STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

January 5, 2010

Ms. Cintya Bailey
Verso Bucksport LLC
2 River Road
Bucksport, ME 04415

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0002160
Maine Waste Discharge License (WDL) Application #W000598-5N-J-R
Final Permit/License-Verso Bucksport LLC

Dear Ms. Bailey:

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

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

If you have any questions regarding this matter, please feel free to contact me at (207) 287-7658 or at phyllis.a.rand@maine.gov.

Sincerely,

Phyllis Arnold Rand

Phyllis Arnold Rand
Division of Water Quality Management
Bureau of Land and Water Quality

Enclosure

cc: Tanya Hovell, DEP/EMRO
Sandy Mojica, USEPA
Doug Koopman, USEPA
Lori Mitchell, DMU

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

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PORTLAND, MAINE 04103
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PRESQUE ISLE, MAINE 04769-2094
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web site: www.maine.gov/dep

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

DEPARTMENT ORDER

IN THE MATTER OF

VERSO BUCKSPORT LLC		)	MAINE POLLUTANT DISCHARGE
BUCKSPORT, HANCOCK COUNTY, MAINE		)	ELIMINATION SYSTEM PERMIT
INDUSTRIAL PROCESS WASTEWATER		)	AND
ME0002160		)	WASTE DISCHARGE LICENSE
W000598-5N-J-R	**APPROVAL**	)	**RENEWAL**

Pursuant to the provisions of the *Federal Water Pollution Control Act*, Title 33 USC, §1251, *Conditions of licenses*, 38 M.R.S.A. § 414-A, and applicable regulations, the Maine Department of Environmental Protection (Department) has considered the application of VERSO BUCKSPORT LLC, with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

Verso Bucksport LLC ("permittee," hereinafter) has applied to the Department of Environmental Protection ("Department," hereinafter) for renewal of Waste Discharge License (WDL) #W000598-5N-H-R/ Maine Pollutant Discharge Elimination System (MEPDES) Permit # ME0002160, which was issued on November 2, 2004 and is due to expire on November 2, 2009. The 11/02/04 permit authorized the monthly average discharge of up to 18 million gallons per day (MGD) of secondary treated pulp and paper production process wastewater, treated landfill leachate, filter backwash waters, water from oil/water separators, water contaminated with oil from routine maintenance and operational activities and up to a monthly average flow of 72 MGD of non-contact cooling water and an unspecified quantity of storm water runoff from a paper manufacturing facility to the Penobscot River, Class SC, in Bucksport, Maine.

PERMIT SUMMARY

Terms and Conditions: **This permitting action is <u>similar to</u> the 11/02/04 permitting action in that it is:**

<u>Outfall #001A and #001B – Process Wastewater</u>

1. Carrying forward the monthly average discharge flow limit of 18.0 MGD;

2. Carrying forward the seasonal monthly average and daily maximum water quality based mass limitations and concentration reporting requirements for biochemical oxygen demand (BOD_5);

PERMIT SUMMARY (cont'd)

3. Carrying forward the year-round monthly average and daily maximum water quality based mass limits and concentration reporting requirements for total suspended solids (TSS);

4. Carrying forward the technology based effluent pH limitation;

5. Carrying forward the requirement to maintain an up-to-date Operation and Maintenance Plan.

6. Carrying forward the analytical chemistry screening level monitoring frequency of 1/Quarter.

Outfall #003 – Cooling Water

7. Carrying forward the monthly average flow limitation of 72 MGD.

8. Carrying forward the monthly average and daily maximum temperature limitations.

9. Carrying forward the pH range limitations based on BPJ of BPT.

This permitting action is significantly <u>different from</u> the 11/02/04 permitting action in that it is:

Outfall #001A and #001B – Process Wastewater

10. Waiving the analytical chemistry surveillance level monitoring requirement per 06-096 CMR 530(2)(D)(3).

11. Waiving the priority pollutant surveillance level monitoring requirement per 06-096 CMR 530(2)(D)(3).

12. Eliminating the WET monitoring requirements for the water flea (*Ceriodaphnia dubia*), fathead minnow (*Pimphales promelas*) and brook trout (*Salvelinus fontinalis*).

13. Revising the monitoring frequencies for TSS and BOD_5 from 1/Day to 5/Week.

14. Establishing an annual certification statement requirement as Special Condition G, *06-096 CMR 530(2)(D)(4) Statement for Reduced/Waived Toxics Testing*.

15. Establishing WET screening level monitoring requirements for the mysid shrimp (*Mysidopsis bahia*) and sea urchin (*Arbacia punctulata*) consistent with 06-096 CMR 530.

16. Revising the priority pollutant screening level screening level monitoring frequency from 1/Quarter to 1/Year per 06-096 CMR 530(2)(D)(3).

PERMIT SUMMARY (cont'd)

Outfall #003 – Cooling Water

17. Eliminating the monitoring requirement for Clam-trol CT2.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated January 5, 2010, 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 MRSA Section 464(4)(F), will be met, in that:

    a. Existing in-stream water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;

    b. Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;

    c. The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;

    d. Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and

    e. Where a discharge will result in lowering the existing quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.

4. The discharges will be subject to effluent limitations that require application of best practicable treatment.

ACTION

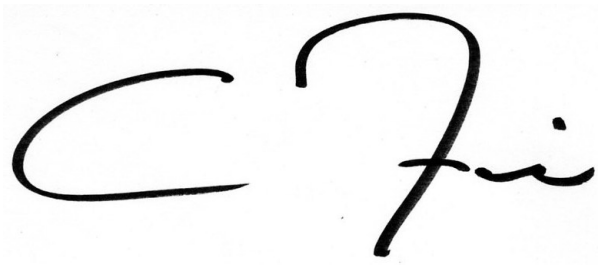
THEREFORE, the Department APPROVES the above noted application of the VERSO BUCKSPORT LLC to discharge up to a monthly average of 18.0 million gallons per day (MGD) of secondary treated pulp and paper production process wastewater, treated landfill leachate and filter backwash water, and up to a monthly average flow of 72.0 MGD of non-contact cooling water and an unspecified quantity of stormwater runoff from a paper manufacturing facility to the Penobscot River, Class SC in Bucksport, Maine, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations including:

1. *Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits,* revised July 1, 2002, copy attached.

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

3. The expiration date of this permit is five (5) years from the date of signature below.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES



This permit has been digitally signed by Andrew C. Fisk on behalf of Commissioner David P. Littell. It is digitally signed pursuant to authority under 10 M.R.S.A. § 9418. It has been filed with the Board of Environmental Protection as of the signature date
2010.01.07 09:59:47 -05'00'

Date of initial receipt of application: September 21, 2009
Date of application acceptance: September 22, 2009

This Order prepared by Phyllis Arnold Rand, BUREAU OF LAND & WATER QUALITY

ME0002160 2010

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning the effective date of the permit, the permittee is authorized to discharge secondary treated wastewater to the Penobscot River via **Outfall #001A and Outfall #001B**. Such treated wastewater discharges shall be limited and monitored by the permittee as specified below.

Outfall #001A and Outfall #001B

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average as specified	**Weekly Average** as specified	**Daily Maximum** as specified	**Monthly Average** as specified	**Weekly Average** as specified	**Daily Maximum** as specified	**Measurement Frequency** as specified	**Sample Type** as specified
Flow *[50050]*	18.0 MGD *[03]*	---	---	---	---	---	Continuous *[99/99]*	Recorder *[RC]*
BOD_5[(1)] *June 1 – October 31* *November 1 – May 31* *[00310]*	3,100 lbs/day *[26]* 6,160 lbs/day *[26]*	--- ---	10,000 lbs/day *[26]* 14,800 lbs/day *[26]*	Report mg/L *[19]* Report mg/L *[19]*	--- ---	Report mg/L *[19]* Report mg/L *[19]*	5/Week *[05/07]*	Composite *[24]*
TSS[(1)] *[00530]*	9,300 lbs/day *[26]*	---	26,000 lbs/day *[26]*	Report mg/L *[19]*	---	Report mg/L *[19]*	5/Week *[05/07]*	Composite *[24]*
pH[(2)] *[00400]*	---	---	--	---	---	5.0 – 9.0 SU *[12]*	Continuous *[99/99]*	Recorder *[RC]*

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

FOOTNOTES: See Pages 8-10 of this permit for the applicable footnotes.

