



**Town of Lincoln, ME  
Request for Proposals  
Dewatering Services**

**Former Lincoln Paper & Tissue  
Waste Treatment System  
*Lincoln, Maine***

**Response #2 to Bidder Questions**

**Prepared by**

**Richard D. Hall, PE  
Campbell Environmental Group  
173 Gray Road  
Falmouth, Maine 04105**

**April 16, 2026**

**Town of Lincoln, ME Request for Proposals - Demolition Services**  
**Former Lincoln Paper & Tissue Building 23 (former Powerhouse), Lincoln, Maine**

1. Is there a penalty if sludge is not dewatered to 35%? Preliminary bench test show geosocks (geotextile tubes) can not achieve the 35%. **State this limitation in your bid.**
2. If filter presses are use, does the dewatered sludge need to be covered from the elements and rain? **If rainwater runoff will create cloudy water then dewatered sludge needs to be covered.**
3. Please provide the Wastewater Discharge Permit that we will be discharging water. **Attached to this document**
4. How is the aeration, piping, separation barriers and other equipment secured? **We believe it is held in place with weights.**
5. Will significate chains, anchors need to be removed to gain access to the dredge area? **We do not know for sure but anecdotally, we are told that chains and anchors were not used, so disconnection of piping is all that will be anticipated.**
6. Is the 345,000 cu ft including the 6-inches of sludge to remain in the pond at the completion of dredging? **All sludge is to be dewatered, leaving less than 6 inches of sludge in the pond. Optional storage in the pond can be offered as an option.**
7. Is there a water source near by that can be used to add water to the pond prior to and during dredging activities? **Water from the creek or river is available.** Is a permit required if we pull water from the Penobscot River or the Mattanawcook Stream? **This has not been explored. Include estimate of volume needed in your bid.**
8. How will the "no more than 6-inches of sludge be remaining" be verified? **Measurement of several areas in the lagoon will be done by Campbell Environmental Group.**
9. Who is responsible for this verification and what frequency of sampling will be used? **Campbell Environmental will sample upon notification by contractor that they are complete.**
10. Are there any protective measures the Contractor needs to take to protect the liner? **If all sludge is removed, to 6 inch level, then no protection is required.**
11. Should we expect groundwater infiltration? **Yes but the amount is currently not known.**
12. If geotextile tubes are used to dewater, can they be left in place at the completion of dredging? Including the tube fabric and liner? **Yes, tubes and liner can be left to continue to drain.**
13. Can exceptions and clarifications be included with our proposal? **Yes, these are encouraged**
14. What water level will the pond need to be at the completion of the project? **Less than 6 inches of combined water and sludge.**

**Attachment**

Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME  
0002003 Maine Waste Discharge License (WDL) Application #W000381-5O-O-T Final  
MEPDES Permit Transfer



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



JANET T. MILLS  
GOVERNOR

MELANIE LOYZIM  
COMMISSIONER

April 2, 2024

Ms. Ruth Birtz  
Lincoln Mill Environmental Recovery Corporation  
29 Main Street  
Lincoln, ME. 04456  
e-mail: [ruth.birtz@lincolnmaine.org](mailto:ruth.birtz@lincolnmaine.org)

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0002003  
Maine Waste Discharge License (WDL) Application #W000381-5O-O-T  
**Final MEPDES Permit Transfer**

Dear Ms. Birtz:

Enclosed please find a copy of your **final** MEPDES permit and Maine WDL **transfer** which was approved by the Department of Environmental Protection. Please read this permit/license renewal 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 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: Gary Brooks, DEP/CMRO   Lori Mitchell, DEP/CMRO   Irene Saumur, DEP/CMRO  
    Laura Crossley, DEP/CMRO   Holly Ireland, DEP/CMRO   Richard Carvalho, USEPA  
    Sandy Mojica, 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



# DEP INFORMATION SHEET

## Appealing a Department Licensing Decision

**Dated: August 2021**

**Contact: (207) 314-1458**

### **SUMMARY**

This document provides information regarding a person's rights and obligations in filing an administrative or judicial appeal of a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner.

Except as provided below, there are two methods available to an aggrieved person seeking to appeal a licensing decision made by the DEP Commissioner: (1) an administrative process before the Board of Environmental Protection (Board); or (2) 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. § 3451\(4\)](#)) or 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 Organization and Powers, [38 M.R.S. §§ 341-D\(4\)](#) and [346](#); the Maine Administrative Procedure Act, 5 M.R.S. § [11001](#); and the DEP's [Rule Concerning the Processing of Applications and Other Administrative Matters \(Chapter 2\)](#), 06-096 C.M.R. ch. 2.

#### **DEADLINE TO SUBMIT AN APPEAL TO THE BOARD**

Not more than 30 days following the filing of a license decision by the Commissioner with the Board, an aggrieved person may appeal to the Board for review of the Commissioner's decision. The filing of an appeal with the Board, in care of the Board Clerk, is complete when the Board receives the submission by the close of business on the due date (5:00 p.m. on the 30<sup>th</sup> calendar day from which the Commissioner's decision was filed with the Board, as determined by the received time stamp on the document or electronic mail). Appeals filed after 5:00 p.m. on the 30<sup>th</sup> calendar day from which the Commissioner's decision was filed with the Board will be dismissed as untimely, absent a showing of good cause.

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

An appeal to the Board may be submitted via postal mail or electronic 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  
[ruth.a.burke@maine.gov](mailto:ruth.a.burke@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; and if a hearing was held on the application, (3) any intervenors in that hearing proceeding. **Please contact the DEP at 207-287-7688 with questions or for contact information regarding a specific licensing decision.**

### **REQUIRED APPEAL CONTENTS**

A complete appeal must contain the following information at the time the appeal is submitted.

