



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE  
GOVERNOR

PAUL MERCER  
COMMISSIONER

September 7, 2016

Mr. Daniel Mallett, Manager of Sustainability  
Madison Paper Industries  
P.O. Box 129  
Madison, ME. 04950  
[Daniel.Mallett@upm.com](mailto:Daniel.Mallett@upm.com)

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0002534  
Maine Waste Discharge License (WDL) Application #W002006-5S-J-M  
**Minor Revision**

Dear Mr. Mallett:

Enclosed please find a copy of your final MEPDES permit and Maine WDL minor revision which was approved by the Department of Environmental Protection. Please read this minor and its attached conditions carefully. Compliance with this minor revision will protect water quality.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled "*Appealing a Commissioner's Licensing Decision.*"

If you have any questions regarding the matter, please feel free to call me at 287-7693.

Your Department compliance inspector copied below is also a resource that can assist you with compliance. Please do not hesitate to contact them with any questions. Thank you for your efforts to protect and improve the waters of the great state of Maine!

Sincerely,

Gregg Wood  
Division of Water Quality Management  
Bureau of Water Quality

Enc.

cc: James Crowley, DEP/CMRO      Lori Mitchell, DEP/CMRO  
Olga Vergara, USEPA              Sandy Mojica, USEPA      Marelyn Vega, USEPA

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826

BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769  
(207) 764-0477 FAX: (207) 760-3143



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

DEPARTMENT ORDER

IN THE MATTER OF

MADISON PAPER INDUSTRIES	)	MAINE POLLUTANT DISCHARGE
MADISON, SOMERSET COUNTY, MAINE	)	ELIMINATION SYSTEM PERMIT
NON-PROCESS WASTEWATER	)	AND
ME0002534	)	WASTE DISCHARGE LICENSE
W002006-5S-J-M	)	MINOR REVISION
APPROVAL	)	

In compliance with the applicable provisions of *Pollution Control*, 38 M.R.S. §§ 411 – 424-B, *Water Classification Program*, 38 M.R.S. §§ 464 – 470 and *Federal Water Pollution Control Act*, Title 33 U.S.C. § 1251, and applicable rules of the Department of Environmental Protection (Department hereinafter), the Department is granting a request by MADISON PAPER INDUSTRIES (MPI/permittee hereinafter), to modify combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0002534/Maine Waste Discharge License (WDL) #W002006-5S-I-R issued by the Department on June 15, 2016, for a five-year term. With its supportive data, agency review comments, and other related materials on file, the Department FINDS THE FOLLOWING FACTS:

**MODIFICATION(S) REQUESTED**

The June 15, 2016, permit authorized the discharge of up to 10.8 million gallons per day (MGD) of non-process wastewater consisting of filter backwash from a water treatment system, compressor cooling water, vacuum seal water, non-contact cooling water and other miscellaneous non-process wastewater to the Kennebec River, Class B, in Madison, Maine.

On May 21, 2016, MPI terminated production and all other operations at the Madison facility. The mill curtailment involved shutting off the freshwater make up system to the mill, resulting in the elimination of the water source into Outfalls 001, 003 and 004. Outfalls 005 and 013 are currently discharging minimal non-contact cooling waters from air conditioning units utilized in the electrical rooms on the pressurized ground wood mill. The source of this water is treated water purchased from the Anson Madison Water District. As a result, the permittee is requesting the Department suspended all monitoring requirements until such time the facility is repurposed.

### MODIFICATIONS GRANTED/DENIED

The Department's compliance inspector assigned to the MPI facility conducted a site inspection on August 15, 2016. All outfalls were viewed, and the current flow patterns into each were discussed. A consensus was reached that the quantity of flow and pollutants in the discharge were *de minimis*. At the request of MPI, this minor revision is suspending all monitoring requirements until the facility is repurposed. Special Condition I, *Commencement of Operations*, of this minor revision requires that at a minimum of ninety (90) days prior to commencing production/operations, the permittee must meet with the Department's permitting and compliance inspection staff to review applicability of the permit limitations, monitoring requirements and reporting requirements. Should the Department determine the proposed production/operations are significantly different than what has been presented in the March 16, 2016, application materials, the Department may require the permittee to submit a revised application to the Department.