SPECIAL CONDITIONS

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

2. Whole effluent toxicity, analytical chemistry and priority pollutant testing requirements for **Outfall #001A and Outfall #001B** [(1)].

SCREENING LEVEL **-** Beginning 12 months prior to expiration of the this permit or in the fifth year since the last screening test, whichever is sooner.

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Effluent Characteristic	Discharge Limitations				Minimum Monitoring Requirements	
	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Whole Effluent Toxicity [(3)] **Acute – NOEL** *Mysidopsis bahia* (Mysid shrimp) *[TDM3E]*	---	---	---	Report % *[23]*	1/Year *[01/YR]*	Composite *[24]*
Chronic – NOEL *Arbacia punctulata* (Sea urchin) *[TBH3A]*	---	---	---	Report % *[23]*	1/Year *[01/YR]*	Composite *[24]*
Analytical Chemistry [(4)] *[51477]*	---	---	---	Report ug/L *[28]*	1/Quarter *[01/90]*	Composite / Grab *[24/GR]*
Priority Pollutant [(5)] *[50008]*	---	---	---	Report ug/L *[28]*	1/Year *[01/YR]*	Composite / Grab *[24/GR]*

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

FOOTNOTES: See Pages 8-10 of this permit for applicable footnotes.

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

3. During the period beginning the effective date of the permit, the permittee is authorized to discharge cooling water to the Penobscot River via **Outfall #003**. Such discharges shall be limited and monitored by the permittee as specified below:

Outfall #003 – Cooling Water

Effluent Characteristic	Discharge Limitations						Minimum Monitoring Requirements	
	Monthly Average as specified	Weekly Average as specified	Daily Maximum as specified	Monthly Average as specified	Weekly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Flow *[50050]*	72.0 MGD *[03]*	---	---	---	---	---	Continuous *[99/99]*	Recorder *[RC]*
Temperature(6) *[00011]*	---	---	---	90 Deg F	---	95 Deg F	Continuous *[99/99]*	Recorder *[RC]*
pH(2) *[00400]*	---	---	--	---	---	6.0 – 8.5 SU *[12]*	Continuous *[99/99]*	Recorder *[RC]*

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

FOOTNOTES: See Pages 8-10 of this permit for the applicable footnotes.

SPECIAL CONDITIONS

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

FOOTNOTES:

Sampling – All effluent monitoring shall be conducted at a location following the last treatment unit in the treatment process as to be representative of end-of-pipe effluent characteristics. Any change in sampling location(s) must be reviewed and approved by the Department in writing.

Sampling – Sampling and analysis must be conducted in accordance with; a) methods approved in 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis shall be analyzed by a laboratory certified by the State of Maine's Department of Human Services. Samples that are sent to another POTW licensed pursuant to *Waste discharge licenses*, 38 M.R.S.A. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended February 13, 2000).

All analytical test results shall be reported to the Department including results which are detected below the respective reporting limits (RL's) specified by the Department or as specified by other approved test methods. If a non-detect analytical test result is below the respective RL, the concentration result shall be reported as <Y where Y is the detection limit achieved by the laboratory for each respective parameter. Reporting a value of <Y that is greater than an established RL is not acceptable and will be rejected by the Department. For mass, if the analytical result is reported as <Y or if a detectable result is less than a RL, report a <X lbs/day, where X is the parameter specific limitation established in the permit. See **Attachment A** of this permit for a list of the Department's RL's.

1. **BOD_5, TSS –** The monitoring frequency for BOD_5 and/or TSS shall be increased to 1/Day if test results of the effluent indicate a sudden spike in BOD_5 or TSS or a statistically significant trend upwards that results in a reasonable potential to exceed permit limits for BOD_5 or TSS.

2. **pH** – Pursuant to 06-096 CMR 525(4)(VIII), excursions from the pH limitations are permitted subject to the following limitations: a)The total time during which the pH values are outside the required range of pH values shall not exceed 7 hours and 26 minutes in any calendar month; and, b) No individual excursion from the range of pH values shall exceed 60 minutes. For purposes of this section, an "excursion" is an unavoidable malfunction as defined in 38 MRSA, Section 349(9)(B) in which the pH value of discharge wastewater exceeds the range set forth in the applicable effluent limitations guidelines.

SPECIAL CONDITIONS

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

FOOTNOTES:

3. **Whole effluent toxicity (WET) testing** –Definitive WET testing is a multi-concentration testing event (a minimum of five dilutions bracketing the critical acute and chronic thresholds of 1.8% and 0.3%, respectively), which provides a point estimate of toxicity in terms of No Observed Effect Level, commonly referred to as NOEL or NOEC. A-NOEL is defined as the acute no observed effect level with survival as the end point. C-NOEL is defined as the chronic no observed effect level with survival, reproduction and growth as the end points. The critical acute and chronic thresholds were derived as the mathematical inverses of the applicable acute and chronic dilution factors of 54:1 and 354:1, respectively, for Outfalls #001A and 001B. See **Attachment B** of this permit for a copy of the Department's WET reporting form.

   a. **Screening level testing –** Beginning 12 months prior to expiration of the permit or in the fifth year since the last screening test, which ever is sooner, the permittee shall conduct screening level WET testing at a minimum frequency of once per year for the mysid shrimp (*Mysidopsis bahia*) and the sea urchin (*Arbacia punctulata*).

   b. **Surveillance level testing** is not required pursuant to 06-096 CMR 530(2)(D)(3).

   WET test results must be submitted to the Department not later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, that the permittee may review the toxicity reports for up to 10 business days of their availability before submitting them. The permittee shall evaluate test results being submitted and identify to the Department possible exceedences of the critical acute and chronic water quality thresholds specified above.

   Toxicity tests must be conducted by an experienced laboratory approved by the Department. The laboratory must follow procedures as described in the following USEPA methods manuals.

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

   b. Methods for Measuring the Acute Toxicity of Effluent and Receiving Waters to Freshwater and Marine Organisms, Fifth Edition, October 2002, EPA-821-R-02-012.

   The permittee is also required to analyze the effluent for the nine (9) parameters specified in the WET chemistry section, and the twelve (12) parameters specified in the analytical chemistry section of the form in Attachment A of this permit each time a WET test is performed.

SPECIAL CONDITIONS

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

FOOTNOTES:

4. **Analytical chemistry** – Pursuant to 06-096 CMR 530(2)(C)(4), refers to a suite of chemical tests that include ammonia nitrogen (as N), total aluminum, total arsenic, total cadmium, total chromium, total copper, free cyanide (amenable to chlorination), total lead, total nickel, total silver, total zinc and total residual chlorine.

   a. **Screening level testing** –Beginning 12 months prior to expiration of the permit or in the fifth year since the last screening test, which ever is sooner, the permittee shall conduct analytical chemistry testing at a minimum frequency of once per calendar quarter for four consecutive calendar quarters.

   b. **Surveillance level testing** is not required pursuant to 06-096 CMR 530(2)(D)(3).

