

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR



PAUL MERCER
COMMISSIONER

November 5, 2018

Mr. Jason Seyfried
Hydro Kennebec, LLC
150 Main St.
Lewiston, ME 04240
Jason.seyfried@brookfieldrenewable.com

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0036561
Maine Waste Discharge License #W007579-5R-G-R
Proposed Draft Permit – Hydro Kennebec, Winslow

Dear Mr. Seyfried:

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

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

All comments must be received in the Department of Environmental Protection office on or before the close of business **Tuesday, December 4, 2018**. Failure to submit comments in a timely fashion will result in the final document being issued as drafted. Comments in writing should be submitted to my attention at the following address:

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

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

If you have any questions regarding the matter, please feel free to call me at 485-2404.

Sincerely,

A handwritten signature in cursive script, appearing to read "Irene Saumur".

Irene Saumur
Division of Water Quality Management
Bureau of Water Quality

Enc.

cc: Jim Crowley, DEP/CMRO
Lori Mitchell, DEP/CMRO
Marelyn Vega, USEPA
Shelley Puelo, USEPA
Environmentalreview.DMR@maine.gov
IFWEnvironmentalreview@maine.gov



DEPARTMENT ORDER

IN THE MATTER OF

HYDRO KENNEBEC LLC)	MAINE POLLUTANT DISCHARGE
WINSLOW, KENNEBEC COUNTY MAINE)	ELIMINATION SYSTEM PERMIT
COOLING WATER DISCHARGE)	AND
KENNEBEC HYDRO PROJECT)	
#ME0036561)	WASTE DISCHARGE LICENSE
#W007579-5R-G-R)	RENEWAL
		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), the Department has considered the application of HYDRO KENNEBEC LLC (permittee), with its supportive data, agency review comments, and other related materials on file, and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

Hydro Kennebec, LLC has submitted a timely and complete application to the Department for renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0036561/Waste Discharge License (WDL) #W007579-5R-F-R, which was issued by the Department on June 11, 2014 and is scheduled to expire on June 11, 2019. The 6/11/14 permit authorized the daily discharge of 344,000 gallons per day of non-contact cooling water from five outfalls (collectively) and an unspecified quantity of miscellaneous wastewaters and storm water runoff from four additional outfalls from Kennebec Hydro Project to the Kennebec River, Class C, in Winslow, Maine.

PERMIT SUMMARY

This permitting action carries forward all the terms and conditions established in the previous permitting action.

CONCLUSIONS

BASED on the findings in the attached Proposed Draft Fact Sheet dated November 5, 2018 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. §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 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 as defined in 38 M.R.S. §414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the application of KENNEBEC HYDRO LLC, to discharge 344,000 gallons (collectively) per day from five outfalls (#001, #002, #003, #004, #005) and an unspecified quantity of miscellaneous wastewater and storm water runoff from four additional outfalls (#006, #007, #008, and #009) at a temperature not to exceed 95 degrees Fahrenheit from the Kennebec Hydro Project to the Kennebec River, Class C, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations including:

1. *“Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits,”* revised July 1, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This permit and the authorization to discharge become effective upon the date of signature below and expire at midnight five (5) years from the effective date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the 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)* (last amended June 9, 2018)].

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS ____ DAY OF _____, 2018.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
Paul Mercer, Commissioner

Date of initial receipt of application: October 31, 2018
Date of application acceptance: November 1, 2018.

Date filed with Board of Environmental Protection: _____.

This Order prepared by Irene Saumur, Bureau of Water Quality

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. The discharge is limited to a flow of 344,000 gallons per day and a daily maximum temperature of 95°F.
2. The permittee shall not discharge wastewater that contains a visible oil sheen, foam, or floating solids at any time that would impair the designated uses or habitat characteristics of the receiving waters or would otherwise lower the quality of the receiving water below its assigned classification.
3. The permittee shall not discharge wastewater that imparts color, taste, turbidity, toxicity, or other properties that would impair the designated uses or habitat characteristics of the receiving waters or would otherwise lower the quality of the receiving water below its assigned classification.
4. The permittee shall notify the Department immediately of the discharge of any pollutants other than heat from the facility. The permittee shall also notify the Department of any changes in facility design, operation or generating capacity that may affect the flow or temperature of the cooling water discharge.
5. All miscellaneous facility leakage and lubrication waters that may become contaminated with oil or grease are subject to Best Management Practices (BMPs) designed to prevent the release of contaminants to the waters of the State. The permittee must develop BMPs and must make the BMPs available in writing for the Department to review and comment upon request. BMPs must consist of, but not be limited to, the following, as appropriate: development and implementation of a spill prevention plan; use of oil absorbent pads or booms and/or physical berms to contain spills or leaks of hydraulic and lubrication oils; and the treatment of water collected in floor drains and sumps through an oil/grease trap or oil-water separator. Where bearing cooling water is used, BMPs must include the maintenance of a written log or record of bearing oil levels and maintenance activities. Where floor drains and sumps are used, BMPs must include (1) written procedures for the cleaning and maintenance of any oil-grease trap, oil skimmer or oil-water separator and (2) maintenance of a written log or record of visual inspections of sumps for oil and grease and of actions taken to prevent the discharge of oil or grease from the facility.

