STATE OF MAINE
DEPARTMENT OF
ENVIRONMENTAL PROTECTION

JANET L. MILLS
GOVERNOR

GERALD D. REID
COMMISSIONER

April 10, 2019

Mr. William Parker
Environmental Engineer
Irving Forest Products
Ashland Sawmill
1218 Portage Road, P.O. Box 389
Nashville Plt, ME. 04732
e-mail: parker.william@jdirving.com

RE: Integrated Compliance Information System (ICIS) #MEU508263
Maine Waste Discharge License (WDL) #W008263-5S-C-R
Proposed Draft License

Dear Mr. Parker:

Enclosed is a **proposed draft** 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 document and its special and standard conditions. 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 license from various state and federal agencies and from any other parties who have notified the Department of their interest in this matter.

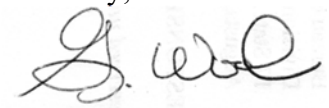
Beginning today, Wednesday, April 10, 2019, the Department is making the draft license available for a 30-day public comment period. All comments on the proposed draft license must be received in the Department of Environmental Protection office on or before the close of business **Friday, May 10, 2019**. Failure to submit comments in a timely fashion will result in the final permit 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
gregg.wood@maine.gov

If you have any questions regarding the matter, please feel free to contact me.

Sincerely,



Gregg Wood
Division of Water Quality Management
Bureau of Water Quality

Enc.

cc: William Sheehan, MDEP/NMRO
Lori Mitchell, MDEP/CMRO
Damien Houlihan, USEPA
Shelley Puleo, USEPA
Marelyn Vega, USEPA

DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: November 2018 **Contact: (207) 287-2452**

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) 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.

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. §§ 341-D(4) & 346; the *Maine Administrative Procedure Act*, 5 M.R.S. § 11001; and the DEP's *Rules 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

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 more than 30 calendar days after the date on which the Commissioner's decision was filed with the Board will be dismissed unless notice of the Commissioner's license decision was required to be given to the person filing an appeal (appellant) and the notice was not given as required.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017. An appeal may be submitted by fax or e-mail if it contains a scanned original signature. It is recommended that a faxed or e-mailed appeal be followed by the submittal of mailed original paper documents. The complete appeal, including any attachments, must be received at DEP's offices in Augusta on or before 5:00 PM on the due date; materials received after 5:00 pm are not considered received until the following day. The risk of material not being received in a timely manner is on the sender, regardless of the method used. The appellant must also send a copy of the appeal documents to the Commissioner of the DEP; the applicant (if the appellant is not the applicant in the license proceeding at issue); and if a hearing was held on the application, any intervenor in that hearing process. All of the information listed in the next section of this information sheet must be submitted at the time the appeal is filed.

INFORMATION APPEAL PAPERWORK MUST CONTAIN

Appeal materials 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 maintain an 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 regarding compliance with the 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 requirements 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 or permit to changes in specific permit 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 public hearing must be filed as part of the notice of appeal, and must include an offer of proof in accordance with Chapter 2. 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 evidence must be submitted with the appeal. The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered in an appeal only under very limited circumstances. The proposed 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. Specific requirements for supplemental evidence are found 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 easily accessible by the DEP. Upon request, the DEP will make application materials available during normal working hours, provide space to review the file, and provide an opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer 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 license holder may proceed with a project pending the outcome of an appeal, but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

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

The Board will formally acknowledge receipt of an appeal, and will provide the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, any materials submitted in response to the appeal, and relevant excerpts from the DEP's application review file will be sent to Board members with a recommended decision from DEP staff. The appellant, the license holder if different from the appellant, and any interested persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. The appellant and the license holder will have an opportunity to address the Board at the Board meeting. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, the license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court (see 38 M.R.S. § 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'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.

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

DEPARTMENT ORDER

IN THE MATTER OF

IRVING FOREST PRODUCTS INC.	) PROTECTION AND IMPROVEMENT
NASHVILLE PLT., AROOSTOOK COUNTY, ME)	OF WATERS
SURFACE WASTE WATER DISPOSAL SYSTEM)	
MEU508263	) WASTE DISCHARGE LICENSE
W008263-5S-C-R **APPROVAL**	) **RENEWAL**

Pursuant to the provisions of 38 M.R.S, Section 414-A et seq., the Department of Environmental Protection (Department hereinafter) has considered the application of IRVING FOREST PRODUCTS, INC. (Irving/licensee hereinafter) with its supportive data, agency review comments and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

Irving has submitted a timely and complete application to the Department for the renewal of Maine Waste Discharge License (WDL) W008263-5S-A-N which was issued by the Department on May 22, 2014, for a five-year term. Irving is seeking authorization to dispose of up to 8,000 gallons per day (gpd) of boiler blowdown waters via a sub-surface waste water disposal system on a year-round basis. In addition, the licensee is seeking authorization to dispose of up to 543,000 gallons per week (gpw) of hot pond waters floor drain waters and or boiler blowdown waters via a 10-acre spray irrigation site on a seasonal basis (May 1 – November 30) and 271,500 gallons/week of hot pond waters floor drain waters and or boiler blowdown waters via a surface waste water disposal system (5-acre snowmaking site within the 10-acre spray irrigation site) on a seasonal basis (December 1 – April 30) at an Irving sawmill site in Nashville Plantation, Maine.

It is noted this facility was licensed by the Department for similar disposal activities in 2004 via Department Order MEU507883/WDL #W007883-5S-B-R. The facility was shutdown in calendar year 2008 and as a result, the Department retired the WDL on December 4, 2008.

LICENSE SUMMARY

This license is carrying forward all the terms and conditions of the May 22, 2014, license and the subsequent license modification issued on March 2, 2015.

CONCLUSIONS

BASED on the findings in the attached **PROPOSED DRAFT** Fact Sheet dated April 10, 2019, 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. Section 464(4)(F), will be met, in that:

    a. Existing in-stream and ground 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 met or 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 discharges will be subject to effluent limitations that require application of best practicable treatment.

ACTION

THEREFORE, the Department APPROVES the application of IRVING FOREST PRODUCTS, INC., to dispose of up to 8,000 gallons per day (gpd) of boiler blowdown waters via a sub-surface waste water disposal system on a year-round basis. In addition, the licensee is authorized to dispose of up to 543,00 gallons per week (gpw) of hot pond waters floor drain waters and or boiler blowdown waters via a 10-acre spray irrigation site on a seasonal basis (May 1 – November 30) and 271,500 gallons/week of hot pond waters floor drain waters and or boiler blowdown waters via a surface waste water disposal system (5-acre snowmaking site within the 10-acre spray irrigation site) on a seasonal basis (December 1 – April 30). The discharges shall be 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.

2. The attached Special Conditions, including any effluent limitations and monitoring requirements.

3. This license becomes effective upon the date of signature below and expires at midnight five (5) years after that date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this license, the terms and conditions of this license 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) (effective June 9, 2018)].

DONE AND DATED AT AUGUSTA, MAINE, THIS ____DAY OF _____, 2019

COMMISSIONER OF ENVIRONMENTAL PROTECTION

BY:_____
Gerald D. Reid, COMMISSIONER

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application March 13, 2019.
Date of application acceptance March 13, 2019.

Date filed with Board of Environmental Protection _____

This Order prepared by GREGG WOOD, BUREAU OF WATER QUALITY

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

(1) BOILER BLOWDOWN WATERS

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	Weekly Maximum	Daily Maximum	Measurement Frequency	Sample Type
Flow *[74076]*	Report gal/week *[8G]*	8,000 gal/day *[07]*	1/Day *[01/01]*	Measure(1) *[MS]*
Biochemical Oxygen Demand *[00310]*	---	Report mg/L *[28]*	2/Season(2)	Grab(3) *[GR]*
Total Suspended Solids (TSS) *[00530]*	---	Report mg/L	2/Season(2)	Grab(3)
Total Copper *[01042]*	---	Report ug/L	2/Season(2)	Grab(3)
Total Lead *[01051]*	---	Report ug/L	2/Season(2)	Grab(3)
Sodium *[00929]*	---	Report mg/L	2/Season(2)	Grab(3)
Total Zinc *[01092]*	---	Report ug/L	2/Season(2)	Grab(3)
Total Dissolved Solids *[70296]*	---	Report mg/L	2/Season(2)	Grab(3)
pH *[00400]*	---	Report (S.U.) *[12]*	2/Season(2)	Grab(3)

The bracketed italicized numeric values in the table above and tables that follow are code numbers that the Department personnel utilize to code the monthly Discharge Monitoring Reports (DMRs).

Footnotes

1) Flow shall be measured via a method acceptable to the Department.

2) Two sampling events between **November and May** of each season. There must be a minimum of 60 days between sampling events.

