



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF
ENVIRONMENTAL PROTECTION



PAUL MERCER
COMMISSIONER

January 19, 2017

Mr. Scot Linkletter
Plant Manager
Maine Wood Pellets Company
164 Harmony Road
PO Box 120
Athens, ME 04912
e-mail: scot@mainewoodpelletco.com

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0037401
Maine Waste Discharge License (WDL) Application #W009127-5R-C-M
Minor Revision

Dear Mr. Linkletter:

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 revision and its attached conditions carefully. Compliance with this permit/license will protect water quality.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in a 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: Clarrisa Trasko, DEP/EMRO Lori Mitchell, DEP/CMRO Sandy Mojica, USEPA
 Olga Vergara, USEPA Marelyn Vega, USEPA

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

BANGOR
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(207) 941-4570 FAX: (207) 941-4584

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

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1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

MAINE WOOD PELLET COMPANY, LLC,)	MAINE POLLUTANT DISCHARGE
*ATHENS CAPITAL HOLDINGS, LLC, AND)	
*ATHENS ENERGY, LLC)	ELIMINATION SYSTEM
ATHENS, SOMERSET COUNTY, MAINE)	AND
ME0037401)	
W009127-5R-C-M (APPROVAL))	WASTE DISCHARGE LICENSE

In compliance with the applicable provisions of *Pollution Control*, 38 M.R.S. §§ 411 – 424-B, *Water Classification Program*, 38 M.R.S.A. §§ 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 initiating a minor revision of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0037401/Maine Waste Discharge License (WDL) #W009127-5R-A-N (permit hereinafter), last issued to MAINE WOOD PELLET COMPANY, LLC, *ATHENS CAPITAL HOLDINGS, LLC and *ATHENS ENERGY, LLC (permittee hereinafter), on June 8, 2015 for a five-year term. With its supportive data, agency review comments, and other related materials on file the Department FINDS THE FOLLOWING FACTS:

MINOR REVISION SUMMARY

On July 16, 2015, the Department issued a new MEPDES/WDL to the permittee for a daily maximum discharge flow of 24,500 gallons per day of non-contact cooling tower blowdown water from a wood pellet manufacturing complex to East Branch Wesserunsett Stream, Class B, in Athens, Maine. This minor revision is necessary to clarify monitoring and reporting requirements in the permit. The revisions include;

1. Adding daily maximum water quality based limitations and monitoring for both pH and total residual chlorine for Outfall #001 on page 4 of the permit.
2. Revising the stream flow reporting requirement on page 5 of the permit from “daily mean” to a simple reporting requirement for the instantaneous flow measurement on any given day.
3. Revising the monitoring frequency for stream flow and stream temperature on page 5 of the permit from 1/Day to 1/Discharge Day as the facility does not discharge every day. Monitoring and reporting stream flow and stream temperature are only when the permittee is discharging from Outfall #001A.
4. Eliminating the requirement in footnote #2 on page 6 of the permit to monitor and report stream temperature between 9:00 AM and 11:00 AM. This requirement has proven to be cumbersome for the permittee.
5. Revising the term “weekly rolling average” in footnote #3 on page 6 of the permit to “seven-day rolling average” to clarify the reporting requirement for temperature difference.

MINOR REVISION SUMMARY (cont'd)

6. Adding a footnote for total residual chlorine.
7. Acknowledging the use of boiler blowdown waters to water logs and or be used as dust suppression on travel ways in the industrial site.

CONCLUSIONS

Based on the findings summarized on page 1 of this minor revision, and subject to the special and standard conditions that follow, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, *Classification of Maine waters*, 38 M.R.S. § 464(4)(F), will be met, in that:
 - (a) Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding natural resource, that water quality will be maintained and protected;
 - (c) Where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification that higher water quality will be maintained and protected; and
 - (e) Where a discharge will result in lowering the existing water quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharges will be subject to effluent limitations that require application of best practicable treatment as defined in *Conditions of Licenses*, 38 M.R.S. § 414-A(1)(D).

ACTION

Based on the findings and conclusions as stated above, the Department APPROVES the minor revision of combination MEPDES permit #ME0037401/WDL #W009127-5R-A-N, last issued to MAINE WOOD PELLET COMPANY, LLC, *ATHENS CAPITAL HOLDINGS, LLC and *ATHENS ENERGY, LLC (permittee hereinafter), on June 8, 2015, for a five-year term, 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 to MEPDES permit #ME0037401/WDL #W009127-5R-A-N, issued on June 8, 2015, for a five-year term.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. All terms and conditions of MEPDES permit #ME0037401/WDL #W009127-5R-A-N, issued on June 8, 2015, for a five-year term not modified by this minor remain in effect and enforceable.
4. This minor revision and the authorization to discharge become effective upon the date of signature below and expire at midnight on June 8, 2020. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the authorization to discharge and the terms and conditions of this permit and all modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (amended October 19, 2015)].