SPECIAL CONDITIONS

B. 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 September 6, 2018; 2) the terms and conditions of this permit; and 3) only from the Outfalls listed in the *Application Summary* of this permit (#001 - #009). Discharges of waste water from any other point source are not authorized under this permit, and shall be reported in accordance with Standard Condition D(1)(f), *Twenty-four hour reporting*, of this permit.

C. NOTIFICATION REQUIREMENT

In accordance with Standard Condition D, the permittee shall notify the Department of any substantial change in the volume or character of pollutants being discharged.

D. REOPENING OF PERMIT FOR MODIFICATIONS

In accordance with 38 M.R.S. §414-A(5) and based upon site inspections, additional site-specific or any other pertinent information or test results obtained during the term of this permit, the Department may, at any time and with notice to the permittee, modify this permit to establish limitations or require additional monitoring, inspections and/or reporting based on the new information.

E. SEVERABILITY

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

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

Proposed Draft FACT SHEET

DATE: **November 5, 2018**

PERMIT NUMBER: **#ME0036561**

LICENSE NUMBER: **#W007579-5R-G-R**

NAME AND ADDRESS OF APPLICANT:

**HYDRO KENNEBEC LLC (HKLLC)
150 MAIN ST
LEWISTON, ME 04240**

NAME, ADDRESS, AND COUNTY WHERE DISCHARGE(S) OCCUR(S):

**KENNEBEC HYDRO PROJECT
51 SIMPSON AVENUE
WINSLOW, MAINE 04901
KENNEBEC COUNTY**

COGNIZANT OFFICIAL CONTACT INFORMATION:

**JASON SEYFRIED
(207) 755-5615
EMAIL: Jason.seyfried@brookfieldrenewable.com**

1. APPLICATION SUMMARY

Application: Hydro Kennebec, LLC has submitted a timely and complete application to the Department for renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0036561/Waste Discharge License (WDL) #W007579-5R-F-R, which was issued by the Department on June 11, 2014 and is scheduled to expire on June 11, 2019. The 6/11/14 permit authorized the daily discharge of 344,000 gallons per day of non-contact cooling water from five outfalls (collectively) and an unspecified quantity of miscellaneous wastewaters and storm water runoff from four additional outfalls from Kennebec Hydro Project to the Kennebec River, Class C, in Winslow, Maine.

2. PERMIT SUMMARY

- a. Terms and Conditions: This permitting action carries forward all the terms and conditions established in the previous permitting action.
- b. History: The most current relevant regulatory actions include:

January 12, 2001 – The State of Maine received authorization from the United States Environmental Protection Agency (USEPA) to administer the National Pollutant Discharge Elimination System (NPDES) permitting program in Maine.

February 23, 2004 – The Department issued MEPDES permit #ME0036561/ WDL #W007579-5R-C-R to Hydro Kennebec Ltd. Partnership for a five- year term.

March 1, 2009 – Madison Paper Industries (MPI) took ownership of the Hydro Kennebec Project.

May 1, 2009 - The Department issued combination MEPDES permit #ME0036561 / WDL #W007579-5R-D-R for a five-year term.

February 25, 2010 – The Department issued transfer permit #ME0036561 / WDL #W007579-5R-E-T to transfer the license from MPI to Hydro Kennebec LLC after receiving a complete application to transfer the project on October 15, 2009.

June 11, 2014 – The Department issued combination MEPDES permit ME0036561/WDL #W007579-5R-F-R for a five-year term.

October 31, 2018 – Hydro Kennebec, LLC submitted a timely and complete application for renewal of combination MEPDES permit ME0036561/WDL #W007579-5R-F-R. The application was accepted for processing on November 1, 2018 and issued WDL #W007579-5R-G-R.

2. PERMIT SUMMARY (cont'd)

- c. Source Description: The source of the discharge is a hydroelectric generating facility. The discharge flow rate is variable, depending on cooling needs, up to a maximum flow of 344,000 gallons per day (collectively, maximum cooling system capacity, based on information from the applicant) from five outfalls (#001, #002, #003, #004, #005) and an unspecified quantity of miscellaneous wastewater and storm water runoff from four additional outfalls (#006, #007, #008, and #009) at a temperature not to exceed 95degrees Fahrenheit. The discharge occurs from nine separate outfalls. The permittee has installed a new 900 gallon/75 gallons per minute oil/water separator which has a greater capacity than the previous design.