1. *Aggrieved status.* The appeal must explain how the appellant has standing to bring the appeal. This requires an explanation of how the appellant 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.* The appeal must identify the specific findings of fact, conclusions of law, license conditions, or other aspects of the written license decision or of the license review process that the appellant objects to or believes to be in error.
3. *The basis of the objections or challenge.* For the objections identified in Item #2, the appeal must state why the appellant believes that the license decision is incorrect and should be modified or reversed. If possible, the appeal should cite specific evidence in the record or specific licensing criteria that the appellant believes were not properly considered or fully addressed.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license to changes in specific license conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those matters specifically raised in the written notice of appeal.
6. *Request for hearing.* If the appellant wishes the Board to hold a public hearing on the appeal, a request for hearing must be filed as part of the notice of appeal, and it must include an offer of proof regarding the testimony and other evidence that would be presented at the hearing. The offer of proof must consist of a statement of the substance of the evidence, its relevance to the issues on appeal, and whether any witnesses would testify. The Board will hear the arguments in favor of and in opposition to a hearing on the appeal and the presentations on the merits of an appeal at a regularly scheduled meeting. If the Board decides to hold a public hearing on an appeal, that hearing will then be scheduled for a later date.
7. *New or additional evidence to be offered.* If an appellant wants to provide evidence not previously provided to DEP staff during the DEP's review of the application, the request and the proposed supplemental evidence must be submitted with the appeal. The Board may allow new or additional evidence to be considered in an appeal only under limited circumstances. The proposed supplemental evidence must be relevant and material, and (a) the person seeking to add information to the record must show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process; or (b) the evidence itself must be newly discovered and therefore unable to have been presented earlier in the process. Requirements for supplemental evidence are set forth in [Chapter 2 § 24](#).

### **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, and is made accessible by the DEP. Upon request, the DEP will make application materials available to review and photocopy during normal working hours. There may be 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 the appeal.* DEP staff will provide this information upon request and answer general questions regarding the appeal process.
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 stay of the decision is requested and granted, a licensee may proceed with a project pending the outcome of an appeal, but the licensee 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 acknowledge receipt of an appeal, and it will provide the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials admitted by the Board as supplementary evidence, any materials admitted in response to the appeal, relevant excerpts from the DEP's administrative record for the application, and the DEP staff's recommendation, in the form of a proposed Board Order, will be provided to Board members. The appellant, the licensee, and parties of record are notified in advance of the date set for the Board's consideration of an appeal or request for a hearing. The appellant and the licensee will have an opportunity to address the Board at the Board meeting. The Board will decide whether to hold a hearing on appeal when one is requested before deciding the merits of the appeal. The Board's decision on appeal may be to affirm all or part, affirm with conditions, order a hearing to be held as expeditiously as possible, reverse all or part of the decision of the Commissioner, or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, the licensee, and parties of record of its decision on appeal.

## **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. § 346\(1\)](#); 06-096 C.M.R. ch. 2; [5 M.R.S. § 11001](#); and 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. 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).

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 Clerk at 207-287-2811 or the Board Executive Analyst at 207-314-1458 [bill.hinkel@maine.gov](mailto:bill.hinkel@maine.gov), 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 regulatory provisions referred to herein, is provided to help a person to understand their rights and obligations in filing an administrative or judicial appeal. 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.**

---



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

**DEPARTMENT ORDER**

**IN THE MATTER OF**

LINCOLN MILL ENVIRONMENTAL	)	MAINE POLLUTANT DISCHARGE
RECOVERY CORPORATION	)	ELIMINATION SYSTEM PERMIT
LINCOLN, PENOBSCOT COUNTY, ME	)	
MINOR INDUSTRIAL PROCESS WATER	)	AND
ME0002003	)	WASTE DISCHARGE LICENSE
W000381-5O-O-T	)	<b>TRANSFER</b>
<b>APPROVAL</b>	)	

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, the Department of Environmental Protection (Department) has considered the application of LINCOLN MILL ENVIRONMENTAL RECOVERY CORPORATION (permittee), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

**APPLICATION SUMMARY**

On December 21, 2023, the permittee submitted an application to the Department for the transfer of Maine Pollutant Discharge Elimination System (MEDPES) Permit #ME0002003/ Maine Waste Discharge License (WDL) #W000381-5J-F-R, (permit) issued on May 26, 2011, for a five-year term to Lincoln Paper & Tissue (LPT) LLC.

At the time of the May 26, 2011, permit renewal, the LPT mill located in Lincoln, Maine manufactured bleached kraft pulp and bleached kraft fine paper and tissue. The permit authorized LPT to discharge up to a monthly average of 19.3 million gallons per day (MGD) of treated process and other miscellaneous waste waters associated with the pulp and papermaking process including, but not limited to, cooling waters, treated process waste waters from other commercial facilities and storm water from various areas of the mill complex to the Penobscot River. LPT's waste water collection and treatment systems were also used as elementary neutralization pursuant to Maine law, 38 MRSA, §1319-1. The mill produced approximately 450 air-dried tons/day of bleached kraft pulp/fine paper and tissue from hardwood chips (50%) and recycled softwood sawdust (50%).

The May 26, 2011, permit was modified five times between the issuance date and November 23, 2015. The modifications including reductions and or elimination of monitoring requirements for certain parameters due to reductions in pulp and paper production and eventually the permanent shutdown of the mill in late 2015. The permittee is currently working to develop a master plan to convert the former mill complex into an industrial park. Once the master plan is complete, the Department will act on the permit renewal and establish applicable technology based and or water quality-based effluent limitations based on the waste streams being treated.

**APPLICATION SUMMARY (cont'd)**

One of the five modifications of the permit was in response to a March 30, 2015 memorandum from the U.S. Environmental Protection Agency (USEPA) indicating the LPT MEPDES permit qualified for a re-classification from a major facility to a minor facility given the significant reduction in production at the facility, the reduction in conventional pollutant loading, lack of reasonable potential for toxicity, and lack of public health impacts associated with the current discharge. Therefore, on May 13, 2015, a minor revision was issued re-classifying the MEPDES permit from a major facility to a minor facility by changing the type code for the facility from “5N” (major industrial facility process wastewater) to a “5O” (minor industrial facility process wastewater).

The permittee has been duly qualified by the Maine Secretary of State to be in good standing and authorized the corporation to conduct business under the laws of the State of Maine as of the date of this transfer. The permittee has submitted information demonstrating that it has legal title, right, and or interest in 11.39 acres of the former mill site. The permittee obtained the 11.39 acre parcel of land from Haynes Street Redevelopment, LLC in a quit claim deed dated September 28, 2022. See **Attachment B** of this permit transfer for a map depicting the 11.39 acres. Haynes Street Redevelopment obtained 108.3 acres of the former mill site from the LPT Dissolution Trust in a Trustee’s Deed dated February 14, 2022.

The permittee has provided a statement that it possesses the financial capacity and technical ability to comply with the terms and conditions of the permit.

## CONCLUSIONS

BASED on the findings above of this permit transfer 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, 38 MRS Section 464(4)(F), will be met, in that:
  - (a) Existing 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) The standards of classification of the receiving water body are met or, 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 quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharge will be subject to effluent limitations that require application of best practicable treatment.