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

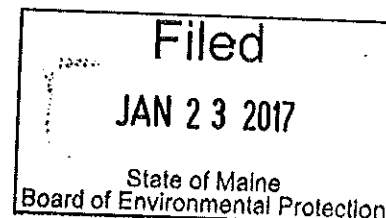
DONE AND DATED AT AUGUSTA, MAINE, THIS 20th DAY OF January 2017.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhns
for PAUL MERCER, Commissioner

Date of initial receipt of application: January 15, 2015

Date of application acceptance: January 21, 2015



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

YEAR ROUND

The permittee is authorized to discharge cooling tower blowdown water to East Branch Wesserunsett Stream at Athens, Maine via **Outfall #001A** year round. Such discharges are limited and must be monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations			Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow <i>[50050]</i>	---	---	24,500 gpd <i>[03]</i>	1/Discharge Day <i>[01/DD]</i>	Estimate ⁽¹⁾ <i>[ES]</i>
Temperature ⁽²⁾ <i>[00011]</i>	---	---	85°F <i>[15]</i>	1/Discharge Day <i>[01/DD]</i>	Grab <i>[GR]</i>
pH <i>[00400]</i>	---	---	6.0 – 9.0 SU <i>[12]</i>	1/Discharge Day <i>[01/DD]</i>	Grab <i>[GR]</i>
Total Residual Chlorine <i>[50060]</i>	---	---	0.35 mg/L <i>[19]</i>	1/Discharge Day <i>[01/DD]</i>	Grab <i>[GR]</i>

The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports.

FOOTNOTES: See Page 6 of this minor revision for applicable footnotes.

SPECIAL CONDITIONS

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

Effluent Characteristic	Discharge Limitations			Monitoring Requirements	
	Monthly Average	Weekly Average	Daily Maximum	Measurement Frequency	Sample Type
Temperature Difference <i>[00018]</i>	---	0.5°F ⁽³⁾ <i>[15]</i>	---	1/Discharge Day <i>[01/DD]</i>	Calculate <i>[CA]</i>
Temperature Difference <i>[00018]</i>	---	---	0.5°F ⁽⁴⁾ <i>[15]</i>	1/Discharge Day <i>[01/DD]</i>	Calculate <i>[CA]</i>
Stream Flow (Daily Minimum) <i>[00061]</i>	---	---	Report (cfs) <i>[08]</i>	1/Discharge Day <i>[01/DD]</i>	Measure ⁽⁵⁾ <i>[MS]</i>
Temperature ⁽²⁾ (Stream) <i>[00011]</i>	---	---	Report°F <i>[15]</i>	1/Discharge Day <i>[01/DD]</i>	Grab <i>[GR]</i>

The italicized numeric values bracketed in the table and in subsequent text are code numbers that Department personnel utilize to code the monthly Discharge Monitoring Reports.

FOOTNOTES: See Page 6 of this minor revision for applicable footnotes.

SPECIAL CONDITIONS

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

FOOTNOTES:

1. **Flow** – Estimation of flows must be determined by a method approved by the Department.
2. **Temperature** – Sampling and analysis must be conducted in accordance with; a) methods approved in Title 40, Code of Federal Regulations (40 CFR) Part 136; b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136; or c) as otherwise specified by the Department. Stream temperature is to be measured adjacent to the US Geological Survey's gauge station #01048220 unless another method of obtaining stream flow data is approved by the Department.
3. **Temperature Difference** – This is a seven-day rolling average limitation when the receiving water temperature is greater than or equal to (\geq) 66°F and less than ($<$) 73°F. Please refer to the equation in Special Condition F, *Temperature Difference*, of this permit to determine the temperature change limitations required to comply with the weekly average temperature difference limitation. Values to be used in the equation in Special Condition F must be the most current seven days.
4. **Temperature Difference** – This is a daily maximum limitation when the receiving water temperature is \geq 73°F. Please refer to the equation in Special Condition F, *Temperature Difference*, of this permit to determine the temperature change limitations required to comply with the daily maximum temperature difference limitation.
5. **Stream flow** – Stream flow measurements must be obtained from US Geological Survey's gauge station #01048220, unless another method of obtaining stream flow data is approved by the Department.
6. **Total Residual Chlorine** – Limitations and monitoring requirements are in effect anytime elemental chlorine or chlorine based compounds are utilized to disinfect the discharge(s). The permittee must utilize an EPA-approved test method capable of bracketing the TRC limitations specified in this permitting action.



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:

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.

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.
