analyses were performed;
 - (iv) The individual(s) who performed the analyses;
 - (v) The analytical techniques or methods used; and
 - (vi) The results of such analyses.
- (d) Monitoring results must be conducted according to test procedures approved under 40 CFR part 136, unless other test procedures have been specified in the permit.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

- (e) State law provides that any person who tampers with or renders inaccurate any monitoring devices or method required by any provision of law, or any order, rule license, permit approval or decision is subject to the penalties set forth in 38 MRSA, §349.

D. REPORTING REQUIREMENTS

1. Reporting requirements.

- (a) Planned changes. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - (i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
 - (ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Section D(4).
 - (iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;
- (b) Anticipated noncompliance. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- (c) Transfers. This permit is not transferable to any person except upon application to and approval of the Department pursuant to 38 MRSA, § 344 and Chapters 2 and 522.
- (d) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - (i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Department for reporting results of monitoring of sludge use or disposal practices.
 - (ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Department.
 - (iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

- (e) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
- (f) Twenty-four hour reporting.
 - (i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 - (ii) The following shall be included as information which must be reported within 24 hours under this paragraph.
 - (A) Any unanticipated bypass which exceeds any effluent limitation in the permit.
 - (B) Any upset which exceeds any effluent limitation in the permit.
 - (C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.
 - (iii) The Department may waive the written report on a case-by-case basis for reports under paragraph (f)(ii) of this section if the oral report has been received within 24 hours.
- (g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (d), (e), and (f) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (f) of this section.
- (h) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

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

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

- (a) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (i) One hundred micrograms per liter (100 ug/l);
 - (ii) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - (iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
 - (iv) The level established by the Department in accordance with Chapter 523 Section 5(f).
- (b) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - (i) Five hundred micrograms per liter (500 ug/l);
 - (ii) One milligram per liter (1 mg/l) for antimony;
 - (iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
 - (iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

5. Publicly owned treatment works.

- (a) All POTWs must provide adequate notice to the Department of the following:
 - (i) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA or Chapter 528 if it were directly discharging those pollutants.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

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- (ii) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
- (iii) For purposes of this paragraph, adequate notice shall include information on (A) the quality and quantity of effluent introduced into the POTW, and (B) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- (b) When the effluent discharged by a POTW for a period of three consecutive months exceeds 80 percent of the permitted flow, the permittee shall submit to the Department a projection of loadings up to the time when the design capacity of the treatment facility will be reached, and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans.

E. OTHER REQUIREMENTS

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

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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).

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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

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

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

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

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

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

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

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

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

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

STANDARD CONDITIONS APPLICABLE TO ALL PERMITS

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** 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](#). 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.