2. PERMIT SUMMARY (cont'd)

Other miscellaneous discharges from the facility consist of shaft lubrication waters, foundation leakage waters, and/or leakage from wicket gates and other equipment. In the event of unplanned leaks, spills or equipment failure, these discharges may become contaminated with hydraulic or lubrication oil and grease.

All miscellaneous facility leakage and lubrication waters that may become contaminated with oil or grease are subject to Best Management Practices (BMPs) designed to prevent the release of contaminants to the waters of the State. Within 90 days of permit issuance, the permittee shall develop written BMPs and shall make the BMPs available to the Department for review and comment upon request. BMPs must consist of, but not be limited to, the following, as appropriate: development and implementation of a spill prevention plan; use of oil absorbent pads or booms and/or physical berms to contain spills or leaks of hydraulic and lubrication oils; and the treatment of water collected in floor drains and sumps through an oil/grease trap or oil-water separator. Where bearing cooling water is used, BMPs must include the maintenance of a written log or record of bearing oil levels and maintenance activities.

Where floor drains and sumps are used, BMPs must include (1) written procedures for the cleaning and maintenance of any oil-grease trap, oil skimmer or oil-water separator and (2) maintenance of a written log or record of visual inspections of sumps for oil and grease and of actions taken to prevent the discharge of oil or grease from the facility. A process flow diagram is included as **Attachment A** of this Fact Sheet

3. CONDITIONS OF PERMITS

Conditions of licenses, 38 M.R.S. §414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, *Certain deposits and discharges prohibited*, 38 M.R.S. §420 and *Surface Water Toxics Control Program*, 06-096 CMR 530 (effective March 21, 2012) require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (last amended July 29, 2012), and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

4. RECEIVING WATER QUALITY STANDARDS

Classification of major river basins, 38 M.R.S., §467(4)(A)(10-A)(a) classifies the Kennebec River "Waters impounded by the Hydro-Kennebec Dam and the Lockwood Dam in Waterville-Winslow" which includes the reach of river subject to the permittee's discharge as Class C. *Standards for classification of fresh surface waters*, 38 M.R.S., §465(4) describes the standards for Class C waters.

5. REGULATIONS RELATING TO TEMPERATURE

Regulations Relating to Temperature 06-096 CMR 582 (last amended February 18, 1989), states that no discharge shall cause the ambient temperature of any freshwater body to be raised more than 5 degrees Fahrenheit, nor shall any discharge cause the temperature of any waters to exceed the USEPA national ambient water quality criteria established to protect all species of fish that are indigenous to the receiving waters. When the ambient temperature of any body of water naturally exceeds the applicable USEPA criteria, no thermal discharge may be allowed which alone or in combination with other discharges would raise the ambient temperature of the receiving water more than 0.5 degrees Fahrenheit.

The Department has established that cold water fish species are indigenous to all Maine rivers and streams. USEPA has established maximum temperatures for the protection of growth and survival of cold water fish as follows: a weekly average temperature of 66 degrees Fahrenheit; and a daily maximum temperature of 73 degrees Fahrenheit.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The USEPA has not promulgated National Effluent Guidelines for non-contact cooling water. The Department has made a Best Professional Judgment (BPJ) determination that BPT for hydro project cooling water is no treatment, unless treatment to control thermal loading is determined to be required.

The Department has calculated that, under worst case conditions of maximum cooling water flow (344,000 GPD), maximum cooling water temperature (assumed 95 degrees Fahrenheit, based on staff analysis of industry data), and 7Q10 receiving water flow (2,397 cfs), and without any treatment to reduce thermal loading, the discharge will raise the ambient temperature of the receiving water by only 6/100th of a degree Fahrenheit. Therefore, the Department has determined that neither effluent limitations nor monitoring requirements are necessary to ensure that applicable water quality standards are met.

However, the discharge will be subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S. §414-A(1)(D). Within 90 days of permit issuance, the permittee shall develop BMPs and shall make the BMPs available in writing for the Department to review and comment upon request.

7. PUBLIC COMMENTS

Public notice of this application was made in the Morning Sentinel on or about November 1, 2018. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR 522 (effective January 12, 2001).

8. DEPARTMENT CONTACTS

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

Irene Saumur
Department of Environmental Protection
Bureau of Land and Water Quality
Division of Water Quality Management
17 State House Station
Augusta, Maine 04333-0017
Telephone: (207) 485-2404 Fax: (207) 287-3435
irene.saumur@maine.gov

9. RESPONSE TO COMMENTS

Reserved until the end of the formal 30-day Public Notice period.

ATTACHMENT A

EXHIBIT 8