5. **Priority pollutant testing –** Priority pollutants are those parameters specified at *Effluent Guidelines and Standards*, 06-096 CMR 525(4)(IV) (effective January 12, 2001).

   a. **Screening level testing** – Beginning 12 months prior to expiration of the permit or in the fifth year since the last screening test, which ever is sooner, the permittee shall conduct screening level priority pollutant testing at a minimum frequency of once per year.

   b. **Surveillance level testing** is not required pursuant to 06-096 CMR 530(2)(D)(3).

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

   Test results must be submitted to the Department not later than the next Discharge Monitoring Report (DMR) required by the permit, provided, however, that the permittee may review the toxicity reports for up to 10 business days of their availability before submitting them. The permittee shall evaluate test results being submitted and identify to the Department, possible exceedences of the acute, chronic or human health AWQC as established in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective October 9, 2005). For the purposes of DMR reporting, enter a "1" for yes, testing done this monitoring period or "NODI-9" monitoring not required this period.

6. **Temperature** - Daily maximum effluent temperature values to be reported shall be based on the mean of one-minute readings recorded during a 24-hour operating day.

SPECIAL CONDITIONS

B. NARRATIVE EFFLUENT LIMITATIONS

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

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

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

4. Notwithstanding specific conditions of this permit the effluent must not lower the quality of any classified body of water below such classification, or lower the existing quality of any body of water if the existing quality is higher than the classification.

C. TREATMENT PLANT OPERATOR

The person who has the management responsibility over the treatment facility must hold a **Grade V** certificate (or higher) or must be a Maine Registered Professional Engineer pursuant to *Sewerage Treatment Operators*, Title 32 M.R.S.A., Sections 4171-4182 and *Regulations for Wastewater Operator Certification*, 06-096 CMR 531 (effective May 8, 2006). All proposed contracts for facility operation by any person must be approved by the Department before the permittee may engage the services of the contract operator.

D. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on September 22, 2009; 2) the terms and conditions of this permit; and 3) only from Outfalls #001A and #001B (secondary treated wastewater) and Outfall #003 (non-contact cooling water). Discharges of wastewater from any other point source are not authorized under this permit, and shall be reported in accordance with Standard Condition B(5), *Bypass*, of this permit.

E. NOTIFICATION REQUIREMENT

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

1. Any introduction of pollutants into the waste water collection and treatment system from an indirect discharger in a primary industrial category discharging process waste water; and

SPECIAL CONDITIONS

E. NOTIFICATION REQUIREMENT (cont'd)

2. Any substantial change in the volume or character of pollutants being introduced into the waste water collection and treatment system by a source introducing pollutants into the system at the time of permit issuance. For the purposes of this section, notice regarding substantial change shall include information on:

(a) the quality and quantity of waste water introduced to the waste water collection and treatment system; and
(b) any anticipated impact caused by the change in the quantity or quality of the waste water to be discharged from the treatment system.

F. MONITORING AND REPORTING

Monitoring results obtained during the previous month shall be summarized for each month and reported on separate Discharge Monitoring Report (DMR) forms provided by the Department and **postmarked on or before the thirteenth (13th) day of the month or hand-delivered to a Department Regional Office such that the DMR's are received by the Department on or before the fifteenth (15th) day of the month** following the completed reporting period. A signed copy of the DMR and all other reports required herein shall be submitted to the following address:

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

Alternatively, if you are submitting an electronic DMR (eDMR), the completed eDMR must be electronically submitted to the Department by a facility authorized DMR Signatory **not later than close of business on the 15th day of the month** following the completed reporting period. **Hard Copy documentation** submitted in support of the eDMR must be **postmarked on or before the thirteenth (13th) day of the month or hand-delivered to the Department's Regional Office such that it is received by the Department on or before the fifteenth (15th) day of the month** following the completed reporting period. **Electronic documentation** in support of the eDMR must be submitted **not later than close of business on the 15th day of the month** following the completed reporting period.

SPECIAL CONDITIONS

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

This permitting action establishes reduced surveillance level testing for WET and analytical chemistry testing. **On or before December 31st of each year** of the effective term of this permit ***[PCS Code 95799]***, the permittee shall provide the Department with statements describing the following:

(a) Changes in the number or types of non-domestic wastes contributed directly or indirectly to the wastewater treatment works that may increase the toxicity of the discharge;

(b) Changes in the operation of the treatment works that may increase the toxicity of the discharge; and

(c) Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge.

Further, the Department may require that annual testing be re-instituted if it determines that there have been changes in the character of the discharge or if annual certifications described above are not submitted.

H. MERCURY

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

I. OPERATION AND MAINTENANCE (O&M) PLAN

This facility shall maintain a current written comprehensive Operation & Maintenance (O&M) Plan. The plan shall provide a systematic approach by which the permittee shall at all times, properly operate and maintain all facilities and systems of transport, treatment and control (and related appurtenances) which are installed or used by the permittee 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 permittee shall 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 shall be kept on-site at all times and made available to Department and EPA personnel upon request.

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

J. REOPENING OF PERMIT FOR MODIFICATIONS

Upon evaluation of the tests results or monitoring requirements specified in Special Conditions of this permitting action, new site specific information, or any other pertinent test results or information obtained during the term of this permit, the Department may, at anytime and with notice to the permittee, modify this permit to; 1) include effluent limits necessary to control specific pollutants or whole effluent toxicity where there is a reasonable potential that the effluent may cause water quality criteria to be exceeded, (2) require additional effluent and or ambient water quality monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

K. SEVERABILITY

In the event that any provision(s), or part thereof, of this permit is declared to be unlawful by a reviewing court, the remainder of the permit 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

Printed 7/14/2009

Maine Department of Environmental Protection
WET and Chemical Specific Data Report Form
This form is for reporting laboratory data and facility information. Official compliance reviews will be done by DEP.

Facility Name _____ **MEPDES #** _____ Facility Representative Signature _____
Pipe # _____ To the best of my knowledge this information is true, accurate and complete.

Licensed Flow (MGD)	
Acute dilution factor	
Chronic dilution factor	
Human health dilution factor	
Criteria type: M(arine) or F(resh)	**M**

Flow for Day (MGD)[1] _____ **Flow Avg. for Month (MGD)[2]** _____

Date Sample Collected _____ Date Sample Analyzed _____

Laboratory _____ Telephone _____
Address _____
Lab Contact _____ Lab ID # _____

ERROR WARNING ! Essential facility information is missing. Please check required entries in bold above.

MARINE AND ESTUARY VERSION

Please see the footnotes on the last page.

			Effluent Limits, %			Receiving Water or Ambient	**Effluent Concentration (ug/L or as noted)** WET Result, % Do not enter % sign	Reporting Limit Check	**Possible Exceedence [7]**		
	WHOLE EFFLUENT TOXICITY		Acute	Chronic					Acute	Chronic	
	Mysid Shrimp										
	Sea Urchin										
	WET CHEMISTRY										
	pH (S.U.) (9)					(8)					
	Total Organic Carbon (mg/L)					NA					
	Total Solids (mg/L)					NA					
	Total Suspended Solids (mg/L)					NA					
	Salinity (ppt.)										
	ANALYTICAL CHEMISTRY [3]										
	Also do these tests on the effluent with WET. Testing on the receiving water is optional	Reporting Limit	Effluent Limits, ug/L Acute[6]	Chronic[6]	Health[6]			Reporting Limit Check	**Possible Exceedence [7]** Acute	Chronic	Health
	TOTAL RESIDUAL CHLORINE (mg/L) (9)	0.05				NA					
	AMMONIA	NA				(8)					
M	ALUMINUM	NA				(8)					
M	ARSENIC	5				(8)					
M	CADMIUM	1				(8)					
M	CHROMIUM	10				(8)					
M	COPPER	3				(8)					
M	CYANIDE	5				(8)					
M	LEAD	3				(8)					
M	NICKEL	5				(8)					
M	SILVER	1				(8)					
M	ZINC	5				(8)					

Maine Department of Environmental Protection
WET and Chemical Specific Data Report Form
This form is for reporting laboratory data and facility information. Official compliance reviews will be done by DEP.