**ACTION**

THEREFORE, the Department APPROVES the above noted application by LINCOLN MILL ENVIRONMENTAL RECOVERY CORPORATION to transfer MEPDES permit #ME0002003/WDL #W000381-5J-F-R, issued by the Department on May 26, 2011, and any subsequent modifications/minor revisions thereto, 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 ME0002003/WDL #W000381-5J-F-R issued by the Department on May 26, 2011.
2. All terms and conditions of MEPDES permit ME0002003/WDL #W000381-5J-F-R issued by the Department on May 26, 2011, and any subsequent modifications not modified by this permitting action remain in effect and enforceable. See **Attachment A** of this transfer.
3. This permit transfer becomes effective upon the date of signature below and expires upon issuance of a permit renewal. The terms and conditions of this permit transfer 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 June 9, 2018)*].

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS 5 DAY OF April, 2024.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Brian Kavanah  
for Melanie Loyzim, Commissioner

Date of initial receipt of application: December 21, 2023.

Date of application acceptance: December 21, 2023.

<b>FILED</b>
APRIL 5, 2024
State of Maine
Board of Environmental Protection

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

This Order prepared by Gregg Wood, BUREAU OF WATER QUALITY

# **ATTACHMENT A**



STATE OF MAINE  
Department of Environmental Protection

Paul R. LePage  
GOVERNOR

James Brooks  
ACTING COMMISSIONER

May 26, 2011

Mr. Dennis McComb  
Environmental and Safety Manager  
Lincoln Paper and Tissue, LLC  
P.O. Box 490  
Lincoln, Maine 04457

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit # ME0002003  
Maine Waste Discharge License (WDL) Application #W000381-5N-F-R  
**Final Permit**

Dear Mr. McComb:

Enclosed please find a copy of your **final** MEPDES permit and Maine WDL which was approved by the Department of Environmental Protection. Please read the permit/license and its attached conditions carefully. You must follow the conditions in the permit/license to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State Law and is subject to enforcement action.

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.

Sincerely,

A handwritten signature in cursive script, appearing to read "G. Wood".

Gregg Wood  
Division of Water Quality Management  
Bureau of Land and Water Quality

Enc.

cc: Stakeholder Service List  
Sandy Mojica, USEPA

**Members:**

Adria Elskus	aelskus@usgs.gov
Alan Boynton	sabaocat@adelphia.net
Angie Reed	Angie.Reed@penobscotnation.org
Barbara Arter	bsarter@panax.com
Bernier, Kevin	kevin.bernier@brookfieldpower.com
Bill Taylor	wtaylor@pierceatwood.com
Bradley Moore	brad.moore@bangormaine.gov
Bruce Albert	albertbp@katahdinpaper.com
Cintya Baily	Cintya.Bailey@versopaper.com
Courtemanch, Dave L	Dave.L.Courtemanch@maine.gov
Dan Kusnierz	Dan.Kusnierz@penobscotnation.org
Darold Wooley	Lincolnsanitarydistrict@myfairpoint.net
David Mitchell	dmitchell@ensr.aecom.com
David Van Slyke	dvanslyke@preti.com
Dennis McComb	dmccomb@lpandt.com
Dick Arnold	dick.arnold@redshieldenv.com
Frank Ruksznis	fprgssd@myfairpoint.net
Gary Brooks	gbrooks@veaziesewerdistrict.com
Gary Stetson	garystetson@myfairpoint.net
George Frantz	frantz.george@epa.gov
Hovell, Tanya	Tanya.Hovell@maine.gov
Jan Paul	Jan.Paul@penobscotnation.org
Jennie Bridge	bridge.jennie@epa.gov
Jim Charett	wastewater@millinocket.org
Joseph Madigan	jmadigan@adelphia.net
Kavanah, Brian W	Brian.W.Kavanah@maine.gov
Ken Gallant	kenneth.gallant@versopaper.com
Kenneth Locke	klocke@brewerme.org
Kristie Rabasca	klr@smemaine
Leo Robichaud	burobichaud@myfairpoint.net
Logue, Edward	Edward.Logue@Maine.gov
Lou Colburn	lcolburn@brewerme.org
Marie Dumonatier	maridumo@th.fraserpapers.com
Mohlar, Robert C	Robert.C.Mohlar@maine.gov
Mower, Barry F	Barry.F.Mower@maine.gov
Murch, Dana P	Dana.P.Murch@maine.gov
Newkirk, Peter	Peter.Newkirk@maine.gov
Nick Bennett	nbennett@nrcm.org
Paul Wintle	pwintle@adelphia.net
Peter Shanahan	pshanahan@hydroanalysisinc.com
Rand, Phyllis A	Phyllis.A.Rand@maine.gov
Rhonda Daigle	Rhonda.Daigle@penobscotnation.org
Scott Hall	shall@pplweb.com
Tom Bouchard	bouchard@midmaine.com
Trasko, Clarissa	Clarissa.Trasko@maine.gov
Tsomides, Leon	Leon.Tsomides@maine.gov
Wood, Gregg	Gregg.Wood@maine.gov
Young, Matthew R	Matthew.R.Young@maine.gov



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

**DEPARTMENT ORDER**

**IN THE MATTER OF**

LINCOLN PAPER & TISSUE LLC	)	MAINE POLLUTANT DISCHARGE
LINCOLN, PENOBSBOT COUNTY, MAINE	)	ELIMINATION SYSTEM PERMIT
PULP & PAPER MANUFACTURING FACILITY	)	AND
ME0002003	)	WASTE DISCHARGE LICENSE
W000381-5N-F-R	)	<b>RENEWAL</b>
	<b>APPROVAL</b>	

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, Section 1251, *et. seq.* and *Conditions of Licenses*, 38 M.R.S.A., Section 414-A *et seq.*, and applicable regulations, the Department of Environmental Protection (Department hereinafter) has considered the application of the LINCOLN PAPER & TISSUE LLC (LPT/permittee hereinafter) with its supportive data, agency review comments, and other related material on file and FINDS THE FOLLOWING FACTS:

**APPLICATION SUMMARY**

LPT has filed a timely and complete application with the Department to renew State Waste Discharge License (WDL) #W000381-44-B-R, which was issued on January 23, 1997, and expired on January 23, 2002. It is noted the January 23, 1997, WDL was subsequently modified on a number of occasions thereafter to establish new or revised limitations for color, dioxin, furan, metals and temperature as well as to suspend a Special Condition pertaining to biological monitoring of the bald eagle.