3) Grab samples for all parameters must be collected in the sample port adjacent to the flash tank within the boiler building.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

(2) LAGOON WATERS

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	Weekly Maximum	Daily Maximum	Measurement Frequency	Sample Type
Lagoon Levels (Freeboard) (1) *(April – November)*	---	Report feet(1) *[27]*	1/Week*[01/07]*	Measure*[MS]*
Lagoon Levels (Freeboard) (1) *(December – March)*	---	Report feet(1) *[27]*	1/Month*[01/30]*	Measure*[MS]*
Biochemical Oxygen Demand *[00310]*	---	Report mg/L *[19]*	1/Month(2) *[01/30]*	Grab *[GR]*
Total Suspended Solids (TSS) *[00530]*	---	Report mg/L	1/Month(2)	Grab
Total Arsenic *[01002]*	---	Report ug/L*[28]*	1/Month(2)	Grab
Chloride *[00940]*	---	Report mg/L	1/Month(2)	Grab
Total Dissolved Solids *[70296]*	---	Report mg/L	1/Month(2)	Grab
Total Iron *[01045]*	---	Report ug/L	1/Month(2)	Grab
Total Manganese *[01055]*	---	Report ug/L	1/Month(2)	Grab
Sodium *[00929]*	---	Report mg/L	1/Month(2)	Grab
pH *[00400]*	---	Report (S.U.) *[12]*	1/Week(2)	Grab

Footnotes:

(1) The licensee must maintain at least 1.0 feet of freeboard in the lagoon water level at all times. For the purpose of reporting in the operational logs required by Special Condition G(4) of this licensing action, report freeboard as the number of feet (nearest 0.1 feet) between the lagoon water level and the lowest elevation of the lagoon berm. For the purposes of reporting on the monthly DMR, report the minimum freeboard recorded for each month.

(2) Sample and report test results between **May and November** (inclusive) of each year. Samples must be collected from a sampling port located in the piping between the lagoon and the spray nozzles.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

3. GROUND WATER MONITORING

MW – 6AS, 6AD Compliance wells (Approximately 120 feet west of the lagoon).

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements[9]	
	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Depth of Water Below Land Surface *[72019]*	----	Report (feet)[7] *[27]*	2/Year[2] *[02/YR]*	Measured[1] *[MS]*
Dissolved Oxygen *[00300]*	---	Report mg/L *[19]*	2/Year[2]	Measured[6] *[MS]*
Specific Conductance *[00095]*	---	Report (µmhos/cm) *[11]*	2/Year[2]	Measured[6]
Temperature *[00011]*	---	Report (^{0}F) *[15]*	2/Year[2]	Measured[6]
Total Dissolved Solids *[70296]*	---	500 mg/L[5]	2/Year[2]	Grab
Total Organic Carbon *[00680]*	---	Report mg/L	2/Year[2]	Grab
pH *[00400]*	---	6.5 –8.5 (S.U.)[5] *[12]*	2/Year[2]	Measured[6]
Turbidity *[00070]*	---	Report (NTU) *[43]*	2/Year[2]	Measured[6]
Total Arsenic *[01002]*	---	10 ug/L[3] *[28]*	2/Year[2]	Grab
Total Chloride *[00940]*	---	250 mg/L[4]	2/Year[2]	Grab
Total Iron *[01045]*	---	4.5 mg/L[4]	2/Year[2]	Grab
Total Manganese *[01055]*	---	5.5 mg/L[4]	2/Year[2]	Grab
Total Sodium *[00929]*	---	Report mg/L[5]	2/Year[2]	Grab

See page 8 for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

3. GROUND WATER MONITORING

MW #04-1 – Compliance well (Approximately 100 feet south of the northwest corner of the designated 5-acre spray site).
MW #04-2 – Compliance well (Approximately 100 feet northwest of the southwest corner of the designated 5-acre spray site).
MW #04-3 – Water level well(8) (Within the perimeter of the 10-acre spray site).

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements(9)	
	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Depth of Water Below Land Surface *[72019]*	----	Report (feet)(7) *[27]*	2/Year(2) *[02/YR]*	Measured(1) *[MS]*
Dissolved Oxygen *[00300]*	---	Report mg/L *[19]*	2/Year(2)	Measured(6) *[MS]*
Specific Conductance *[00095]*	---	Report (µmhos/cm) *[11]*	2/Year(2)	Measured(6)
Temperature *[00011]*	---	Report (^{0}F) *[15]*	2/Year(2)	Measured(6)
Total Dissolved Solids *[70296]*	---	500 mg/L(5)	2/Year(2)	Grab
Total Organic Carbon *[00680]*	---	Report mg/L	2/Year(2)	Grab
pH *[00400]*	---	6.5 – 8.5 (S.U.)(5) *[12]*	2/Year(2)	Measured(6)
Turbidity *[00070]*	---	Report (NTU) *[43]*	2/Year(2)	Measured(6)
Total Arsenic *[01002]*	---	10 ug/L(3) *[28]*	2/Year(2)	Grab
Total Chloride *[00940]*	---	250 mg/L(4)	2/Year(2)	Grab
Total Iron *[01045]*	---	98 mg/L(4)	2/Year(2)	Grab
Total Manganese *[01055]*	---	31 mg/L(4)	2/Year(2)	Grab
Total Sodium *[00929]*	---	Report mg/L(5)	2/Year(2)	Grab

See page 8 for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

3. GROUND WATER MONITORING

Footnotes:

(1) Report the depth in feet (nearest 0.1 feet) from the surface of the ground around the monitoring well casing to the water table in the monitoring well.

(2) In the months of May and November of each year.

(3) State and Federal Primary Drinking Water Standard [Maximum Contaminant Level (MCL)].

(4) State and Federal Secondary Drinking Water Standard [Secondary Maximum Contaminant Level (SMCL)].

(5) Department Action Level (AL) of 120 mg/L for sodium. See Section 5(c)(6), of the Fact Sheet of this license for the derivation of this AL.

(6) Specific conductance (calibrated to 25.0° C), temperature, dissolved oxygen, turbidity and pH are considered to be "field" parameters, and are to be measured in the field via instrumentation.

(7) Report the depth to the water table to the nearest 0.1 feet.

(8) Upon issuance of this license, the licensee is only required to measure water levels in this well. See Special Condition G(2).

If monitoring well groundwater samples indicate levels above any of the limitations or action levels specified in this license section, the licensee shall within 15 days after becoming aware of levels above any of the limitations or action levels, provide a report to the Department that states the exceedance and outlines a course of action and implementation schedule for resolving the cause(s).

SPECIAL CONDITIONS
A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

4a. SPRAY IRRIGATION AREA
Spray Irrigation - May 1 – November 30 of each year.

Parameter	Monthly Total	Weekly Maximum	Measurement Frequency	Sample Type
Flow – Total Gallons(1) *[82220]*	---	543,000 gal/week(2) *[8G]*	1/Week *[01/07]*	Calculate *[CA]*
Flow – Total Gallons(1) *[82220]*	Report (Gallons) *[8D]*	---	1/Month *[01/30]*	Calculate *[CA]*

4b. SNOWMAKING AREA
Snowmaking - December 1 – April 30 of each year.

Parameter	Monthly Total as specified	Weekly Average as specified	Measurement Frequency as specified	Sample Type as specified
Flow – Total Gallons(1) *[82220]*	---	271,500 gal/week(2) *[8G]*	1/Week *[01/07]*	Calculate *[CA]*
Flow – Total Gallons(1) *[82220]*	Report (Gallons) *[8D]*	---	1/Month *[01/30]*	Calculate *[CA]*

SPECIAL CONDITIONS

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

Footnotes:

Sampling – Sampling and analysis must be conducted in accordance with; a) methods approved by 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 must be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services for waste water**.** Samples that are analyzed by laboratories operated by waste discharge facilities licensed pursuant to *Waste discharge licenses*, 38 M.R.S. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules***,** 10-144 CMR 263 (last amended October 15, 2015). If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or as specified in this permit, all results of this monitoring must be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR).

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent must not contain a visible oil sheen, foam or floating solids at any time which would impair the usages designated for the classification of the receiving waters.

2. The effluent must not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated for the classification of the receiving waters.

3. The discharges must not cause visible discoloration or turbidity in the receiving waters which would impair the usages designated for the classification of the receiving waters.

4. Notwithstanding specific conditions of this license 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. There shall be no direct or indirect discharge of pollutants to surface waters.

SPECIAL CONDITIONS

C. AUTHORIZED DISCHARGES

The licensee is authorized to discharge only in accordance with: 1) the licensee's General Application for Waste Discharge License, accepted for processing on March 13, 2019; 2) the terms and conditions of this license; and 3) only via the subsurface and surface waste water disposal systems. Discharges of wastewater from any other point source are not authorized under this license, and shall be reported in accordance with Standard Condition D(1)(f), *Twenty-four hour reporting*, of this license.