	PRIORITY POLLUTANTS [4]										
			Effluent Limits					Reporting Limit Check	**Possible Exceedence** [7]		
		Reporting Limit	Acute[6]	Chronic[6]	Health[6]				Acute	Chronic	Health
M	ANTIMONY	5									
M	BERYLLIUM	2									
M	MERCURY (5)	0.2									
M	SELENIUM	5									
M	THALLIUM	4									
A	2,4,6-TRICHLOROPHENOL	3									
A	2,4-DICHLOROPHENOL	5									
A	2,4-DIMETHYLPHENOL	5									
A	2,4-DINITROPHENOL	45									
A	2-CHLOROPHENOL	5									
A	2-NITROPHENOL	5									
A	4,6 DINITRO-O-CRESOL (2-Methyl-4,6-dinitrophenol)	25									
A	4-NITROPHENOL	20									
A	P-CHLORO-M-CRESOL (3-methyl-4-chlorophenol)+B80	5									
A	PENTACHLOROPHENOL	20									
A	PHENOL	5									
BN	1,2,4-TRICHLOROBENZENE	5									
BN	1,2-(O)DICHLOROBENZENE	5									
BN	1,2-DIPHENYLHYDRAZINE	10									
BN	1,3-(M)DICHLOROBENZENE	5									
BN	1,4-(P)DICHLOROBENZENE	5									
BN	2,4-DINITROTOLUENE	6									
BN	2,6-DINITROTOLUENE	5									
BN	2-CHLORONAPHTHALENE	5									
BN	3,3'-DICHLOROBENZIDINE	16.5									
BN	3,4-BENZO(B)FLUORANTHENE	5									
BN	4-BROMOPHENYLPHENYL ETHER	2									
BN	4-CHLOROPHENYL PHENYL ETHER	5									
BN	ACENAPHTHENE	5									
BN	ACENAPHTHYLENE	5									
BN	ANTHRACENE	5									
BN	BENZIDINE	45									
BN	BENZO(A)ANTHRACENE	8									
BN	BENZO(A)PYRENE	3									
BN	BENZO(G,H,I)PERYLENE	5									
BN	BENZO(K)FLUORANTHENE	3									
BN	BIS(2-CHLOROETHOXY)METHANE	5									
BN	BIS(2-CHLOROETHYL)ETHER	6									
BN	BIS(2-CHLOROISOPROPYL)ETHER	6									
BN	BIS(2-ETHYLHEXYL)PHTHALATE	3									
BN	BUTYLBENZYL PHTHALATE	5									
BN	CHRYSENE	3									
BN	DI-N-BUTYL PHTHALATE	5									
BN	DI-N-OCTYL PHTHALATE	5									
BN	DIBENZO(A,H)ANTHRACENE	5									
BN	DIETHYL PHTHALATE	5									
BN	DIMETHYL PHTHALATE	5									

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BN	FLUORANTHENE	5									
BN	FLUORENE	5									
BN	HEXACHLOROBENZENE	2									
BN	HEXACHLOROBUTADIENE	1									
BN	HEXACHLOROCYCLOPENTADIENE	10									
BN	HEXACHLOROETHANE	2									
BN	INDENO(1,2,3-CD)PYRENE	5									
BN	ISOPHORONE	5									
BN	N-NITROSODI-N-PROPYLAMINE	10									
BN	N-NITROSODIMETHYLAMINE	1									
BN	N-NITROSODIPHENYLAMINE	5									
BN	NAPHTHALENE	5									
BN	NITROBENZENE	5									
BN	PHENANTHRENE	5									
BN	PYRENE	5									
P	4,4'-DDD	0.05									
P	4,4'-DDE	0.05									
P	4,4'-DDT	0.05									
P	A-BHC	0.2									
P	A-ENDOSULFAN	0.05									
P	ALDRIN	0.15									
P	B-BHC	0.05									
P	B-ENDOSULFAN	0.05									
P	CHLORDANE	0.1									
P	D-BHC	0.05									
P	DIELDRIN	0.05									
P	ENDOSULFAN SULFATE	0.1									
P	ENDRIN	0.05									
P	ENDRIN ALDEHYDE	0.05									
P	G-BHC	0.15									
P	HEPTACHLOR	0.15									
P	HEPTACHLOR EPOXIDE	0.1									
P	PCB-1016	0.3									
P	PCB-1221	0.3									
P	PCB-1232	0.3									
P	PCB-1242	0.3									
P	PCB-1248	0.3									
P	PCB-1254	0.3									
P	PCB-1260	0.2									
P	TOXAPHENE	1									
V	1,1,1-TRICHLOROETHANE	5									
V	1,1,2,2-TETRACHLOROETHANE	7									
V	1,1,2-TRICHLOROETHANE	5									
V	1,1-DICHLOROETHANE	5									
V	1,1-DICHLOROETHYLENE (1,1-dichloroethene)	3									
V	1,2-DICHLOROETHANE	3									
V	1,2-DICHLOROPROPANE	6									
V	1,2-TRANS-DICHLOROETHYLENE (1,2-trans-dichloroethene)	5									
V	1,3-DICHLOROPROPYLENE (1,3-dichloropropene)	5									
V	2-CHLOROETHYLVINYL ETHER	20									

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V	ACROLEIN	NA									
V	ACRYLONITRILE	NA									
V	BENZENE	5									
V	BROMOFORM	5									
V	CARBON TETRACHLORIDE	5									
V	CHLOROBENZENE	6									
V	CHLORODIBROMOMETHANE	3									
V	CHLOROETHANE	5									
V	CHLOROFORM	5									
V	DICHLOROBROMOMETHANE	3									
V	ETHYLBENZENE	10									
V	METHYL BROMIDE (Bromomethane)	5									
V	METHYL CHLORIDE (Chloromethane)	5									
V	METHYLENE CHLORIDE	5									
V	TETRACHLOROETHYLENE (Perchloroethylene or Tetrachloroethene)	5									
V	TOLUENE	5									
V	TRICHLOROETHYLENE (Trichloroethene)	3									
V	VINYL CHLORIDE	5									

Notes:

(1) Flow average for day pertains to WET/PP composite sample day.

(2) Flow average for month is for month in which WET/PP sample was taken.

(3) Analytical chemistry parameters must be done as part of the WET test chemistry.

(4) Priority Pollutants should be reported in micrograms per liter (ug/L).

(5) Mercury is often reported in nanograms per liter (ng/L) by the contract laboratory, so be sure to convert to micrograms per liter on this spreadsheet.

(6) Effluent Limits are calculated based on dilution factor, background allocation (10%) and water quality reserves (15% - to allow for new or changed discharges or non-point sources).

(7) Possible Exceedence determinations are done for a single sample only on a mass basis using the actual pounds discharged. This analysis does not consider watershed wide allocations for fresh water discharges.

(8) These tests are optional for the receiving water. However, where possible samples of the receiving water should be preserved and saved for the duration of the WET test. In the event of questions about the receiving water's possible effect on the WET results, chemistry tests should then be conducted.

(9) pH and Total Residual Chlorine must be conducted at the time of sample collection. Tests for Total Residual Chlorine need be conducted only when an effluent has been chlorinated or residual chlorine is believed to be present for any other reason.

Comments:

ATTACHMENT B

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
WHOLE EFFLUENT TOXICITY REPORT
MARINE WATERS

Facility Name _____ MEPDES Permit # _____

Pipe # _____

Facility Representative _____ Signature _____

By signing this form, I attest that to the best of my knowledge that the information provided is true, accurate, and complete.