The LPT mill located in Lincoln, Maine manufactures bleached kraft pulp and bleached kraft fine paper and tissue. LPT is seeking to obtain a combination Maine Pollutant Discharge Elimination System (MEPDES) permit and Waste Discharge License (WDL) to discharge up to a monthly average of 19.3 million gallons per day (MGD) of treated process and other miscellaneous waste waters associated with the pulp and papermaking process including, but not limited to, cooling waters, treated process waste waters from other commercial facilities and storm water from various areas of the mill complex to the Penobscot River. LPT's waste water collection and treatment systems are also used as elementary neutralization pursuant to Maine law, 38 MRSA, §1319-1. The mill produces approximately 450 air-dried tons/day of bleached kraft pulp/fine paper and tissue from hardwood chips (50%) and recycled softwood sawdust (50%).

### **PERMIT MODIFICATIONS REQUESTED**

Outfall #001 – Final outfall of treated process waste water, cooling water and storm water.

- a. Eliminate monitoring for dioxin at the final outfall (Outfall #001).
- b. Eliminate water quality based limitations and monitoring requirements for arsenic and lead.
- c. Eliminate the requirement for 80% removal for total suspended solids (TSS).
- d. Incorporate the pH excursion language found in Department rules for permittee's that monitor pH on a continuous basis.
- e. Reduce the monitoring frequency for adsorbable organic halides (AOX) to 1/Quarter.

Outfall #002 – Leachate and storm water runoff

- f. Eliminate the outfall from the permit in its entirety as the watershed in which leachate and storm water runoff are generated are no longer owned by the permittee.

Outfall #100 – Bleach plant (internal waste stream)

- h. Eliminate the requirement to report the percentage of chlorine dioxide substitution.

### **PERMIT SUMMARY**

On January 12, 2001, the Department received authorization from the U.S. Environmental Protection Agency (EPA) to administer the National Pollutant Discharge Elimination System (NPDES) program in Maine excluding areas of special interest to Maine Indian Tribes. On October 30, 2003, after consultation with the U.S. Department of Justice, USEPA extended Maine's NPDES program delegation to all but tribally owned lands. From that point forward, the program has been referred to as the MEPDES program and will utilize a permit number of #ME0002003 (same as the NPDES permit) as a reference number for LPTs MEPDES permit.

**PERMIT SUMMARY (cont'd)**

This permit is significantly different than the effective NPDES permit last issued by the EPA on March 28, 1985, and the effective WDL issued by the State of Maine on January 23, 1997, and subsequently modified on April 18, 1997, November 6, 1998, and August 23, 2002. This permit includes requirements pursuant to federal regulation found at 40 Code of Federal Regulation (CFR) Part 430 which is often referred to as the "Cluster Rule." The regulation was promulgated by the EPA in April of 1998.

Terms and conditions being carried forward from WDL #W000381-44-B-R dated January 23, 1997, and subsequent WDL modifications cited above include, but are not limited to:

1. Tiered seasonal technology based mass limitations for biochemical oxygen demand (BOD5) and total suspended solids (TSS) and limitations for process waste waters and cooling water flows.
2. The daily maximum technology based temperature limit of 120°F.
3. The technology based pH range limitation of 5.0 -9.0 standard units.
4. The quarterly average technology based mass color limit of 175 lbs/ton of unbleached pulp produced.
5. The daily maximum concentration limit of <10 pg/L for 2,3,7,8 TCDD (dioxin) and 2,3,7,8 TCDF (furan) in the bleach plant effluent, Outfall #100, an internal waste stream for the mill.
6. Testing requirements for whole effluent toxicity (WET) and chemical specific (priority pollutant and analytical chemistry) testing.

This permit is different from WDL #W000381-44-B-R dated January 27, 1997 and subsequent WDL modifications previously cited in that it:

7. Removes the monthly average and daily maximum mass and concentration reporting requirements for mercury. It is noted quarterly monitoring remains in effect pursuant to Department Rule, Chapter 519 and reporting of said results are tracked separately by the Department.
8. Establishes monthly average and daily maximum production based mass limits for adsorbable organic halides (AOX).

**PERMIT SUMMARY** (cont'd)

9. Establishes daily maximum concentration limits for 12 chlorinated phenolic compounds for the bleach plant, Outfall #100.
10. Establishes monthly average and daily maximum production based limits for chloroform for the bleach plant, Outfall #100.
11. Requires the permittee to implement and periodically update a Best Management Plan (BMP) for the mill operations in accordance with federal regulation 40 CFR, Part 403.03(d).
12. Establishes a seasonal (June 1 – September 30) monthly average water quality based mass limitation and monitoring requirement for total phosphorus.
13. Establishing a seasonal requirement to fund ambient water quality monitor on the Penobscot River in accordance with a Department approved plan.
14. Modifies the critical acute and chronic dilution factors associated with the discharge from the mill based on revised 1Q10 and 7Q10 low flow values for the Penobscot River.
15. Establishes new or revised monthly average and or daily maximum water quality based limitations for aluminum, copper and lead.

## CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated April 12, 2011, 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, 38 M.R.S.A., Section 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) The standards of classification of the receiving water body are met or, 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 quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharge will be subject to effluent limitations that require application of best practicable treatment.

**ACTION**

THEREFORE, the Department APPROVES the above noted application of LINCOLN PAPER & TISSUE LLC, to discharge up to a monthly average of 19.3 million gallons per day (MGD) of treated process and other miscellaneous waste waters associated with the pulp and papermaking process including, but not limited to, treated pulp and paper manufacturing waste water, cooling waters, treated process waste waters from other commercial facilities and storm water from various areas of the mill complex to the Penobscot River, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

1. *“Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits,”* revised July 1, 2002, copy attached.
2. The attached Special Conditions, including effluent limitations and monitoring requirements.
3. This permit becomes effective upon the date of signature below and expires at midnight five (5) years thereafter. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of the this permit, the terms and conditions of the 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.A. § 10002 and Rules Concerning the Processing of Applications and Other Administrative Matters, 06-096 CMR 2(21)(A)* (effective April 1, 2003)].

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application January 24, 2002.  
Date of application acceptance January 25, 2002.

This order prepared by GREGG WOOD, BUREAU OF LAND AND WATER QUALITY  
ME0002003 2011 5/22/11

**SPECIAL CONDITION**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

- The permittee is authorized to discharge treated process waste waters, including bleach plant effluent (internal waste stream), cooling waters and storm waters to the Penobscot River. Such discharges shall be limited and monitored by the permittee as specified below. The italicized numeric values in brackets in the table below and the tables that follow are not limitations but are code numbers used by Department personnel to code Discharge Monitoring Reports (DMR's).