D. NOTIFICATION REQUIREMENT

In accordance with Standard Condition 6 (*Change of Discharge*), the licensee must notify the Department of any substantial change in the volume or character of pollutants being discharged. In particular, the licesee shall notify the Department of any changes to boiler chemical usage.

E. GENERAL OPERATIONAL CONSTRAINTS

1. The surface waste water disposal system and the snowmaking disposal system must be effectively maintained and operated at all times so that there is no discharge to any surface waters (including wetlands), no discharge outside the delineated spray irrigation or snowmaking disposal boundaries nor any contamination of ground water which will render it unsatisfactory for use as a public drinking water supply. The delineated area of the spray irrigation and snowmaking disposal will be determined and clearly marked in the field pursuant to Special Condition F(1), *Spray Irrigation and Snowmaking Operational Constraints* of this license.

2. The surface waste water disposal system must not cause the lowering of the quality of the ground water, as measured in the ground-water monitoring wells specified by this license, below the State Primary and Secondary Drinking Water Standards specified in the Maine State Drinking Water Regulations pursuant to Maine law 22 M.R.S.A. § 2611 or the action levels specified in Special Condition A(3) of this license.

   If the event ground-water monitoring results indicate lowering of the existing groundwater quality, the licensee may be required to take immediate remedial action(s), which may include but are not limited to, adjustment of the disposal schedules or application rates, a reduction of the pollutant loading, ground water remediation, or ceasing operation of the system(s) until the ground water attains applicable standards.

3. The Department must be notified as soon as the licensee becomes aware of any threat to public health, unlicensed discharge of waste water, or any malfunction that threatens the proper operation of the system. Notification must be made in accordance with the attached Standard Condition #5 of this license.

SPECIAL CONDITIONS

E. GENERAL OPERATIONAL CONSTRAINTS

4. The licensee must maintain a file on the location of all system components and relevant features. Each component must be mapped and field located sufficiently to allow adequate inspections and monitoring by both the licensee and the Department.

5. System components including collection pipes, tanks, manholes, pumps, pumping stations, spray irrigation and snowmaking disposal fields, and monitoring wells must be identified and referenced by a unique identifier in all logs and reports.

F. SPRAY IRRIGATION AND SNOWMAKING OPERATIONAL CONSTRAINTS

1. The licensee must maintain markers in the field establishing the corners of the designated disposal site. All markers must be clearly visible from any vantage point within 100 feet of any boundary of the designated disposal site.

2. All waste waters being conveyed to the spray irrigation and or snowmaking system must pass through the lagoon prior to land application. The lagoon must be used for storage of hot pond and or boiler blowdown waters on a year-round basis.

3. For spray irrigation, suitable vegetative cover must be maintained. Waste water may not be applied to areas without sufficient vegetation or ground cover to prevent erosion or surface water runoff outside the designated boundaries of the spray fields.

4. At least 10 inches of separation from the ground surface to the ground water table must be present in monitoring well MW 04-3 prior to spray irrigating.

5. No waste water shall be applied to the spray irrigation site following a rainfall accumulation exceeding 0.5 inches within the previous 8-hour period. A rain gauge must be located on site to monitor daily precipitation. The licensee must also manage application rates by taking into consideration the forecast for rain events predicted in the future 48-hour period.

SPECIAL CONDITIONS

F. SPRAY IRRIGATION AND SNOWMAKING OPERATIONAL CONSTRAINTS

6. No waste water shall be applied to the spray irrigation site where there is snow present on the surface of the ground.

7. No waste water shall be applied to the spray irrigation site when there is any evidence of frost or frozen ground within the upper 10 inches of the soil profile.

8. No traffic or equipment shall be allowed in the spray-irrigation site except when installation occurs or where normal operations and maintenance are performed.

G. SPRAY IRRIGATION OPERATIONAL PROCEDURES, LOGS AND REPORTS

1. Prior to the commencement of spray irrigation or snowmaking activities for the respective seasons**, the licensee must notify (in writing) the Department's compliance inspector that they have verified that site conditions are appropriate for spray irrigation or snowmaking.**

2. Upon issuance of this license, the licensee is only required to measure water levels in well MW #04-3. If test results from the sampling of MW #04-1 or MW #04-2 are determined to exceed the limitations established in Special Condition A(3) *Effluent Limitations And Monitoring Requirements, Ground Water Monitoring*, of this license, the licensee is required to sample MW #04-3 for all the same parameters listed in Special Condition A(3) to determine if the spray irrigation and or snowmaking operations are causing or contributing to the elevated concentrations detected in MW#04-1 and or MW #04-2.

3. The licensee must at all times maintain in good working order and operate at maximum efficiency all waste water collection, treatment and/or control facilities. Prior to the commencement of spray irrigation or snowmaking operations each day, the licensee must visually inspect the application area to be used to ensure the area is conducive for the respective disposal activities. Within one hour after the commencement of spraying or snowmaking operations each day, the licensee must inspect the major components of the disposal system (pump, piping, spray nozzles, snowmaking guns) to ensure the system(s) are functioning as designed. Should significant malfunctions or leaks be detected, the licensee must immediately shut down that portion of the disposal system and make necessary repairs before resuming operation. The licensee must cease spray irrigation if runoff is observed outside the designated boundaries of the spray field(s).

SPECIAL CONDITIONS

G. SPRAY IRRIGATION OPERATIONAL PROCEDURES, LOGS AND REPORTS

4. **The licensee must maintain a daily log of all spray irrigation or snowmaking operations** which records the date, weather, rainfall, areas irrigated or received man-made snow, volume sprayed (gallons), application rates (daily and weekly), and other relevant observations/comments from daily inspections. The log shall be in accordance with the general format of the *"Monthly Operations Log"* provided as **Attachment A** of this license, or other similar format approved by the Department. Weekly application rates must be reported in accordance with the general format of the *"Spray Application/Snowmaking Report by Week"* provided as **Attachment B** of this license or other format as approved by the Department. The *Monthly Operations Log, and Spray Application/Snowmaking Report by Week,* for each month must be submitted to the Department as an attachment to the monthly Discharge Monitoring Reports (DMRs) in a format approved by the Department. Copies will also be maintained on site for Department review and for license operation maintenance purposes.

H. VEGETATION MANAGEMENT

The licensee must remove grasses and other vegetation such as shrubs and trees if necessary so as not to impair the operation of the spray-irrigation system, ensure uniform distribution of waste water over the desired application area and to optimize nutrient uptake and removal.

I. GROUND WATER MONITORING WELLS

1. All monitoring wells must be equipped and maintained with a cap and lock to limit access and shall be maintained in a secured state at all times. The integrity of the monitoring wells must also be verified annually.

2. The Department reserves the right to require increasing the depth and/or relocating any of the ground water monitoring wells if the well is perennially dry or is not providing data representative of groundwater conditions.

J. LAGOON MAINTENANCE

1. The banks of the lagoon must be inspected periodically during the operating season (at least two times per year) and properly maintained at all times. There shall be no overflow through or over the banks. Any signs of leaks, destructive animal activity or soil erosion of the banks shall be repaired immediately.

2. The banks of the lagoon must be maintained to keep them free of woody vegetation and other vegetation that may be detrimental to the integrity of the bank and/or lagoon liner. The waters within the lagoons must be kept free of all vegetation (i.e. grasses, reeds, cattails, etc) that hinders the operation of the lagoon.

SPECIAL CONDITIONS

J. LAGOON MAINTENANCE (cont'd)

3. The permittee must maintain the lagoon freeboard at a level no higher than design levels.

4. The treatment and storage lagoon must be dredged as necessary to maintain the proper operating depth in the lagoon that will provide best practicable treatment of the wastewater. All material removed from the lagoon must be properly disposed of in accordance with all applicable State and Federal rules and regulations.

K. INSPECTIONS AND MAINTENANCE

The licensee must periodically inspect all system components to ensure the disposal facilities are being operated and maintained in accordance with the design of the system. Maintenance logs must be maintained for all major system components including pumps, pump stations, storage tanks, spray apparatus and pipes. At a minimum, the logs must include the unique identifier (See Special Condition E(5)], the date of maintenance, type of maintenance performed, name of person performing the maintenance, and other relevant system observations.

L. OPERATION & MAINTENANCE (O&M) PLAN

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

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

Within 90 days of completion of new and or substantial upgrades of the waste water treatment facility, the licensee mustsubmit the updated O&M Plan to their Department inspector for review and comment.

SPECIAL CONDITIONS

M. MONITORING AND REPORTING

Electronic Reporting

NPDES Electronic Reporting, 40 C.F.R. 127, requires MEPDES permit holders to submit monitoring results obtained during the previous month on an electronic discharge monitoring report to the regulatory agency utilizing the USEPA electronic system.