Facility Telephone # _____ Date Collected _____ Date Tested _____

mm/dd/yy mm/dd/yy

Chlorinated? _____ Dechlorinated? _____

Results **% effluent**

	mysid shrimp	**sea urchin**
A-NOEL		
C-NOEL		

Effluent Limitations

A-NOEL	
C-NOEL	

Data summary

	mysid shrimp	**sea urchin**
	% survival	**% fertilized**
QC standard	**>90**	**>70**
lab control		
receiving water control		
conc. 1 (%)		
conc. 2 (%)		
conc. 3 (%)		
conc. 4 (%)		
conc. 5 (%)		
conc. 6 (%)		
stat test used		

place * next to values statistically different from controls

Salinity Adjustment

brine	
sea salt	
other	

Reference toxicant

	mysid shrimp A-NOEL	sea urchin C-NOEL
toxicant / date		
limits (mg/L)		
results (mg/L)		

Comments _____

Laboratory conducting test

Company Name _____ Company Rep. Name (Printed) _____

Mailing Address _____ Company Rep. Signature _____

City, State, ZIP _____ Company Telephone # _____

Report WET chemistry on DEP Form "ToxSheet (Marine Version), March 2007."

ATTACHMENT C

Maine Department of Environmental Protection

Effluent Mercury Test Report

Name of Facility: _____ Federal Permit # ME _____

Pipe # _____

Purpose of this test:
- ☐ Initial limit determination
- ☐ Compliance monitoring for: year _____ calendar quarter _____
- ☐ Supplemental or extra test

SAMPLE COLLECTION INFORMATION

Sampling Date: ___ ___ ___ (mm dd yy) Sampling time: _____ AM/PM

Sampling Location:

Weather Conditions: _____

Please describe any unusual conditions with the influent or at the facility during or preceding the time of sample collection:

Optional test - not required but recommended where possible to allow for the most meaningful evaluation of mercury results:

Suspended Solids _____ mg/L Sample type: _____ Grab (recommended) or _____ Composite

ANALYTICAL RESULT FOR EFFLUENT MERCURY

Name of Laboratory: _____

Date of analysis: _____ **Result:** _____ **ng/L (PPT)**

Please Enter Effluent Limits for your facility

Effluent Limits: **Average =** _____ ng/L **Maximum =** _____ ng/L

Please attach any remarks or comments from the laboratory that may have a bearing on the results or their interpretation. If duplicate samples were taken at the same time please report the average.

CERTIFICATION

I certifiy that to the best of my knowledge the foregoing information is correct and representative of conditions at the time of sample collection. The sample for mercury was collected and analyzed using EPA Methods 1669 (clean sampling) and 1631 (trace level analysis) in accordance with instructions from the DEP.

By: _____ Date: _____

Title: _____

PLEASE MAIL THIS FORM TO YOUR ASSIGNED INSPECTOR

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

AND

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

January 5, 2010

PERMIT NUMBER: **ME0002160**
LICENSE NUMBER: **W000598-5N-J-R**

NAME AND ADDRESS OF APPLICANT

VERSO BUCKSPORT LLC
2 River Road
Bucksport, Maine 04415

NAME AND ADDRESS OF FACILITY WHERE DISCHARGE OCCURS:

BUCKSPORT MILL
River Road
Bucksport, Maine 04416

COUNTY: **Hancock**

RECEIVING WATERS/CLASSIFICATIONS: **Penobscot River / Class SC**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Cintya Bailey**
(207)469-1679
cintya.bailey@versopaper.com

1. APPLICATION SUMMARY

Verso Bucksport LLC ("permittee," hereinafter) has applied to the Department of Environmental Protection ("Department," hereinafter) for renewal of Waste Discharge License (WDL) #W000598-5N-H-R/ Maine Pollutant Discharge Elimination System (MEPDES) Permit # ME0002160, which was issued on November 2, 2004 and is due to expire on November 2, 2009. The 11/02/04 permit authorized the monthly average discharge of up to 18 million gallons per day (MGD) of secondary treated pulp and paper production process wastewater, treated landfill leachate, filter backwash waters, water from oil/water separators, water contaminated with oil from routine maintenance and operational activities and up to a monthly average flow of 72 MGD of non-contact cooling water and an unspecified quantity of storm water runoff from a paper manufacturing facility to the Penobscot River, Class SC, in Bucksport, Maine.

2. PERMIT SUMMARY

a. Terms and Conditions: **This permitting action is <u>similar to</u> the 11/02/04 permitting action in that it is:**

<u>Outfall #001A and #001B – Process Wastewater</u>

1. Carrying forward the monthly average discharge flow limit of 18.0 MGD;

2. Carrying forward the seasonal monthly average and daily maximum water quality based mass limitations and concentration reporting requirements for biochemical oxygen demand (BOD_5);

3. Carrying forward the year-round monthly average and daily maximum water quality based mass limits and concentration reporting requirements for total suspended solids (TSS);

4. Carrying forward the technology based effluent pH limitations;

5. Carrying forward the requirement to maintain an up-to-date Operation and Maintenance Plan.

6. Carrying forward the analytical chemistry screening level monitoring frequency of 1/Quarter.

<u>Outfall #003 – Cooling Water</u>

7. Carrying forward the monthly average flow limitation of 72 MGD.

8. Carrying forward the monthly average and daily maximum temperature limitations.

9. Carrying forward the pH range limitation based on BPJ of BPT.

This permitting action is significantly <u>different from</u> the 11/02/04 permitting action in that it is:

<u>Outfall #001A and #001B – Process Wastewater</u>

10. Waiving the analytical chemistry surveillance level monitoring requirement per 06-096 CMR 530(2)(D)(3).

11. Waiving the priority pollutant surveillance level monitoring requirement per 06-096 CMR 530(2)(D)(3).

12. Eliminating the WET monitoring requirements for the water flea (*Ceriodaphnia dubia*), fathead minnow (*Pimphales promelas*) and brook trout (*Salvelinus fontinalis*).

13. Revising the monitoring frequencies for TSS and BOD_5 from 1/Day to 5/Week.

2. PERMIT SUMMARY (cont'd)

Outfall #001A and #001B – Process Wastewater

14. Establishing an annual certification statement requirement as Special Condition G, 06-096 CMR 530(2)(D)(4), *Statement for Reduced/Waived Toxics Testing*.

15. Establishing WET screening level monitoring requirements for the mysid shrimp (*Mysidopsis bahia*) and sea urchin (*Arbacia punctulata*) consistent with 06-096 CMR 530.

16. Revising the priority pollutant screening level monitoring frequency from 1/Quarter to 1/Year per 06-096 CMR 530(2)(D)(3).

Outfall #003 – Cooling Water

17. Eliminating the monitoring requirement for Clam-trol CT2.

b. History: This section provides a chronological summary of recent, relevant licensing/permitting actions that have been completed for the permittee.

March 15, 1995 – The EPA issued NPDES permit #ME0002160 for a five-year term.

June 20, 1996 – The Department issued WDL #W000598-44-E-R for a five-year term.

September 10, 1996 – The Department issued WDL modification #W000598-5N-F-M that increased the monthly average flow limit along with the monthly average and daily maximum temperature limits for the cooling water discharge from Outfall #003.

October 26, 1999 – The EPA issued a modification of NPDES permit #ME0002160 by increasing the monthly average flow limit along with the monthly average and daily maximum temperature limits for the cooling water discharge from Outfall #003.

May 23, 2000 – The Department administratively modified the 9/10/96 WDL by establishing interim mean and maximum technology based concentration limitations of 4.5 ppt and 6.8 ppt, respectively, for mercury. It is noted the limitations are not found in this specific permitting document as limitations and monitoring requirements are regulated separately through 38 M.R.S.A. § 413 and 06-096 CMR 519. However, the interim limitations remain in effect and enforceable and any modifications to the limits and/or monitoring requirements will be formalized outside of this permitting document.