**OUTFALL #001 – Treated process waste waters, cooling waters and storm water**

*Current Production ⇒ ≤430 - <450 ADTPD of unbleached pulp*

Effluent Characteristic	Monitoring Requirements					
	Monthly <u>Average</u> as specified	Daily <u>Maximum</u> as specified	Monthly <u>Average</u> as specified	Daily <u>Maximum</u> as specified	Measurement <u>Frequency</u> as specified	Sample <u>Type</u> as specified
Production [00145]	Report <sup>(1)</sup>	---	---	---	1/Month [01/30]	Calculate[CA]
Process Flow (MGD) [50050] Thermal flow (MGD)	---	13.5 MGD 2.3 MGD [03]	---	---	Continuous [99/99]	Recorder[RC]
<u>BOD<sub>5</sub></u> [00310] <i>June 1 – September 30</i>	4,231 lbs/day	8,500 lbs/day	---	---	1/Day	Composite
<i>October 1 – May 31</i>	5,760 lbs/day [26]	9,987 lbs/day [26]	---	---	1/Day [01/01]	Composite [24]
<u>TSS</u> [00530] <i>June 1 – September 30</i>	10,980 lbs/day	18,000 lbs/day	---	---	1/Day	Composite
<i>October 1 – May 31</i>	12,920 lbs/day [26]	20,450 lbs/day [26]	---	---	1/Day [01/01]	Composite [24]

**SPECIAL CONDITION**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

**OUTFALL #001 – Treated process waste waters, cooling waters and storm water**

***Tier I ⇒ >450 – ≤540 ADTPD of unbleached pulp***

Effluent Characteristic	Monitoring Requirements					
	Monthly Average as specified	Daily Maximum as specified	Monthly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Production [00145]	Report <sup>(1)</sup>	---	---	---	1/Month [01/30]	Calculate[CA]
Process Flow (MGD) [50050] Thermal flow (MGD)	---	14.6 MGD 2.5 MGD [03]	---	---	Continuous [99/99]	Recorder[RC]
<u>BOD<sub>5</sub></u> [00310] June 1 – September 30	4,654 lbs/day	9,350 lbs/day	---	---	1/Day	Composite
October 1 – May 31	6,336 lbs/day [26]	10,986 lbs/day [26]	---	---	1/Day [01/01]	Composite [24]
<u>TSS</u> [00530] June 1 – September 30	12,078 lbs/day	19,800 lbs/day	---	---	1/Day	Composite
October 1 – May 31	14,212 lbs/day [26]	22,495 lbs/day [26]	---	---	1/Day [01/01]	Composite [24]

**SPECIAL CONDITION**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

**OUTFALL #001 – Treated process waste water, cooling water and storm water**

*Tier II => >540 ADTPD of unbleached pulp*

Effluent Characteristic	Monitoring Requirements					
	Monthly Average as specified	Daily Maximum as specified	Monthly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Production [00145]	Report <sup>(1)</sup>	---	---	---	1/Month [01/30]	Calculate[CA]
Process Flow (MGD) [50050] Thermal flow (MGD)	---	16.3 MGD 3.0 MGD [03]	---	---	Continuous [99/99]	Recorder[RC]
<u>BOD<sub>5</sub></u> [00310] June 1 – September 30	5,585 lbs/day	11,220 lbs/day	---	---	1/Day	Composite
October 1 – May 31	7,603 lbs/day [26]	13,183 lbs/day [26]	---	---	1/Day [01/01]	Composite [24]
<u>TSS</u> [00530] June 1 – September 30	14,494 lbs/day	23,760 lbs/day	---	---	1/Day	Composite
October 1 – May 31	17,054 lbs/day [26]	26,994 lbs/day [26]	---	---	1/Day [01/01]	Composite [24]

**SPECIAL CONDITION**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**

**OUTFALL #001 – Treated process waste water, cooling water and storm water**

Effluent Characteristic	Monitoring Requirements					
	Monthly <u>Average</u> as specified	Daily <u>Maximum</u> as specified	Monthly <u>Average</u> as specified	Daily <u>Maximum</u> as specified	Measurement <u>Frequency</u> as specified	Sample <u>Type</u> as specified
<u>Temperature</u> [00011] June 1 – September 30 October 1 – May 31	---	---	---	120°F [15]	1/Day [01/01]	Measure [MS]
	---	---	---	120 °F [15]	1/Week [01/07]	Measure [MS]
Color <sup>(2)</sup> [00084]	175 lbs/ton [42]	---	---	---	3/Week [03/07]	Calculate [CA]
Adsorbable Organic Halides <sup>(3)</sup> (AOX) [03594]	---	---	0.623 kg/kkg [31]	0.951 kg/kkg [31]	1/Quarter [01/90]	Composite [24]
<u>Total Phosphorus</u> <sup>(4)</sup> [00665] (June 1 – September 30)	68 lbs/day [26]	Report lbs/day [26]	Report ug/L [19]	Report ug/L [19]	1/Week [01/07]	Composite [24]
pH (Std. Unit) [00400]	---	--	---	5.0 – 9.0 SU <sup>(5)</sup> [12]	Continuous [99/99]	Recorder [RC]
Aluminum (Total) [01105]	468 lbs./day [26]	---	8,313 ug/L [28]	---	1/Year [01/YR]	Composite [24]
Copper (Total) [01042]	7.1 lbs./day [26]	6.0 lbs./day [26]	106 ug/L [28]	126 ug/L [28]	1/Year [01/YR]	Composite [24]
Lead (Total) [01051]	0.56 lbs./day [26]	---	10 ug/L [28]	---	1/Year [01/YR]	Composite [24]

**SPECIAL CONDITIONS**

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd) – OUTFALL #001**

**SCREENING LEVEL** - Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter.

Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
<b>Whole Effluent Toxicity<sup>(6)</sup></b>						
<b><u>Acute – NOEL</u></b>						
<i>Ceriodaphnia dubia</i> (Water flea) [TDA3B]	---	---	---	Report % [23]	1/Year [01/YR]	Composite [24]
<i>Salvelinus fontinalis</i> (Brook trout) [TDA6F]	---	---	---	Report % [23]	1/Year [01/YR]	Composite [24]
<b><u>Chronic – NOEL</u></b>						
<i>Ceriodaphnia dubia</i> (Water flea) [TDA3B]	---	---	---	Report % [23]	1/Year [01/YR]	Composite [24]
<i>Salvelinus fontinalis</i> (Brook trout) [TDA6F]	---	---	---	Report % [23]	1/Year [01/YR]	Composite [24]
Analytical chemistry <sup>(7)</sup> [51168]	---	---	---	Report ug/L [28]	1/Quarter [01/90]	Composite/Grab [24]
Priority Pollutant <sup>(8)</sup> [50008]	---	---	---	Report ug/L [28]	1/Year [01/YR]	Composite/Grab [24]