Electronic Discharge Monitoring Reports (DMRs) submitted using the USEPA NetDMR system must be:

1. Submitted by a facility authorized signatory; and
2. Submitted no later than **midnight on the 15th day of the month** following the completed reporting period.

Documentation submitted in support of the electronic DMR may be attached to the electronic DMR. Documentation submitted electronically to the Department in support of the electronic DMR must be submitted no later than midnight on the 15th day of the month following the completed reporting period.

N. REOPENING OF LICENSE FOR MODIFICATIONS

Upon evaluation of the test results or monitoring requirements contained in Special Conditions of this license, new site specific information, or any other pertinent test results or information obtained during the term of this license, the Department may, at any time, with reasonable notice to the licensee and after opportunity for a hearing per Maine law, 38 M.R.S.A., §414-A(5), modify this license to; 1) include effluent limits necessary to control specific pollutants where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded, (2) require additional effluent and or ambient water quality monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information

O. SEVERABILITY

In the event that any provision, or part thereof, of this license is declared to be unlawful by a reviewing court, the remainder of the license 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.

Attachment A

Monthly Operations Log

Irving Forest products (WDL #W008263) **(Month/Year)** _____

Spray Field #_____ **Weekly Application Rate**: _____gallons/week

A	B	C	D	E	F	G
Date	Precipitation Previous 24 hours (inches)	Air Temp (ºF)	Weather	Wind-Direction Speed (mph)	Depth To GW in Observation well (inches)	Total Gallons Pumped (gallons)
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						
29						
30						
31						

Signature of Responsible Official: _____ Date _____

Attachment B

Spray Application Report by Week

Irving Forest Products (WDL #W008263) **(Month/Year)** _____

	Weekly Limit (Gallons/Week)	**Spray Application Rates (Gallons/Week)**					**Monthly Total**
		Week 1	**Week 2**	**Week 3**	**Week 4**	**Week 5**	
Spray Irrigation	543,000						
Snowmaking	271,500						

Signature of Responsible Official: _____Date _____

CONTENTS

A. GENERAL PROVISIONS

1. **General compliance**. All discharges shall be consistent with the terms and conditions of this permit; any changes in production capacity or process modifications which result in changes in the quantity or the characteristics of the discharge must be authorized by an additional license or by modifications of this permit; it shall be a violation of the terms and conditions of this permit to discharge any pollutant not identified and authorized herein or to discharge in excess of the rates or quantities authorized herein or to violate any other conditions of this permit.

2. Other materials. Other materials ordinarily produced or used in the operation of this facility, which have been specifically identified in the application, may be discharged at the maximum frequency and maximum level identified in the application, provided:

(a) They are not

(i) Designated as toxic or hazardous under the provisions of Sections 307 and 311, respectively, of the Federal Water Pollution Control Act; Title 38, Section 420, Maine Revised Statutes; or other applicable State Law; or
(ii) Known to be hazardous or toxic by the licensee.

(b) The discharge of such materials will not violate applicable water quality standards.

3. Duty to comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of State law and the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

(a) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act, and 38 MRSA, §420 or Chapter 530.5 for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
(b) Any person who violates any provision of the laws administered by the Department, including without limitation, a violation of the terms of any order, rule license, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

4. Duty to provide information. The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

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

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

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

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

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

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

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

12. Inspection and entry. The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the EPA Administrator), upon presentation of credentials and other documents as may be required by law, to:

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
(d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

B. OPERATION AND MAINTENACE OF FACILITIES

1. General facility requirements.

(a) The permittee shall collect all waste flows designated by the Department as requiring treatment and discharge them into an approved waste treatment facility in such a manner as to

maximize removal of pollutants unless authorization to the contrary is obtained from the Department.

(b) The permittee shall at all times maintain in good working order and operate at maximum efficiency all waste water collection, treatment and/or control facilities.

(c) All necessary waste treatment facilities will be installed and operational prior to the discharge of any wastewaters.

(d) Final plans and specifications must be submitted to the Department for review prior to the construction or modification of any treatment facilities.

(e) The permittee shall install flow measuring facilities of a design approved by the Department.

(f) The permittee must provide an outfall of a design approved by the Department which is placed in the receiving waters in such a manner that the maximum mixing and dispersion of the wastewaters will be achieved as rapidly as possible.

2. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

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

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

5. Bypasses.

(a) Definitions.

(i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

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

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

(c) Notice.

(i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph D(1)(f), below. (24-hour notice).

(d) Prohibition of bypass.

(i) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
(C) The permittee submitted notices as required under paragraph (c) of this section.

(ii) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph (d)(i) of this section.

6. Upsets.

(a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and that the permittee can identify the cause(s) of the upset;
(ii) The permitted facility was at the time being properly operated; and
(iii) The permittee submitted notice of the upset as required in paragraph D(1)(f) , below. (24 hour notice).
(iv) The permittee complied with any remedial measures required under paragraph B(4).

(d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

C. MONITORING AND RECORDS

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

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

3. Monitoring and records.

(a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(b) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.

(c) Records of monitoring information shall include:

(i) The date, exact place, and time of sampling or measurements;
(ii) The individual(s) who performed the sampling or measurements;
(iii) The date(s) analyses were performed;
(iv) The individual(s) who performed the analyses;
(v) The analytical techniques or methods used; and
(vi) The results of such analyses.

(d) Monitoring results must be conducted according to test procedures approved under 40 CFR part 136, unless other test procedures have been specified in the permit.

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

D. REPORTING REQUIREMENTS

1. Reporting requirements.

(a) Planned changes. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

(i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or

(ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Section D(4).

(iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;

(b) Anticipated noncompliance. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(c) Transfers. This permit is not transferable to any person except upon application to and approval of the Department pursuant to 38 MRSA, § 344 and Chapters 2 and 522.

(d) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Department for reporting results of monitoring of sludge use or disposal practices.

(ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Department.

(iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.

(e) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(f) Twenty-four hour reporting.

(i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance

has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(ii) The following shall be included as information which must be reported within 24 hours under this paragraph.

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit.
(B) Any upset which exceeds any effluent limitation in the permit.
(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.

(iii) The Department may waive the written report on a case-by-case basis for reports under paragraph (f)(ii) of this section if the oral report has been received within 24 hours.

(g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (d), (e), and (f) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (f) of this section.

(h) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

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

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

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

(a) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(i) One hundred micrograms per liter (100 ug/l);
(ii) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
(iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
(iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

(b) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following ``notification levels'':

(i) Five hundred micrograms per liter (500 ug/l);
(ii) One milligram per liter (1 mg/l) for antimony;
(iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
(iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

5. Publicly owned treatment works.

(a) All POTWs must provide adequate notice to the Department of the following:

(i) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA or Chapter 528 if it were directly discharging those pollutants.
(ii) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
(iii) For purposes of this paragraph, adequate notice shall include information on (A) the quality and quantity of effluent introduced into the POTW, and (B) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

(b) When the effluent discharged by a POTW for a period of three consecutive months exceeds 80 percent of the permitted flow, the permittee shall submit to the Department a projection of loadings up to the time when the design capacity of the treatment facility will be reached, and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans.

E. OTHER REQUIREMENTS

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

(a) For municipal sources. During power failure, all wastewaters which are normally treated shall receive a minimum of primary treatment and disinfection. Unless otherwise approved, alternate power supplies shall be provided for pumping stations and treatment facilities. Alternate power supplies shall be on-site generating units or an outside power source which is separate and independent from sources used for normal operation of the wastewater facilities.

(b) For industrial and commercial sources. The permittee shall either maintain an alternative power source sufficient to operate the wastewater pumping and treatment facilities or halt, reduce or otherwise control production and or all discharges upon reduction or loss of power to the wastewater pumping or treatment facilities.

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

3. **Removed substances.** Solids, sludges trash rack cleanings, filter backwash, or other pollutants removed from or resulting from the treatment or control of waste waters shall be disposed of in a manner approved by the Department.

4. **Connection to municipal sewer.** (applicable only to industrial and commercial sources) All wastewaters designated by the Department as treatable in a municipal treatment system will be cosigned to that system when it is available. This permit will expire 90 days after the municipal treatment facility becomes available, unless this time is extended by the Department in writing.

F. DEFINITIONS. For the purposes of this permit, the following definitions shall apply. Other definitions applicable to this permit may be found in Chapters 520 through 529 of the Department's rules

Average means the arithmetic mean of values taken at the frequency required for each parameter over the specified period. For bacteria, the average shall be the geometric mean.

Average monthly discharge limitation means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. Except, however, bacteriological tests may be calculated as a geometric mean.

Average weekly discharge limitation means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Best management practices ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Composite sample means a sample consisting of a minimum of eight grab samples collected at equal intervals during a 24 hour period (or a lesser period as specified in the section on monitoring and reporting) and combined proportional to the flow over that same time period.