### CONCLUSIONS

BASED on the findings above 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

**CONCLUSIONS (cont'd)**

- (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 request by MADISON PAPER INDUSTRIES to suspended all effluent monitoring requirements for the outfalls listed in MEPDES permit #ME0002534/WDL #W002006-5S-I-R issued by the Department on June 15, 2016, SUBJECT TO ALL APPLICABLE STANDARDS AND REGULATIONS AND THE FOLLOWING CONDITIONS:

1. "*Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable to All Permits*," revised July 1, 2002, copy attached to MEPDES permit #ME0002534/WDL #W002006-5S-I-R issued by the Department on June 15, 2016.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. All terms and conditions of MEPDES permit #ME0002534/WDL #W002006-5S-I-R issued by the Department on June 15, 2016, not modified by this minor revision remain in effect and enforceable.
4. This minor revision becomes effective upon the date of signature below and expires at midnight on June 15, 2021. 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 *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (amended October 19, 2015).

**ACTION (cont'd)**

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

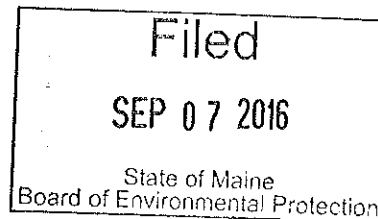
DONE AND DATED AT AUGUSTA, MAINE, THIS 6<sup>th</sup> DAY OF September 2016.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kulus  
fer PAUL MERCER, Commissioner

Date of initial request August 16, 2016

Date of acceptance August 16, 2016



Date filed with Board of Environmental Protection \_\_\_\_\_

This Order prepared by Gregg Wood, Bureau of Water Quality

**SPECIAL CONDITIONS**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

1. The permittee is authorized to discharge non-process wastewater from the following outfall locations to the Kennebec River, Class B from **June 1 through September 30**, annually. Such discharges are limited and must be monitored by the permittee as specified below:

<u>Effluent Parameter</u>	<u>Discharge Limits</u>		<u>Monitoring Requirements</u>	
	<u>Weekly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
<b>Instream Temperature (<math>\Sigma</math> of all Outfalls)—See Special Condition C</b>	$\Delta T$ 0.27° F <sup>(1,2)</sup> [15]	$\Delta T$ 0.27° F <sup>(1,3)</sup> [15]	---	Calculate [CA]
<b>Outfall #001 Sand filter Backwash</b> Flow [74076]	---	1.5 MGD [03]	---	Calculate [CA]
Total Suspended Solids [00530]	30 mg/L <sup>(4)</sup> [19]	60 mg/L [19]	---	Grab [GR]
Settleable Solids [00545]	---	Report mL/L [19]	---	Grab [GR]
Total Residual Chlorine [50060]	---	1.0 mg/L [19]	---	Grab [GR]
<b>Outfall #003 Vacuum Seal Water</b> Flow [74076]	---	2.0 MGD [03]	---	Calculate [CA]
Temperature [00011]	---	120°F [15]	---	Grab [GR]
Total Suspended Solids [00530]	---	10 mg/L [19]	---	Grab [GR]
<b>Outfall #004 Cooling Water PM#3</b> Flow [74076]	---	1.8 MGD [03]	---	Calculate [CA]
Temperature [00011]	---	120°F [15]	---	Grab [GR]
Total Suspended Solids [00530]	---	10 mg/L [19]	---	Grab [GR]
Oil & Grease [00552]	---	15 mg/L [19]	---	Grab [GR]
<b>Outfall #005 Non-Contact Cooling</b> Flow [74076]	---	5.0 MGD [03]	---	Calculate [CA]
Temperature [00011]	---	140°F [15]	---	Grab [GR]
Total Residual Chlorine [50060]	---	1.0 mg/L [19]	---	Grab [GR]
<b>Outfall #013 Filter Backwash</b> Flow [74076]	---	0.5 MGD [03]	---	Calculate [CA]
Total Suspended Solids [00530]	30 mg/L <sup>(4)</sup> [19]	60 mg/L [19]	---	Grab [GR]
Settleable Solids [00545]	---	Report mL/L [19]	---	Grab [GR]
Total Residual Chlorine [50060]	---	1.0 mg/L [19]	---	Grab [GR]
<b>For Each Outfall At Any Time</b> pH [00400]		6.0 – 9.0 S.U. [12]	---	Grab [GR]

**Footnotes:** See Page 6 of MEPDES permit #ME0002534/WDL #W002006-5S-I-R issued by the Department on June 15, 2016, for applicable footnotes.