**SPECIAL CONDITIONS**

**A. OUTFALL #100 (Bleach Plant)**

Effluent Characteristic	Discharge Limitations				Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow [50050]	Report MGD [03]	Report MGD [03]	---	---	1/Day <sup>(9)</sup> [01/01]	Measure [MS]
2,3,7,8 TCDD (Dioxin) <sup>(10)</sup> [34675]	---	---	---	<10 pg/L <sup>(11)</sup> [3L]	1/Year [01/YR]	Composite [24]
2,3,7,8 TCDF (Furan) <sup>(10)</sup> [38691]	---	---	---	<10 pg/L <sup>(11)</sup> [3L]	1/Year [01/YR]	Composite [24]
Trichlorosyringol <sup>(12)</sup> [73054]	---	---	---	<2.5 ug/L <sup>(11)</sup> [28]	2/Year [02/YR]	Composite [24]
3,4,5-Trichlorocatechol <sup>(12)</sup> [73037]	---	---	---	<5.0 ug/L <sup>(11)</sup> [28]	2/Year [02/YR]	Composite [24]
3,4,,6- Trichlorocatechol <sup>(12)</sup> [51024]	---	---	---	<5.0 ug/L <sup>(11)</sup> [28]	2/Year [02/YR]	Composite [24]
3,4,5-Trichloroguaiacol <sup>(12)</sup> [61024]	---	---	---	<2.5 ug/L <sup>(11)</sup> [28]	2/Year [02/YR]	Composite [24]
3,4,6-Trichloroguaiacol <sup>(12)</sup> [51022]	---	---	---	<2.5 ug/L <sup>(11)</sup> [28]	2/Year [02/YR]	Composite [24]
4,5,6-Trichloroguaiacol <sup>(12)</sup> [73088]	---	---	---	<2.5 ug/L <sup>(11)</sup> [28]	2/Year [02/YR]	Composite [24]
2,4,5-Trichlorophenol <sup>(12)</sup> [61023]	---	---	---	<2.5 ug/L <sup>(11)</sup> [28]	2/Year [02/YR]	Composite [24]
2,4,6-Trichlorophenol <sup>(12)</sup> [34621]	---	---	---	<2.5 ug/L <sup>(11)</sup> [28]	2/Year [02/YR]	Composite [24]
Tetrachlorocatechol <sup>(12)</sup> [79850]	---	---	---	<5.0 ug/L <sup>(11)</sup> [28]	2/Year [02/YR]	Composite [24]
Tetrachloroguaiacol <sup>(12)</sup> [73047]	---	---	---	<5.0 ug/L <sup>(11)</sup> [28]	2/Year [02/YR]	Composite [24]
2,3,4,6-Tetrachlorophenol <sup>(12)</sup> [77770]	---	---	---	<2.5 ug/L <sup>(11)</sup> [28]	2/Year [02/YR]	Composite [24]
Pentachlorophenol <sup>(12)</sup> [39032]	---	---	---	<5.0 ug/L <sup>(11)</sup> [28]	2/Year [02/YR]	Composite [24]
Chloroform <sup>(13)</sup> [32106]	4.14 g/kg [20]	6.92 g/kg [20]	---	---	1/Quarter [01/90]	Composite [CP]

## SPECIAL CONDITIONS

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

#### Outfall #001 - Treated process waste water, cooling water and storm water

##### Footnotes:

**Sampling** - Sampling and analysis must be conducted in accordance with; a) methods approved in 40 Code of Federal Regulations (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. Samples that are sent out for analysis shall be analyzed by a laboratory certified by the State of Maine's Department of Human Services. Samples that are sent to another POTW licensed pursuant to *Waste discharge licenses*, 38 M.R.S.A. § 413 or laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended February 13, 2000).

All analytical test results shall be reported to the Department including results which are detected below the respective reporting limits (RLs) specified by the Department or as specified by other approved test methods. See **Attachment A** of this permit for a list of the Department's RLs. If a non-detect analytical test result is below the respective RL, the concentration result shall be reported as <Y where Y is the RL achieved by the laboratory for each respective parameter. Reporting a value of <Y that is greater than an established RL or reporting an estimated value ("J" flagged) is not acceptable and will be rejected by the Department. Reporting analytical data and its use in calculations must follow established Department guidelines specified in this permit or in available Department guidance documents.

- (1) **Production** – Report a numeric value of “1” current production ( $\leq 430$  -  $< 450$  ADTPD) a value of “2” for Tier I production ( $450$  ADTP -  $\leq 540$  ADTPD), a value of “3” for Tier II production ( $> 540$  ADTPD) where ADTPD is unbleached pulp.
- (2) **Color** – The limitation is a calendar quarterly average limitation. Quarterly results shall be reported in the monthly DMR's for the months of March, June, September and December of each calendar year. The permittee shall monitor the true color (at a pH of 7.6 S.U) in the effluent from Outfall #001 at a minimum of three (3) times per week. The calculated mass discharged, expressed as lbs/ton of unbleached pulp produced, shall be based on air-dried tons of brown stock entering the bleach plant. A color pollution unit is equivalent to a platinum cobalt color unit as described in NCASI Technical Document #253. The mass of color is defined as the number of color pollution units multiplied by the volume of effluent discharged in million gallons per day multiplied by 8.34.

## SPECIAL CONDITIONS

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

#### Outfall #001 - Treated process waste water, cooling water and storm water

##### Footnotes:

- (3) **AOX** - The analytical method to be used to determine adsorbable organic halides shall be EPA Method 1650 for which a ML (Minimum Level) of 20 ug/l shall be attained. The ML is defined as the level at which the analytical system gives recognizable signals and an acceptable calibration point. The mass discharged shall be based on air-dried tons of brown stock entering the bleach plant at the stage where chlorine based compounds are first added.
- (4) **Total phosphorus** – See **Attachment B** of this permit for a Department protocol.
- (5) **pH** – The total time during which the pH values may be outside the range of 5.0 – 9.0 standard units shall not exceed 7 hours and 26 minutes in any calendar month and no individual excursion from said pH range shall exceed 60 minutes.
- (6) **WET** - Definitive WET testing is a multi-concentration testing event (a minimum of five dilutions set at levels to bracket the modified acute and chronic critical water quality threshold dilution factors of 0.92% and 0.88 % respectively), which provides a point estimate of toxicity in terms of No Observed Effect Level, 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 108:1 and 113:1 respectively.