Continuous discharge means a discharge which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes, or other similar activities.

Daily discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.

Discharge Monitoring Report ("DMR") means the EPA uniform national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees. DMRs must be used by approved States as well as by EPA. EPA will supply DMRs to any approved State upon request. The EPA national forms may be modified to substitute the State Agency name, address, logo, and other similar information, as appropriate, in place of EPA's.

Flow weighted composite sample means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

Grab sample means an individual sample collected in a period of less than 15 minutes.

Interference means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
(2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Maximum daily discharge limitation means the highest allowable daily discharge.

New source means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(a) After promulgation of standards of performance under section 306 of CWA which are applicable to such source, or
(b) After proposal of standards of performance in accordance with section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.

Pass through means a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

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

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

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

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

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

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

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

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

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

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Whole effluent toxicity means the aggregate toxic effect of an effluent measured directly by a toxicity test.

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: **April 10, 2019**

INTEGRATED COMPLIANCE INFORMATION SYSTEM NUMBER: **MEU508263**
MAINE WASTE DISCHARGE LICENSE NUMBER: **W008263-5S-C-R**

NAME AND ADDRESS OF APPLICANT:

IRVING FOREST PRODUCTS INC.
P.O. Box 389
Ashland, Maine 04732

COUNTY: **Aroostook County**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

Route #11
Nashville Plantation, Maine

RECEIVING WATER/CLASSIFICATION: **Ground Water/Class GW-A**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. William Parker**
(207)435-3166

1. APPLICATION SUMMARY

a. Application: Irving Forest Products Inc. (Irving/licensee) has submitted a timely and complete application to the Department for the renewal of Maine Waste Discharge License (WDL) W008263-5S-A-N which was issued by the Department on May 22, 2014, for a five-year term. Irving is seeking authorization to dispose of up to 8,000 gallons per day (gpd) of boiler blowdown waters via a sub-surface waste water disposal system on a year-round basis. In addition, the licensee is seeking authorization to dispose of up to 543,000 gallons per week (gpw) of hot pond waters floor drain waters and or boiler blowdown waters via a 10-acre spray irrigation site on a seasonal basis (May 1 – November 30) and 271,500 gallons/week of hot pond waters floor drain waters and or boiler blowdown waters via a surface waste water disposal system (5-acre snowmaking site within the 10-acre spray irrigation site) on a seasonal basis (December 1 – April 30) at an Irving sawmill site in Nashville Plantation, Maine.

1. APPLICATION SUMMARY (cont'd)

b. Source Description: - Waste water to be treated and disposed of consists of waters utilized within a softwood sawmill complex that is operated by Irving. The sawmill facility includes components such as slashers, a hot pond debarking system, chipping machinery, a chip loading facility, dry kilns, a rail-side loading facility, a steam boilers, an office building and lumber storage buildings. See **Attachment A** of this Fact Sheet for a location map of the facility.

Approximately 8,000 gpd of boiler blowdown will be generated typically between October through April. The boiler blowdown consists of water taken from a bedrock well located on the mill's property. Solutioning agents and corrosion inhibitors are added to the make-up water to prevent scaling and corrosion within the boiler's piping system.

Hot pond waters are generated via batches of 50,000 to 70,000 gallons every eight to ten weeks. The hot pond water is conveyed to the lagoon where it will be stored during the non-summer months and disposed of via a spray irrigation system that was constructed in calendar year 2004. If conditions within the spray irrigation area are suitable for spraying, spraying may occur as early as May 1 and as late as November 30. Up to 300,000 gallons of hot pond water will be generated during the non-spray irrigation season (November – May). Rainfall and snowfall onto the lagoon surface area during said period is estimated to be 350,000 gallons resulting in a total storage volume requirement of approximately 650,000 gallons. The licensee's estimated maximum available storage volume for the lagoon is 930,000. Up to 240,000 gallons of hot pond water will be generated during the spray irrigation season (May – November). The estimated annual spray volume of 1.4 million gallons assumes the lagoon is full at the beginning of the spray season and there are 18 weeks of hot pond dumps during the spray season.

In November of 2014, Irving submitted an application to the Department to modify the 5/22/14 WDL to increase the designated disposal site from five acres to ten acres and establish a new snowmaking disposal area within the ten-acre site utilized beginning in the winter of 2015 as a snow making/snow storage site. See **Attachment B** of this license for a layout of the spray irrigation area and snowmaking area. The terrain (relatively flat) and sub-surface conditions (soil characteristics) for the snow disposal program and spray irrigation site are similar to the original five-acre spray area.

1. APPLICATION SUMMARY (cont'd)

c. Waste Water Treatment:

(1) Boiler Blowdown

Based on soils testing conducted in 2004, Irving constructed a sub-surface waste water disposal system to the southeast and adjacent to the spray irrigation site. The boiler blowdown waters exit the boiler room building and are conveyed to two concrete septic tanks that are operated in series. The purpose of the septic tanks is to create sufficient detention time lower the temperature of the water to l20ºF or cooler before being conveyed to the infiltration gallery. The infiltration gallery consists of two galleries, each bed measuring 144 long by 21 feet wide. The void space is created by the installation of 4 rows of 23 plastic chamber units commonly referred to as infiltrators. A distribution box has been installed between the two galleries to evenly distribute flow evenly between the beds.

(2) Hot Pond Waters

Hot pond waters, floor drain waters and or boiler blowdown waters are disposed of via a ten-acre spray irrigation/snowmaking area located about 250-300 feet to the southwest of the lagoon. The ten-acre spray site is subdivided such that water would be sprayed on smaller areas using a minimum of six spray heads to evenly distribute the waste water application for up to a three-week period before switching to the next area. A three-week rest period will allow the sprayed field to drain and allow oxygen to re-enter the soil. The licensee's consultant at the time of construction recommended limiting the spray application rate so as not to exceed two (2) inches of water per week. This application rate limitation was imposed in the 2004 licensing action and is being carried forward in this licensing action.

2. LICENSE SUMMARY

a. Terms and Conditions: - This licensing action is carrying the terms and conditions of the 2014 and 2015 licensing actions.

b. History: The most current relevant regulatory actions for the Irving mill include the following:

September 1, 1995 – The Department issued WDL #W007883-57-A-N for a five-year term.

June 15, 1995 - The Department issued an After-The-Fact Site Location and Development Order #L-18337-26-A-N for the mill.

2. LICENSE SUMMARY (cont'd)

March 16, 1999 – The Department issued an Order that transferred all permits and licenses issued by the Department for the Pinkham Lumber mill from Great Northern Paper Company to Irving Forest Products Inc.

December 1, 2000 – Irving Forest Products filed a timely application with the Department to renew the WDL for the disposal of waste water via a surface waste water disposal system.

August 8, 2002 – The Department issued a Notice of Violation (NOV) for violations of WDL #W007883-57-A-N.

August 29, 2003 - The Department issued a draft Consent Agreement (CA) to Irving Forest Products Inc. for violations of the WDL issued by the Department on 9/1/95.

December 31, 2003 – Irving Forest Products modified the 12/1/00 renewal application requesting the Department approve the use of a spray irrigation system to dispose of hot pond waters. The application modification included applicable documentation of the proposed spray irrigation system along with an Operations and Maintenance (O&M) plan.

April 9, 2004 - The Department issued a second draft CA to Irving Forest Products Inc. for violations of the WDL issued by the Department on 9/1/95.

May 28, 2004 – The Department issued WDL # W007883-5S-B-R for a five-year term authorizing the spray irrigation and sub-surface waste water disposal systems.

December 4, 2008 – The Department issued a letter to Irving Forest Products stating it was retiring the May 28, 2004, WDL as the manufacturing operations were shutdown for an indefinite period of time.

December 23, 2013 – Irving Forest Products Inc. submitted an application to the Department seeking authorization to dispose of to 8,000 gallons per day (gpd) of boiler blowdown and floor drain waters via a sub-surface waste water disposal system on a year-round basis and 271,500 gallons per week (gpw) of hot pond and boiler blowdown waters via a 5-acre surface waste water disposal system on a seasonal basis (May 1 – November 30) at an Irving sawmill site in Nashville Plantation. The mill resumed manufacturing operations in the spring of calendar year 2014.

2. LICENSE SUMMARY (cont'd)

May 22, 2014- The Department issued WDL # W008263-5S-A-N approving the discharges proposed in the December 23, 2013, license application.

November 26, 2014 - Irving submitted an application to the Department to modify the above referenced WDL to increase the designated disposal site from five acres to ten acres and establish a new snowmaking disposal area within the ten-acre site.

March 2, 2015 – The Department issued WDL modification #W008263-5S-B-M that authorized the licensee to expand the designated disposal site from five acres to ten acres and establish a new snowmaking disposal area within the ten-acre site to be utilized beginning the winter of 2015 as a snow making/snow storage site.