January 12, 2001 – The Department received authorization from the USEPA to administer the NPDES permit program in Maine, excluding areas of special interest to Maine Indian Tribes. From that point forward, the program has been referred to as the MEPDES program, and MEPDES permit # ME0002160 has been utilized as the primary reference number for the permittee.

2. PERMIT SUMMARY (cont'd)

November 2, 2004 – The Department issued combination MEPDES Permit/WDL # ME0002160/W000598-5N-H-R to International Paper.

April 10, 2006 – The Department issued MEPDES/WDL permit modification for testing requirements pursuant to Department rule Chapter 530.

September 4, 2006 – The Department approved the transfer of MEPDES Permit/ WDL # ME0002160/W000598-5N-H-R from International Paper to CMP Bucksport LLC, doing business as Verso Bucksport LLC.

September 21, 2009 – The permittee submitted a complete and timely application for renewal of MEPDES Permit/WDL# ME0002160/W000598-5N-H-R. The application was accepted for processing on September 22, 2009 and was assigned MEPDES/WDL# ME0002160/ #W000598-5N-J-R.

c. Source Description: The permittee is engaged in the manufacturing of approximately 1,937 machine finished tons of lightweight coated fine papers per day. Paper is produced by blending three sources of furnish: 39.2% stone groundwood pulp, 27.6% thermo-mechanical pulp, 32.6% purchased non-integrated lightweight fine papers (kraft) and 0.6% non-integrated lightweight fine papers (BCTMP pulp). The furnish is screened, cleaned and refined prior to blending for paper making. Process wastewater generated from the pulp and paper mill includes round wood processing (including log washing and debarking), ground wood pulping and bleaching, thermo-mechanical pulping, non-integrated fiber preparation, coating preparation, paper making, finishing and shipping. Additional wastewater is generated via landfill leachate from a company-owned secure landfill, stormwater from roof drains and water from onsite oil/water separators. The treated process wastewater is discharged from Outfalls #001A and #001B. See **Attachment A** of this Fact Sheet for water use schematics of the facility.

Approximately 14.6 MGD of make-up water for the mill processes is taken from Silver Lake just north of the mill site. The water passes through a filter house where rudimentary screening consists of trash racks to remove large branches, rocks, etc., and two parallel rotary screens with 100 mesh screens. The racks and screens are backwashed on an as-needed basis with approximately 93 gallons per minute (gpm) delivered to the trash racks and 145 gpm delivered to the screens. The backwash water is then discharged to Smelt Brook. No chemicals are added to the backwash water. In 1994, the permittee provided the Department with BOD_5 and TSS test results on the trash rack and rotary screen backwash water. Fifteen effluent sampling events yielded daily maximum and long-term average BOD_5 results of 12.6 mg/L and 5.9 mg/L, respectively and TSS results of 25.2 mg/L and 13.8 mg/L, respectively.

This discharge was not licensed in previous NPDES permits or State licenses. Based on the fifteen BOD_5 and TSS test results, site inspections and information contained in a letter of December 15, 1994, from Woodlot Alternatives, Inc., to Champion International (former

2. PERMIT SUMMARY (cont'd)

owner of the Bucksport mill), the Department determined that the backwash discharge has a *de minimis* quantity of pollutants and no adverse environmental impact to the tributary. The Department made the determination that the discharge did not require permitting, thus no limitations or monitoring requirements were established in the previous permitting action or this permitting action.

In addition to the process wastewater, the permittee operates a 175 megawatt natural gas turbine generator and heat recovery steam generator at the mill site in Bucksport which provides power for both the pulp and paper mills. Saltwater is extracted from the Penobscot River and the water is used as condenser cooling water for cooling the exhaust steam from the turbine generator. The permittee has implemented a recycle loop in this system to reduce cooling water flow, reduced the thermal load discharged to the receiving water, increased heat recovery for the mill and significantly improved the efficiency of the turbine. Water not recycled is discharged to the Penobscot River via Outfall #003.

d. Wastewater Treatment: **Outfall #001A and Outfall #001B** – Process wastewater, stormwater runoff, landfill leachate and other incidental wastewater receives a secondary level of treatment via an activated sludge system. The system includes two 130-foot primary clarifiers, two aeration basins, each with a capacity of 2.0 million gallons and two secondary clarifiers, each measuring 140 feet in diameter. It is noted that since issuance of the previous permitting action, the permittee has refurbished the primary clarifiers, replaced or upgraded return activated sludge piping, replaced 3500 feet of steel primary influent lines with fiberglass piping, installed a new clay/latex unloading station with full secondary containment and installed a new blend tank in the Dewatering Building.

The secondary treated wastewater is discharged to the Penobscot River via one of two outfalls that are designated as Outfalls #001A and #001B. Outfall #001A is located at the intake screen to the pump house providing cooling water to the No. 3 Turbine generator. This discharge configuration consists of a 24" diameter discharge pipe that runs below the intake screens to the non-contact cooling water structure. The discharge pipe has twelve 6" diameter diffuser pipes located 4 feet on centers. This outfall configuration is beneficial to the mill as it provides for continuous cleaning of the screens and reduces the usage of saline waters for cooling.

Outfall #001B is located just upstream of Outfall #001A and consists of a 48" diameter steel pipe that extends out into the river approximately 230 feet and necks down to two 24" steel pipes that make up the wye-shaped diffuser. The end of the pipe is covered by approximately 16 feet of water at mean low tide and 27 feet of water at mean high tide.

Outfall #003 - Cooling water for the No. 3 turbine generator does not receive any formal treatment as the only pollutant of concern is heat. The permittee has reduced the volume of water and associated thermal load to the receiving water through the construction of a recycling system that was completed during the summer of 1995.

2. PERMIT SUMMARY (cont'd)

Cooling water is discharged through a sloping 36" steel pipe with a diffuser. The diffuser has 10, 12" diameter vertical ports spaced 10 feet on center to enhance mixing with the receiving waters. The diffuser ports are covered by between 32 feet and 49 feet of water at mean low tide.

The permittee no longer uses the molluscicide, "Clam-trol CT-2," to periodically remove mussels attached to the intake piping. This permitting action is eliminating the monitoring requirements for the molluscicide.

Sanitary wastewater generated from the mill complex is conveyed to the Town of Bucksport's wastewater treatment facility which is regulated by the Department via a combination MEPDES permit/WDL.

3. CONDITIONS OF PERMITS

Conditions of licenses, 38 M.R.S.A. § 414-A, requires that the effluent limitations prescribed for discharges, including, but not limited to, effluent toxicity, require application of best practicable treatment (BPT), be consistent with the U.S. Clean Water Act, and ensure that the receiving waters attain the State water quality standards as described in Maine's Surface Water Classification System. In addition, *Certain deposits and discharges prohibited*, 38 M.R.S.A., § 420 and 06-096 CMR 530 require the regulation of toxic substances not to exceed levels set forth in *Surface Water Quality Criteria for Toxic Pollutants*, 06-096 CMR 584 (effective October 9, 2005), and that ensure safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected.

4. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A., Article 4-A §469(2)(B) classifies all tidewaters in Bucksport as Class SC waters. Maine law, 38 M.R.S.A., Article 4-A, §465-B(3) describes the classification standards for Class SC waters.

5. RECEIVING WATER QUALITY CONDITIONS

The State of Maine 2008 Integrated Water Quality Monitoring and Assessment Report prepared by the Department pursuant to Sections 303(d) and 305(b) of the Federal Water Pollution Control Act, lists the tidal portion of the Penobscot River in a table entitled *Category 5-B-2, Estuarine and Marine Waters Impaired by Bacteria from Combined Sewer Overflows*. Currently, the Maine Department of Marine Resources (MeDMR) lists Area # 35/Waterbody ID #722-42 (Stockton, Prospect, Bucksport, Orland, Penobscot and Castine) of the receiving water as closed to the harvesting of shellfish due to overboard discharges. The shellfish closure area is on the map included as Fact Sheet **Attachment B**.