**Screening level testing** - Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter, the permittee shall conduct screening level WET testing at a minimum frequency of once per year (1/Year) for both species. Acute and chronic tests shall be conducted on the water flea (*Ceriodaphnia dubia*) and the brook trout (*Salvelinus fontinalis*). It is noted that based on a statistical evaluation on the WET tests submitted to the Department, the permittee has been granted a waiver from surveillance level WET testing in the first four years of the term of the permit.

Once received by the permittee, WET test results must be submitted to the Department no later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, that the permittee may review the toxicity reports for up to 10 business days after their availability before submitting them. The permittee shall evaluate test results being submitted and identify to the Department possible exceedences of the critical acute and chronic water quality thresholds of 0.92% and 0.88% respectively.

**SPECIAL CONDITIONS**

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

**Outfall #001 - Treated process waste water, cooling water and storm water**

Footnotes:

Toxicity tests must be conducted by an experienced laboratory approved by the Department. The laboratory must follow procedures as described in the following U.S.E.P.A. methods manuals.

- a. Short Term Methods for Estimating the Chronic Toxicity of Effluent and Receiving Water to Freshwater Organisms, Fourth Edition, October 2002, EPA-821-R-02-013.
- b. Methods for Measuring the Acute Toxicity of Effluent and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition, October 2002, EPA-821-R-02-012.

See **Attachment C** of this permit for the Department's WET report form.

The permittee is also required to analyze the effluent for the parameters specified in the WET chemistry section, and the parameters specified in the analytical chemistry section of the form in **Attachment A** of this permit each time a WET test is performed.

- (7) **Analytical chemistry** – Refers to a suite of chemical tests in **Attachment A** of the permit.

**Screening level testing** – Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter, the permittee shall conduct analytical chemistry testing at a minimum frequency of once per calendar quarter (1/Quarter) for four consecutive calendar quarters. It is noted that based on a statistical evaluation of the analytical chemistry data submitted to the Department, the permittee has been granted a waiver from surveillance level analytical chemistry testing in the first four years of the term of the permit.

- (8) **Priority pollutant testing** – Refers to a suite of chemical tests in **Attachment A** of the permit.

**Screening level testing** - Beginning 12 months prior to permit expiration and lasting through permit expiration and every five years thereafter, the permittee shall conduct screening level priority pollutant testing at a minimum frequency of once per year (1/Year). It is noted Department rule Chapter 530, *Surface Water Toxics Control Program*, does not establish routine surveillance level testing priority pollutant testing.

Priority pollutant and analytical chemistry testing shall be conducted on samples collected at the same time as those collected for whole effluent toxicity tests when applicable. Priority pollutant and analytical chemistry testing shall be conducted using methods that permit detection of a pollutant at existing levels in the effluent or that achieve minimum reporting levels of detection as specified by the Department.

## SPECIAL CONDITIONS

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

#### **Outfall #001 - Treated process waste water, cooling water and storm water**

##### Footnotes:

Once received by the permittee, 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 toxicity reports for up to 10 business days after their availability before submitting them. The permittee shall evaluate test results being submitted and identify to the Department, possible exceedences of the acute, chronic or human health AWQC as established in Department rule Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants*. For the purposes of DMR reporting, enter a "1" for yes, testing done this monitoring period or "NODI-9" monitoring not required this period.

#### **Outfall #100 – Bleach plant**

- (9) **Flow** – Shall be calculated on the same day(s) of the month that the bleach plant effluent is sampled for 2,3,7,8 TCDD (Dioxin), 2,3,7,8 TCDF (Furan), twelve (12) chlorinated phenolic compounds or chloroform.
- (10) **2,3,7,8 TCDD (Dioxin) & 2,3,7,8 TCDF (Furan)** – The analytical method to be used to determine the concentrations of dioxin and furan shall be EPA Method 1613B. See Special Condition J of this permit.
- (11) **Minimum Levels (ML's)** - The limitations established in this permitting action for dioxin, furan and the 12 chlorinated phenolic compounds are equivalent to the ML's established for EPA Methods 1613 and 1653 respectively. Compliance will be based on the ML's as listed in Special Condition A of this permit. Any level of TCDD/TCDF reported below the ML is not quantifiable and is considered an estimate.
- (12) **12 Chlorinated phenolic compounds** - The analytical method to be used to determine the concentrations of these compounds shall be EPA Method 1653.
- (13) **Chloroform** - The preferred analytical method to be used for chloroform is EPA Method 1624B for which a ML of 10 ug/l shall be attained. Other approved EPA methods are 601 and 624, and Standard Method 6210B and 6230B. The permittee must collect separate grab samples from the acid and alkaline bleach plant filtrates for chloroform analysis. Samples to be analyzed for chloroform may be taken over a 32-hour period where a minimum of six (6) grab samples are collected, each grab sample being at least four (4) hours apart but no more than 16 hours apart.

## **SPECIAL CONDITIONS**

### **B. NARRATIVE EFFLUENT LIMITATIONS**

1. The effluent shall not contain a visible oil sheen, more than a trace amount of foam, or floating solids at any time which would impair the usages designated by the classification of the receiving waters.
2. The effluent shall not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated by the classification of the receiving waters.
3. The effluent shall not cause visible discoloration or turbidity in the receiving water which would impair the usages designated by the classification of the receiving waters.
4. Notwithstanding specific conditions of the permit, the effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.
5. The permittee shall not use chlorophenolic-containing biocides.

### **C. TREATMENT PLANT OPERATOR**

The person who has the management responsibility over the treatment facility must hold a minimum of a **Grade V** certificate or must be a Maine Registered Professional Engineer pursuant to *Sewerage Treatment Operators*, Title 32 M.R.S.A., Sections 4171-4182 and *Regulations for Wastewater Operator Certification*, 06-096 CMR 531 (effective May 8, 2006). 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.

### **D. NOTIFICATION REQUIREMENT**

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

1. Any substantial change (realized or anticipated) in the volume or character of pollutants being introduced into the waste water collection and treatment system.
2. For the purposes of this section, adequate notice shall include information on:
  - a. The quality and quantity of waste water introduced to the waste water collection and treatment system; and
  - b. Any anticipated change in the quality and quantity of the waste water to be discharged from the treatment system.