March 13, 2019 – Irving Forest Products submitted a timely and complete application to the Department to renew the WDL #W008283-5S-A-N.

3. CONDITIONS OF LICENSES

Maine law, 38 M.R.S §470 indicates the groundwater at the point of discharge is classified as Class GW-A receiving waters. Maine law, 38 M.R.S.A., §465-C describes the standards for Class GW-A waters as the highest classification of groundwater and shall be of such quality that it can be used for public water supplies. These waters shall be free of radioactive matter or any matter that imparts color, turbidity, taste or odor which would impair the usage of these waters, other than occurring from natural phenomena.

4. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

a. *Boiler Blowdown Waters*

Parameters monitored and or limited in Special Condition A (1), *Boiler Blowdown Waters* of this licensing action were selected based on information provided by the licensee in the 12/23/13 and 3/13/19 applications. The Department made a best professional judgment in selecting pollutants known or suspected to be in the boiler blowdown that have reasonable potential to adversely impact ground water.

1. Flow: The previous license established a weekly average reporting requirement and a daily maximum limitation of 8,000 gpd based on information provided by the licensee as being representative of flows being discharged to the sub-surface system on a daily basis. This license is carrying forward the reporting requirement and limitation.

4. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Cont'd)

a. *Boiler Blowdown Waters*

A review of the monthly Discharge Monitoring Report (DMR) data for the period January 2015 – February 2019 (most representative of the current discharges) indicates values were reported as follows;

Flow (DMRs = 30)

Value	Limit (gpd)	Range (gallons)	Mean (gallons)
Gallons/Week	Report	21,150-101,987	35,777
Daily Maximum	Report	4,84-8,566	7,962

2. Biochemical oxygen demand (BOD), total suspended solids (TSS), total dissolved solids (TDS), sodium, copper, lead, zinc and pH – The previous licensing action did not establishing limitations for these parameters but did establish a daily maximum reporting requirement to determine pollutant loading rates to the sub-surface system. Those reporting requirements are being carried forward in this licensing action.

A review of the monthly Discharge Monitoring Report (DMR) data for the period January 2015 – February 2019 (most representative of the current discharges) indicates values were reported as follows;

BOD (DMRs = 10)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	Report	<2 - 77	27

TSS (DMRs = 10)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	Report	<4 – 370*	237

*A result of 1,900 on 4/30/17 was not included as it was an outlying data point

TDS (DMRs = 10)

Value	Limit (ug/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	Report	1,400 - 3,500	2,189

Copper (DMRs = 9)

Value	Limit (ug/L)	Range (ug/L)	Mean (ug/L)
Daily Maximum	Report	6 – 1,080	514

Lead (DMRs = 10)

Value	Limit (ug/L)	Range (ug/L)	Mean (ug/L)
Daily Maximum	Report	<5 - 54	17

4. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Cont'd)

a. *Boiler Blowdown Waters*

Zinc (DMRs = 10)

Value	Limit (ug/L)	Range (ug/L)	Mean (ug/L)
Daily Maximum	Report	<50 – 1,190	261

pH (DMRs = 10)

Value	Limit (su)	Low (su)	High (su)
Daily Maximum	Report	11.8	13.8

Sodium (DMRs = 10)

Value	Limit (ug/L)	Range (ug/L)	Mean (ug/L)
Daily Maximum	Report	<50 – 1,190	261

b. *Lagoon Waters*

Parameters monitored in Special Condition A (2), *Lagoon Waters* (May – November) of this licensing action were selected based on information provided by the licensee in the 12/23/13 and 3/13/19 applications. The Department evaluated test results in the report and made a best professional judgment in selecting pollutants known or suspected to be in the hot pond waters that have a reasonable potential to adversely impact ground water.

A review of the monthly Discharge Monitoring Report (DMR) data for the period January 2015 – February 2019 (most representative of the current discharges) indicates values were reported as follows;

BOD (DMRs = 21)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	Report	13 – 2,000	399

TSS (DMRs = 21)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	Report	12 – 2,600	354

TDS (DMRs = 21)

Value	Limit (ug/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	Report	95 – 5,000	1,240

4. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Cont'd)

b. *Lagoon Waters*

Arsenic (DMRs = 22)

Value	Limit (ug/L)	Range (ug/L)	Mean (ug/L)
Daily Maximum	Report	<5 - 22	9.1

Chloride (DMRs = 22)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	Report	24 – 1,300	412

Iron (DMRs = 22)

Value	Limit (ug/L)	Range (ug/L)	Mean (ug/L)
Daily Maximum	Report	2,980 – 69,000	19,423

pH (DMRs = 10)

Value	Limit (su)	Range – Low (su)	Range- High (su)
Daily Maximum	Report	4.6	10.6

Sodium (DMRs = 10)

Value	Limit (ug/L)	Range (ug/L)	Mean (ug/L)
Daily Maximum	Report	86 - 980	388

Manganese (DMRs = 9)

Value	Limit (ug/L)	Range (ug/L)	Mean (ug/L)
Daily Maximum	Report	183 – 10,800	3,778

c. *Ground Water Monitoring*

As with the boiler blowdown waters and the lagoon waters, parameters monitored and or limited in Special Condition A (3), *Ground Water Monitoring* of this licensing action were selected in part based on information provided by the licensee in the 12/23/13 and the 3/13/19 applications. In addition, several parameters were proposed by the licensee and additional parameters are being required by the Department to assist all parties in determining if the soils in the spray irrigation area are attenuating the pollutants being applied to the area, and if the lagoon is causing or contributing to exceedances of drinking water standards and/or action levels.

4. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Cont'd)

c. *Ground Water Monitoring*

The licensee is required to monitor ground monitor wells MW-6AS and MW-6AD which are located approximately 120 feet west of the lagoon and down gradient. Ground monitoring wells associated with ten-acre disposal field are MW-4-1 and MW-4-2. All monitoring wells must be monitored 2/Year for the following parameters:

1. Turbidity – Turbidity in the ground water yields an indication of the integrity of the monitoring wells.

2. Specific Conductance, Temperature, Dissolved Oxygen, Turbidity and pH – These parameters are considered to be "field" parameters meaning that they are measured directly in the field via instrumentation and do not require laboratory analysis. They are considered a surveillance level monitoring parameter that is used as an early-warning indicator of potential ground water contamination. The pH range limitation of 6.5 – 8.5 standard units is a Secondary Drinking Water Standard.

3. Dissolved Oxygen (DO) – DO is an important parameter because surface waste water disposal systems have the potential to introduce significant organic carbon to groundwater and it is important to determine if the increased organic loading reduces the amount of the dissolved oxygen present in ground water.

4. Total Dissolved Solids (TDS)– TDS provides a laboratory based estimate of the amount of material dissolved in ground water. It also provides a quality control check on the specific conductance field measurement. The daily maximum concentration limit of 500 mg/L is a Secondary Drinking Water Standard.

5. Total Organic Carbon (TOC) – TOC provides information about the leaching of organic carbon to ground water. Information about the presence of dissolved organic carbon is important because too much TOC can significantly alter the natural geochemistry of ground water.

6. Chloride and Sodium - These parameters serve as excellent indicator parameters of potential ground water contamination as they are relatively conservative (i.e., generally move with groundwater as they participate in few reactions). The daily maximum concentration limit for chloride (250 mg/L) is a Secondary Drinking Water Standard.

4. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Cont'd)

c. *Ground Water Monitoring*

There are currently no primary or secondary drinking water standards for sodium. Maine law (38 M.R.S.A., §465-C) states that *groundwaters "shall be of such quality that they can be used for public drinking water supplies…and shall be free of…any matter that imparts color, turbidity, taste or odor which would impair usages of these waters"*. In Drinking Water Advisory: Consumer Acceptability Advice and Health Effects Analysis on Sodium (External Review Draft, April 2002), USEPA concluded that data from studies on taste and odor of sodium suggests a taste threshold of 30 to 60 mg/L of sodium in water. The current Maximum Exposure Guideline of 20 mg/L for sodium is under review by USEPA. In the June 3, 2002

Federal Register (vol. 67, no. 106, page 38,240), USEPA utilizes National Research Council recommended daily intake values for sodium to develop a proposed health based benchmark value of 120 mg/L. The Department recognizes a relationship between detection and health based standards in determining the level of a contaminant in groundwater that will likely impair usage by consumers and therefore is utilizing 120 mg/L of sodium in groundwater as an action level.

7. Arsenic, Iron and Manganese – These three parameters are considered redox-sensitive parameters. Under natural conditions, the surficial aquifer at this site is expected to be aerobic (i.e., contain dissolved oxygen). If the increased organic loading is excessive, it may significantly reduce the concentration of dissolved oxygen present in ground water. When the dissolved oxygen concentration decreases in ground water, there is often an increase in one or more of these parameters. The daily maximum regulatory limits are as follows: Arsenic – 10 ug/L is a Primary Drinking Water Standard; Iron – 300 ug/L; and Manganese – 50 ug/L are Secondary Drinking Water Standards.