If future water quality sampling or modeling runs determine that, at full permitted discharge limits, the permittee's discharge is causing or contributing to nonattainment, this permit will be

5. RECEIVING WATER QUALITY CONDITIONS

reopened per Special Condition J, *Reopening of Permit For Modifications*, to impose more stringent limitations to meet water quality standards.

Pursuant to 38 M.R.S.A. § 420(1-B)(B), *"a facility is not in violation of the ambient criteria for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413 subsection 11."* The Department has established interim monthly average and daily maximum mercury concentration limits and reporting requirements for this facility pursuant to 06-096 CMR 519.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

Outfall #001A & Outfall #001B - Process Wastewater

Regulatory Basis: The discharge from permittee is subject to National Effluent Guidelines (NEG's) found in Title 40, Code of Federal Regulations (CFR) Part 430 – *Pulp, Paper and Paperboard Manufacturing Point Source Category*. The applicable subparts of the regulation for the permittee are Subpart G, *Groundwood and Thermomechanical* and Subpart K, *Non-integrated lightweight papers*. The NEG's regulate BOD_5, TSS and pH.

a. Flow: This permitting action is carrying forward a monthly average discharge flow limitation of 18.0 MGD based on the monthly average design criterion for the treatment system.

   A summary of discharge flow data as reported on the monthly Discharge Monitoring Reports (DMR's) submitted to the Department for Outfalls #001A and #001B for the period October 2005 – October 2009 (# DMR's = 45) indicates the monthly average discharge flow ranged from 8.8 MGD to 14.6 MGD with an arithmetic mean of 12.3 MGD.

b. Dilution Factors: Department Regulation Chapter 530, *Surface Water Toxics Control Program*, states that for discharges to estuaries, dilution must be calculated using a method determined by the Department to be appropriate for the site conditions. Where freshwater river flow is dominant and instantaneous mixing across the width can be assumed, dilution must be calculated as in section 4(1). Where tidal flow is dominant or incomplete mixing is assumed, dilution must be calculated as in section 4(2). Where appropriate, other methods such as dye studies or water quality methods may be used.

   This permitting action is carrying forward the dilution factors listed below which are based on the Department's tidal velocity model and 15 minute travel time.

   Acute = 54:1 Chronic = 354:1 Harmonic mean [(1)] = 1062:1

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)

Footnote:

(1) The harmonic mean dilution factor is approximated by multiplying the chronic dilution factor by three (3). This multiplying factor is based on guidelines for estimation of human health dilution presented in the USEPA publication *"Technical Support Document for Water Quality-based Toxics Control"* (Office of Water; EPA/505/2-90-001, page 88), and represents an estimation of harmonic mean flow on which human health dilutions are based in a riverine 7Q10 flow situation.

c. Biochemical oxygen demand (BOD_5): This permitting action is carrying forward the seasonal monthly average and daily maximum BOD_5 mass limitations of 3,100 lbs/day and 10,000 lbs/day, respectively (June 1 – October 31), and 6,160 lbs/day and 14,800 lbs/day, respectively (November 1 – May 31). These limits are more stringent than the allowable technology-based limits pursuant to 40 CFR Part 403 (34,100 lbs/day monthly average; 63,459 lbs/day daily maximum). Monthly average and daily maximum concentration reporting requirements from the previous permitting action are also being carried forward in this permitting action.

A summary of the effluent BOD_5 data as reported on the DMR's submitted to the Department for the period October 2005 – October 2009 is as follows:

BOD_5 June-Oct	**Limit**	**Minimum**	**Maximum**	**Arithmetic Mean**	**# DMRs**	**Compliance**
Monthly Average	3,100 lbs/day Report, mg/L	354 lbs/day 3 mg/L	8,272 lbs/day 70 mg/L	1,427 lbs/day 13 mg/L	18	94%
Daily Maximum	10,000 lbs/day Report, mg/L	575 lbs/day 5 mg/L	15,304 lbs/day 123 mg/L	2,817 lbs/day 26 mg/L	18	94%

BOD_5 Nov-May	**Limit**	**Minimum**	**Maximum**	**Arithmetic Mean**	**# DMRs**	**Compliance**
Monthly Average	6,160 lbs/day Report, mg/L	<312 lbs/day <3 mg/L	5844 lbs/day 55 mg/L	1,179 lbs/day 12 mg/L	27	100%
Daily Maximum	14,800 lbs/day Report, mg/L	542 lbs/day 5 mg/L	13,532 lbs/day 129 mg/L	2,820 lbs/day 28 mg/L	27	100%

Due to the permittee's excellent compliance history, this permitting action is revising the BOD_5 minimum monitoring frequency requirement from once per day to five per week (5/Week) based on Department guidance. However, the monitoring frequency for BOD_5 shall be increased to 1/Day if test results of the effluent indicate a sudden spike in BOD_5 or a statistically significant trend upwards that results in a reasonable potential to exceed permit limits for BOD_5.

d. Total Suspended Solids (TSS): This permitting action is carrying forward the monthly average and daily maximum mass limitations of 9,300 lbs/day and 26,000 lbs/day, respectively, for TSS from

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)

the previous permitting action. These limits are more stringent than the allowable technology-based limits pursuant to 40 CFR Part 403 (39,514 lbs/day monthly average; 76,408 lbs/day daily maximum). Due to the permittee's excellent compliance history, this permitting action is revising the TSS monitoring frequency from 1/Day to 5/Week. However, the monitoring frequency for TSS shall be increased to 1/Day if test results of the effluent indicate a sudden spike in TSS or a statistically significant trend upwards that results in a reasonable potential to exceed permit limits for TSS.

A summary of the effluent TSS data as reported on the DMR's submitted to the Department for the period October 2005 – October 2009 is as follows:

TSS	Limit	Minimum	Maximum	Arithmetic Mean	# DMRs	Compliance
Monthly Average	9,300 lbs/day Report, mg/L	377 lbs/day 2 mg/L	7531 lbs/day 85 mg/L	3,167 lbs/day 31 mg/L	45	100%
Daily Maximum	26,000 lbs/day Report, mg/L	2091 lbs/day 19 mg/L	19,958 lbs/day 220 mg/L	8,861 lbs/day 81 mg/L	45	100%

e. pH: This permitting action is carrying forward the technology-based daily maximum pH limit of 5.0 – 9.0 standard units (SU), which is based on the National Effluent Guidelines found at 40 CFR, Part 430, Subpart G and Subpart K, and a continuous monitoring frequency requirement pursuant to Department rule 06-096 CMR 525, § 4(VIII).

pH data as reported on the monthly DMR's for the period of October 2005 through October 2009 (# DMR's = 45) indicate the daily maximum pH's ranged between 6.2 SU and 9.7 SU.

f. Whole Effluent Toxicity (WET), Priority Pollutant, and Analytical Chemistry Testing:
38 M.R.S.A. § 414-A and 38 M.R.S.A. § 420 prohibit the discharge of effluents containing substances in amounts that would cause the surface waters of the State to contain toxic substances above levels set forth in Federal Water Quality Criteria as established by the USEPA. 06-096 CMR 530 sets forth effluent monitoring requirements and procedures to establish safe levels for the discharge of toxic pollutants such that existing and designated uses of surface waters are maintained and protected and narrative and numeric water quality criteria are met. 06-096 CMR 584 sets forth ambient water quality criteria (AWQC) for toxic pollutants and procedures necessary to control levels of toxic pollutants in surface waters.