## **SPECIAL CONDITIONS**

### **E. 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 January 25, 2002; 2) the terms and conditions of this permit, and 3) only from Outfall #001. Discharges of wastewater from any other point source are not authorized under this permit, and shall be reported in accordance with Standard Condition B(5), *Bypasses*, of this permit.

### **F. MONITORING AND REPORTING**

Monitoring results obtained during the previous month shall be summarized for each month and reported on separate Discharge Monitoring Report (DMR) forms provided by the Department and postmarked on or before the fourteenth (14<sup>th</sup>) day of the month or hand-delivered to a Department Regional Office such that the DMR's are received by the Department on or before the fifteenth (15<sup>th</sup>) day of the month following the completed reporting period. A signed copy of the DMR and all other reports required herein shall be submitted to the following address:

Maine Department of Environmental Protection  
Eastern Maine Regional Office  
Bureau of Land & Water Quality  
Division of Water Quality Management  
106 Hogan Road  
Bangor, ME. 04401

Alternatively, if you are submitting an electronic DMR (eDMR), the completed eDMR must be electronically submitted to the Department by a facility authorized DMR Signatory not later than close of business on the 15<sup>th</sup> day of the month following the completed reporting period. Hard Copy documentation submitted in support of the eDMR must be postmarked on or before the fourteenth (14<sup>th</sup>) day of the month or hand-delivered to the Department's Regional Office such that it is received by the Department on or before the fifteenth (15<sup>th</sup>) day of the month following the completed reporting period. Electronic documentation in support of the eDMR must be submitted not later than close of business on the 15<sup>th</sup> day of the month following the completed reporting period.

## **SPECIAL CONDITIONS**

### **G. BEST MANAGEMENT PRACTICES PLAN**

- a. Best Management Practices (BMPs) for spent pulping liquor must be developed by the permittee in accordance with federal regulation 40 CFR, Part 430.03, best engineering practices and must be implemented in a manner that takes into account the specific circumstances at each facility.
- b. The permittee must amend its BMP Plan whenever there is a change in mill design, construction, operation, or maintenance that materially affects the potential for leaks or spills of spent pulping liquor, turpentine, or soap from the immediate process areas.
- c. The permittee must complete a review and evaluation of the BMP Plan every five years. As a result of this review and evaluation, the permittee must amend the BMP Plan within three months of the review if the mill determines that any new or modified management practices and engineered controls are necessary to reduce significantly the likelihood of spent pulping liquor, soap, and turpentine leaks, spills, or intentional diversions from the immediate process areas, including a schedule for implementation of such practices and controls.
- d. The BMP Plan, and any amendments, must be reviewed by the senior technical manager at the mill and approved and signed by the mill manager. Any person signing the BMP Plan or its amendments must certify to the Permitting Authority under penalty of law that the BMP Plan (or its amendments) has been prepared in accordance with good engineering practices and in accordance with this regulation. The mill is not required to obtain approval from the Permitting Authority of the BMP Plan or any amendments.
- e. The permittee must maintain on its premises a complete copy of the current BMP Plan and associated records. The BMP Plan and records must be made available to the Permitting Authority or his or her designee for review upon request.

### **H. MERCURY**

All mercury sampling (4/Year) required by this permit or required to determine compliance with interim limitations established pursuant to Department rule Chapter 519, shall be conducted in accordance with EPA's "clean sampling techniques" found in EPA Method 1669, Sampling Ambient Water For Trace Metals At EPA Water Quality Criteria Levels. All mercury analysis shall be conducted in accordance with EPA Method 1631, Determination of Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Fluorescence Spectrometry. See **Attachment D**, *Effluent Mercury Test Report*, of this permit for the Department's form for reporting mercury test results.

### **I. FISH ADVISORY PROGRAM**

When directed to do so, the permittee is required to participate in the State's most current Surface Water Toxics Control Program (SWAT) for dioxin administered by the Department, pursuant to Maine law, 38 M.R.S.A., §420-B.

## SPECIAL CONDITIONS

### J. ANNUAL DIOXIN/FURAN CERTIFICATION

In lieu of 1/Month monitoring of the bleach plant waste stream for 2,3,7,8 TCDD (dioxin) and 2,3,7,8 TCDF (furan) (40 CFR Part 430), **by December 31 of each calendar year [PCS Code 95799]**, the permittee shall provide the Department with a certification stating:

- a. Elemental chlorine gas or hypochlorite was not used in the bleaching of pulp.
- b. The chlorine dioxide (ClO<sub>2</sub>) generating plant has been operated in a manner which minimizes or eliminates byproduct elemental chlorine generation per the manufacturers/suppliers recommendations.
- c. Documented and verifiable purchasing procedures are in place for the procurement of defoamers or other additives without elevated levels of known dioxin precursors.
- d. Fundamental design changes that affect the ClO<sub>2</sub> plant and/or bleach plant operation have been reported to the Department prior to their implementation and said reports explained the reason(s) for the change and any possible adverse consequences if any.

### K. ANNUAL 06-096 CMR 530(2)(D)(4) STATEMENT FOR REDUCED/WAIVED TOXICS TESTING

**By December 31 of each calendar year**, the permittee shall provide the Department with a certification describing any of the following that have occurred since the effective date of this permit *[PCS Code 95799]*: See **Attachment F** 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; and
- (c) Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge.

## **SPECIAL CONDITIONS**

### **K. ANNUAL 06-096 CMR 530(2)(D)(4) STATEMENT FOR REDUCED/WAIVED TOXICS TESTING (cont'd)**

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

(d) Changes in storm water collection or inflow/infiltration affecting the facility that may increase the toxicity of the discharge.

(e) Increases in the type or volume of off-site process waste waters accepted by the facility.

The Department reserves the right to reinstate annual (surveillance level) testing or other toxicity testing if new information becomes available that indicates the discharge may cause or have a reasonable potential to cause exceedences of ambient water quality criteria/thresholds.

### **L. AMBIENT WATER QUALITY MONITORING**

**Between July 1 and September 30 of each year**, the permittee is required to participate in the monitoring of ambient water quality on the Penobscot River pursuant to a Department prepared monitoring plan. The total cost to the permittee for the monitoring program shall not exceed a five-year (term of the permit) cap of \$5,000.

### **M. REOPENING OF PERMIT FOR MODIFICATIONS**

Upon evaluation of the tests 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 anytime and with notice to the permittee, modify this permit to: 1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded; (2) require additional monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

### **N. 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 shall remain in full force and effect, and shall be construed and enforced in all aspects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court.