A review of the monthly Discharge Monitoring Report (DMR) data for the period January 2015 – February 2019 (most representative of the current discharges) indicates values (all daily maximums) were reported as follows;

GWM-6AD (n=9)

Parameter	Limit	Range	Mean
Depth to ground water (ft)	Report	3.7-10.5	6.2
Dissolved oxygen (mg/L)	Report	0 – 6.0	1.2
Specific conductance (µmhos)	Report	450 – 1,396	814
Temperature (°F)	Report	10 - 52	43
TDS (mg/L)	500	330 - 830	461
TOC (mg/L)	Report	4.6 - 41	12.8
pH (su)	6.5 – 8.5	5.3 (low)	6.9 (high)
Turbidity (NTU)	Report	0 – 2.2	1.1

4. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Cont'd)

c. *Ground Water Monitoring*

GMW-6AD (cont'd)

Parameter	Limit	GWM 6AS	GWM 6AD
Arsenic (ug/L)	10	<5 - 44	13
Chloride (mg/L)	250	38 - 290	104
Iron (mg/L)	4.5	4.8 - 20	8.9
Manganese (mg/L)	5.5	5.2 - 14	7.6
Sodium (mg/L)	Report	47.4 - 120	72

GWM-6AS (n=9)

Parameter	Limit	Range	Mean
Depth to ground water (ft)	Report	4.3 – 11.3	7.6
Dissolved oxygen (mg/L)	Report	1.0 – 7.8	4.4
Specific conductance (µmhos)	Report	171 - 288	219
Temperature (°F)	Report	10.8 - 60	44.4
TDS (mg/L)	500	97 - 560	206
TOC (mg/L)	Report	4.1 – 9.1	6.1
pH (su)	6.5 – 8.5	5.5 (low)	6.8 (high)
Turbidity (NTU)	Report	3.0 – 24.1	10.6
Arsenic (ug/L)	10	<5 - 26	7.4
Chloride (mg/L)	250	8.5 - 68	26
Iron (mg/L)	4.5	0.5 - 22	3.6
Manganese (mg/L)	5.5	0.09 – 5.35	0.94
Sodium (mg/L)	Report	20 - 34	25

GWM 04-1(n=9)

Parameter	Limit	Range	Mean
Depth to ground water (ft)	Report	11.5 – 21.6	16.4
Dissolved oxygen (mg/L)	Report	0 – 4.2	0.8
Specific conductance (µmhos)	Report	560 - 971	761
Temperature (°F)	Report	45.4 - 53	47.5
TDS (mg/L)	500	300 - 640	424
TOC (mg/L)	Report	16 - 41	26
pH (su)	6.5 – 8.5	5.5 (low)	6.8 (high)
Turbidity (NTU)	Report	0 – 6.4	3.5
Arsenic (ug/L)	10	10 - 28	16
Chloride (mg/L)	250	34 - 90	50
Iron (mg/L)	98	56 - 76	66
Manganese (mg/L)	31	20.6 – 29.7	25.5
Sodium (mg/L)	Report	14 - 20	16.8

4. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (Cont'd)

c. *Ground Water Monitoring*

GWM-04-2(n=9)

Parameter	Limit	Range	Mean
Depth to ground water (ft)	Report	6.5 – 13.7	10.3
Dissolved oxygen (mg/L)	Report	0 – 3.7	0.7
Specific conductance (µmhos)	Report	594 – 1,070	899
Temperature (°F)	Report	43.8 - 51	47.7
TDS (mg/L)	500	350 - 580	490
TOC (mg/L)	Report	25 - 36	31
pH (su)	6.5 – 8.5	5.5 (low)	6.8 (high)
Turbidity (NTU)	Report	3.3 – 26.2	8.5
Arsenic (ug/L)	10	6 - 32	14.5
Chloride (mg/L)	250	59 - 150	112
Iron (mg/L)	98	62 - 100	84.7
Manganese (mg/L)	31	19.7 - 26	22.4
Sodium (mg/L)	Report	16 - 48	28.6

5. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As licensed, the Department has determined the existing water uses will be maintained and protected and the discharge will not cause or contribute to the failure of the water body to meet standards for Class GW-A classification.

6. PUBLIC COMMENTS

Public notice of this application was made in the Star Herald newspaper on or about on February 27, 2019. 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 Chapter 522 of the Department's rules.

7. DEPARTMENT CONTACTS

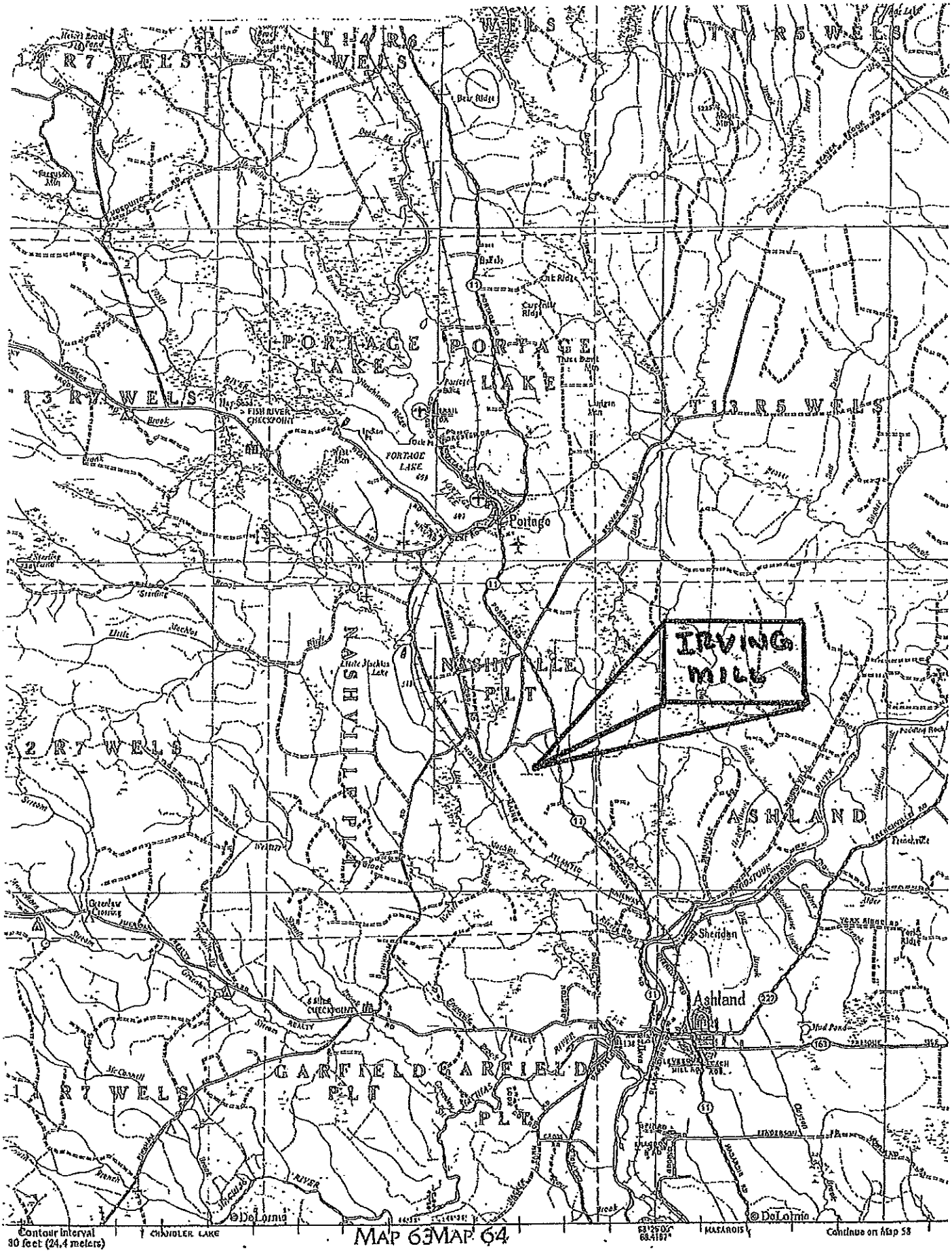
Additional information concerning this permitting action may be obtained from and written comments should be sent to:

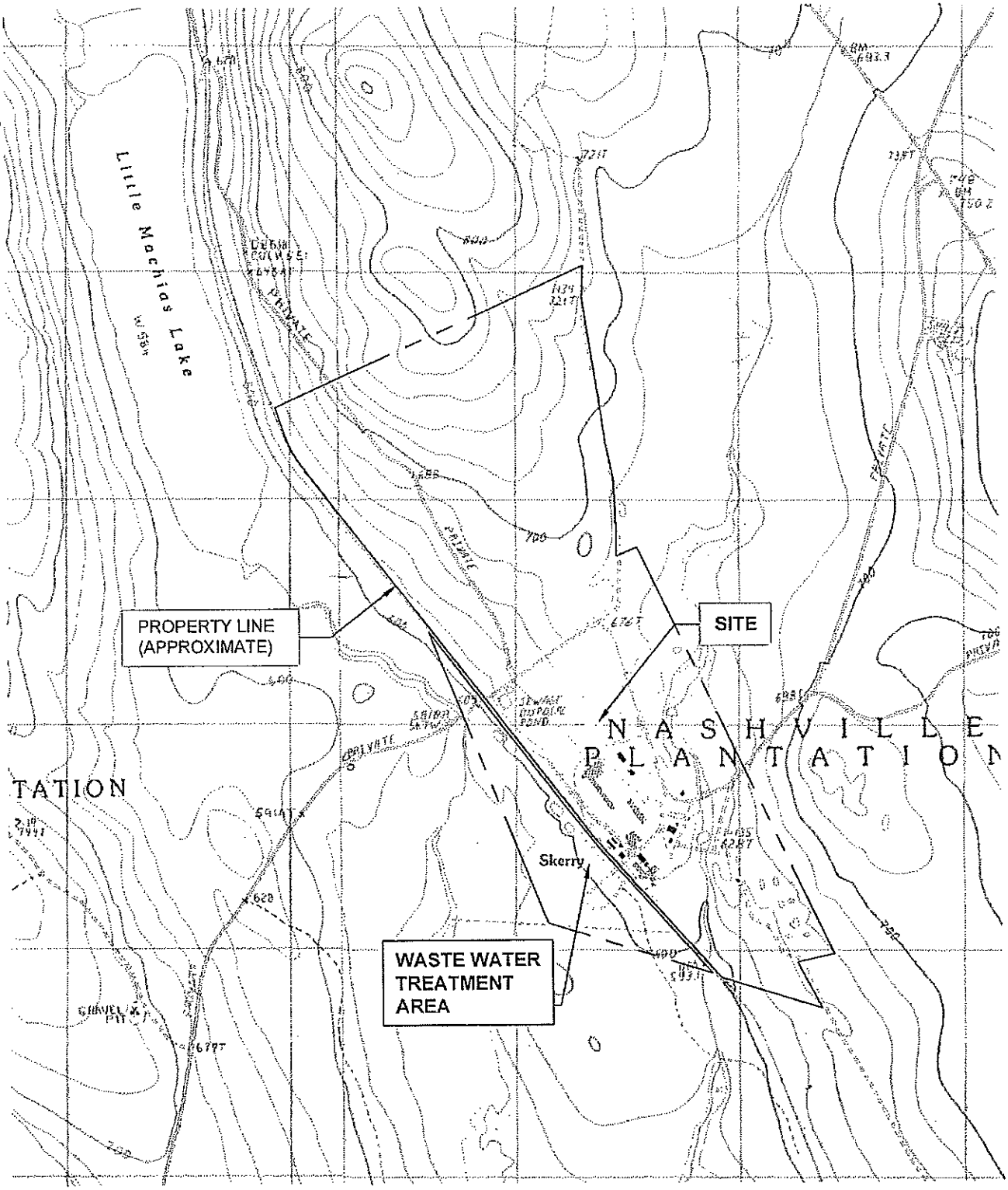
Gregg Wood
Division of Water Quality Management
Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 287-7693
E-mail: gregg.wood@maine.gov

8. RESPONSE TO COMMENTS

Reserved until the close of the 30-day public comment period.

ATTACHMENT A


T14R6 WELS
T14R5 WELS
R7 WELS
PORTAGE LAKE
T13R7 WELS
T13R5 WELS
FISH RIVER CHECKPOINT
Portage
NASHVILLE PLT
IRVING MILL
ASHLAND
Sheridan
Ashland
T12R7 WELS
GARFIELD PLT
Contour interval
10 feet (24.4 meters)
CHANDLER LAKE
MAP 63
MAP 64
MASARDIS
Continue on Map 58



SOURCE:
U.S.G.S. TOPOGRAPHIC QUADRANGLE
ASHLAND, ME
@ 1:2,000

CES INC

SURFACE WASTEWATER TREATMENT AREA
ASHLAND SAWMILL, ASHLAND, MAINE
LOCATION MAP

2015-07-13
10050.012

ATTACHMENT B

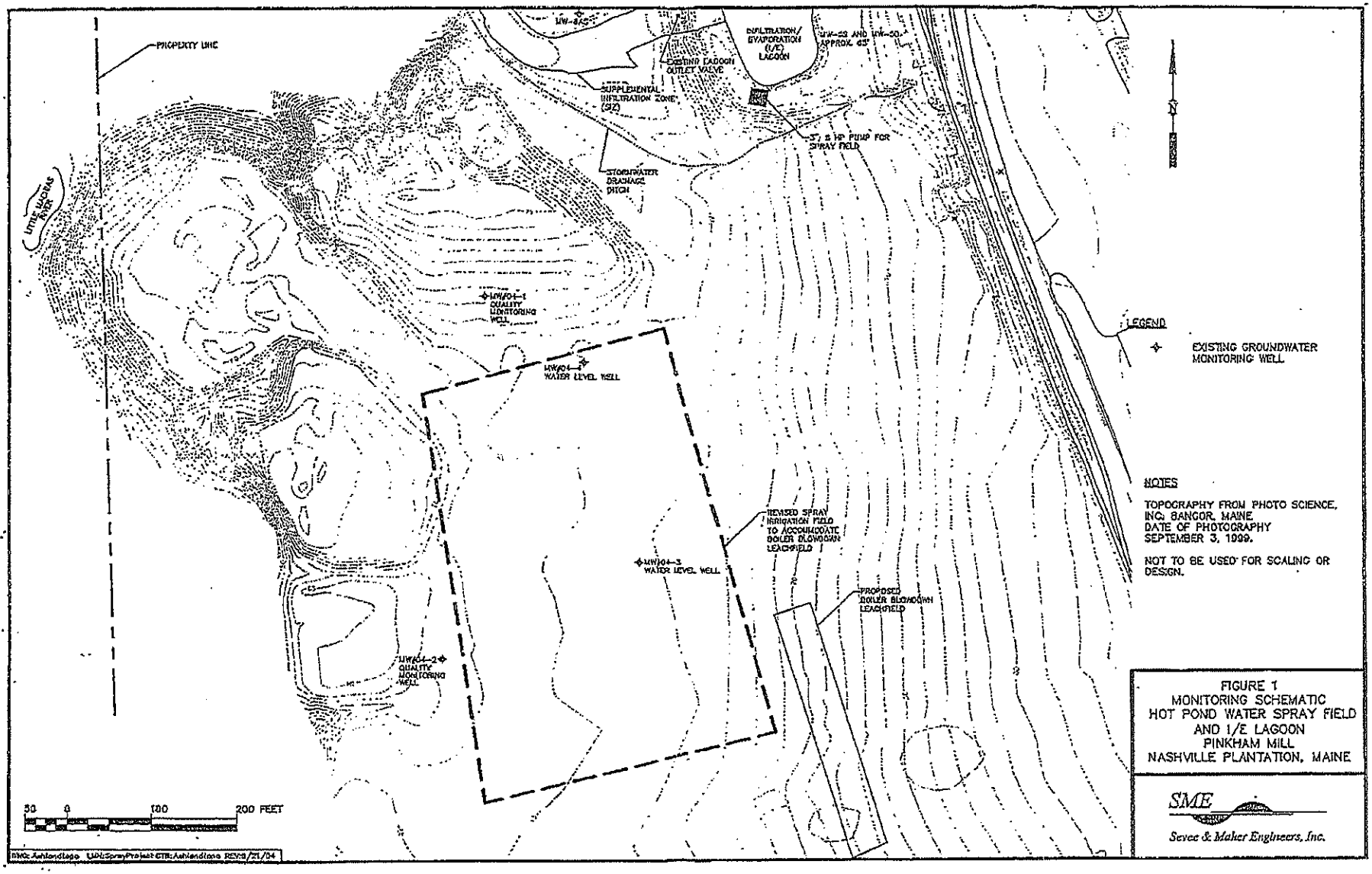


FIGURE 1
MONITORING SCHEMATIC
HOT POND WATER SPRAY FIELD
AND I/E LAGOON
PINKHAM MILL
NASHVILLE PLANTATION, MAINE

SME
Sevee & Maher Engineers, Inc.

G:\gl\PinkhamLagoon\Acad\Ashlandlogo.dwg, 8/21/2004 1:50:42 PM,