**SPECIAL CONDITIONS**

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

2. The permittee is authorized to discharge non-process wastewater from the following outfall locations to the Kennebec River, Class B from **October 1 through May 31**, annually. Such discharges are limited and must be monitored by the permittee as specified below:

<u>Effluent Parameter</u>	<u>Discharge Limits</u>		<u>Monitoring Requirements</u>	
	<u>Weekly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
<b>Outfall #001 Sand filter Backwash</b>				
Flow [74076]	---	1.5 MGD [03]	---	Calculate [CA]
Total Suspended Solids [00530]	30 mg/L <sup>(4)</sup> [19]	60 mg/L [19]	---	Grab [GR]
Settleable Solids [00545]	---	Report ml/L [19]	---	Grab [GR]
Total Residual Chlorine [50060]	---	1.0 mg/L [19]	---	Grab [GR]
<b>Outfall #003 Vacuum Seal Water</b>				
Flow [74076]	---	2.0 MGD [03]	---	Calculate [CA]
Temperature [00011]	---	120°F [15]	---	Grab [GR]
Total Suspended Solids [00530]	---	10 mg/L [19]	---	Grab [GR]
<b>Outfall #004 Cooling Water PM#3</b>				
Flow [74076]	---	1.8 MGD [03]	---	Calculate [CA]
Temperature [00011]	---	120°F [15]	---	Grab [GR]
Total Suspended Solids [00530]	---	10 mg/L [19]	---	Grab [GR]
Oil & Grease [00552]	---	15 mg/L [19]	---	Grab [GR]
<b>Outfall #005 Non-Contact Cooling</b>				
Flow [74076]	---	5.0 MGD [03]	---	Calculate [CA]
Temperature [00011]	---	140°F [15]	---	Grab [GR]
Total Residual Chlorine [50060]	---	1.0 mg/L [19]	---	Grab [GR]
<b>Outfall #013 Filter Backwash</b>				
Flow [74076]	---	0.5 MGD [03]	---	Calculate [CA]
Total Suspended Solids [00530]	30 mg/L <sup>(4)</sup> [19]	60 mg/L [19]	---	Grab [GR]
Settleable Solids [00545]	---	Report ml/L [19]	---	Grab [GR]
Total Residual Chlorine [50060]	---	1.0 mg/L [19]	---	Grab [GR]
<b>For each Outfall at any Time</b>				
pH [00400]		6.0 – 9.0 S.U. [12]	---	Grab [GR]

**Footnotes:** See Page 6 of MEPDES permit #ME0002534/WDL #W002006-5S-I-R issued by the Department on June 15, 2016, for applicable footnotes.

## **SPECIAL CONDITIONS**

### **I. COMMENCEMENT OF OPERATIONS**

**At a minimum of ninety (90) days prior to commencing production/operations, the permittee must meet with the Department's permitting and compliance inspection staff to review applicability of the permit limitations, monitoring requirements and reporting requirements. Should the Department determine the proposed production/operations are significantly different than what has been presented in the March 16, 2016, application materials, the Department may require the permittee to submit a revised application to the Department.**





# DEP INFORMATION SHEET

## Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

### SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's ("DEP") Commissioner: (1) in an administrative process before the Board of Environmental Protection ("Board"); or (2) in a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

### I. ADMINISTRATIVE APPEALS TO THE BOARD

#### LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

#### HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board will be rejected.

#### HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by the Board's receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

#### WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

#### **OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD**

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
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. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

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

The Board will formally acknowledge receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

## **II. JUDICIAL APPEALS**

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P 80C. A party's appeal 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 person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

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.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

### **ADDITIONAL INFORMATION**

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

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**Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.**

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