WET, priority pollutant and analytical chemistry testing, as required by 06-096 CMR 530, is included in this permit in order to characterize the effluent. WET monitoring is required to assess and protect against impacts upon water quality and designated uses caused by the aggregate effect of the discharge on specific aquatic organisms. During the previous permitting period, the permittee was required to perform freshwater acute WET tests on water fleas (*Ceriodaphnia dubia*) and chronic WET tests on fathead minnows (*Pimphales promelas*)

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)

and brook trout (*Salvelinus fontinalis*). Upon issuance of the permit modification dated April 10, 2006, the permittee was required to perform acute and chronic WET tests on marine invertebrates, namely, the mysid shrimp (*Mysidopsis bahia*) and the sea urchin (*Arbacia punctulata),* respectively, as the Department determined tidal flow is dominant at the point of effluent discharge.

Chemical-specific monitoring is required to assess the levels of individual toxic pollutants in the discharge, comparing each pollutant to acute, chronic, and human health water quality criteria. Priority pollutant testing refers to the analysis for levels of priority pollutants listed in 06-096 CMR 525(4)(VI). Analytical chemistry refers to a suite of twelve chemical tests for marine dischargers consisting of: ammonia-nitrogen, total aluminum, total cadmium, total chromium, total copper, total lead, total nickel, total silver, total zinc, total arsenic, cyanide amenable to chlorination and total residual chlorine.

On October 9, 2005, a new Department rule, 06-096 CMR 530, became effective and replaced the previous toxics rule, Chapter 530.5. On April 10, 2006, the Department amended WDL#W002727-5N-H-R by issuing a Surface Waters Toxics Control Program fact sheet for this facility and establishing or revising test frequencies to be consistent with 06-096 CMR 530 requirements and provisions for reduced testing.

06-096 CMR 530(2)(B) categorizes dischargers subject to the toxics rule into one of four levels (Levels I through IV). Level III dischargers are *"Those dischargers having a chronic dilution factor of at least 100 but less than 500 to 1, or dischargers having a chronic dilution factor of more than 500 to 1 and a permitted flow of 1 million gallons per day or greater."* The chronic dilution factor associated with the discharge from the permittee is 354:1; therefore, this facility is considered a Level III facility for purposes of toxics testing.

The permittee is required to analyze the effluent for the nine (9) parameters specified in the WET chemistry section and the twelve (12) parameters specified in the analytical chemistry section on the "WET and Chemical Specific Data Report Form" included as **Attachment A** of this permit each time a WET test is performed.

WET Evaluation

On October 5, 2009, the Department conducted a statistical evaluation on the most recent 60 months of WET test results on file with the Department for the permittee in accordance with the statistical approach outlined above. The results of the 10/05/09 WET and chemical specific evaluation indicates that the discharge does not exceed or have a reasonable potential to exceed the critical acute or chronic WET NOEL thresholds (1.8% and 0.3%, respectively – mathematical inverses of the applicable dilution factors) for any of the WET species tested to date or any of the AWQC for the chemical specific elements/compounds tested to date. See **Attachment C** of this fact sheet for a summary of the WET test results.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)

06-096 CMR 530(2)(D)(3)(b) states, in part, *"Dischargers in Level III and IV may be waived from conducting surveillance testing for individual WET species or chemicals provided that testing in the preceding 60 months does not indicate any reasonable potential for exceedence as calculated pursuant to section 3(E)."* Based on the provisions of 06-096 CMR 530, the reduced surveillance level WET testing authorized by the 4/10/06 permit modification, and Department best professional judgment, this permitting action is waiving surveillance level WET testing requirements. This permitting action is eliminating the freshwater WET test organisms and is establishing marine WET test organisms using the sea urchin (*Arbacia punctulata)* and mysid shrimp (*Mysidopsis bahia*). This permitting action is carrying forward the default screening level WET testing requirements as specified in 06-096 CMR 530(2)(D). A summary of the permittee's WET testing requirements is below:

Surveillance level testing – Beginning upon issuance of the permit and lasting through 12 months prior to permit expiration.

Level	WET Testing
III	None

Screening level testing – Beginning 12 months prior to expiration of the permit or in the fifth year since the last screening test, whichever is sooner.

Level	WET Testing
III	1/Year

06-096 CMR 530(2)(D)(4) states, *"All dischargers having waived or reduced testing must file statements with the Department on or before December 31 of each year describing the following.*

(a) Changes in the number or types of non-domestic wastes contributed directly or indirectly to the wastewater treatment works that may increase the toxicity of the discharge;

(b) Changes in the operation of the treatment works that may increase the toxicity of the discharge; and

(c) Changes in industrial manufacturing processes contributing wastewater to the treatment works that may increase the toxicity of the discharge."

The 4/10/06 permit modification discussed above specified that the facility must comply with this annual notification statement to continue waived surveillance level testing. This permitting action is establishing the notification requirement in this permitting action as Special Condition G, *06-096 CMR 530(2)(D)(4) Statement for Reduced/Waived Toxics Testing*, pursuant to 06-096 CMR 530(2)(D)(4). This permit provides for reconsideration of testing requirements, including the

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)

imposition of certain testing, in consideration of the nature of the wastewater discharged, existing wastewater treatment, receiving water characteristics, and results of testing.

Priority Pollutants and Analytical Chemistry

On October 5, 2009, the Department conducted a statistical evaluation on the most recent 60 months of chemical specific test results on file with the Department for the permittee in accordance with the statistical approach outlined above. The results of the statistical evaluation were compared to 06-096 CMR 584 and the Ambient Water Quality Criteria (AWQC) specified in Appendix A. Based on the 10/05/09 statistical evaluation, the Department has determined the discharge does not exceed or demonstrate a reasonable potential to exceed the critical AWQC for any of the tested parameters. See **Attachment D** of this fact sheet for a summary of chemical-specific test dates and specific test results.

Based on the provisions of 06-096 CMR 530, the reduced surveillance level priority pollutant and analytical chemistry testing authorized by the 4/10/06 permit amendment, and Department best professional judgment, this permitting action is waiving surveillance level analytical chemistry testing requirements. 06-096 CMR 530 does not require surveillance level testing for priority pollutants. This permitting action is revising the screening level priority pollutant testing requirement from 1/Quarter to 1/Year based on 06-096 CMR 530(2)(D)(1). This permitting action is carrying forward the default screening level analytical chemistry testing requirement of 1/Quarter per 06-096 CMR 530(2)(D). A summary of the permittee's analytical chemistry and priority pollutant testing requirements is below:

Surveillance level testing – Beginning upon issuance of the permit and lasting through 12 months prior to permit expiration.

Level	Priority pollutants	Analytical chemistry
III	None	None

Screening level testing – Beginning 12 months prior to expiration of the permit or in the fifth year since the last screening test, whichever is sooner.

Level	Priority pollutants	Analytical chemistry
III	1/Year	4/Year

g. Mercury: May 23, 2000 – Pursuant to *Certain deposits and discharges prohibited*, Maine law, 38 M.R.S.A. § 420 and *Waste discharge licenses*, 38 M.R.S.A. § 413 and *Interim Effluent Limitations and Controls for the Discharge of Mercury*, 06-096 CMR 519 (last amended October 6, 2001), the Department issued a *Notice of Interim Limits for*

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS (cont'd)

the Discharge of Mercury to the permittee thereby administratively modifying WDL #W000598-5N-H-R by establishing interim monthly average and daily maximum effluent concentration limits of 4.5 parts per trillion (ppt) and 6.8 ppt, respectively, and a minimum monitoring frequency requirement of four (4) tests per year for mercury. It is noted the limitations have not been incorporated into Special Condition A, *Effluent Limitations And Monitoring Requirements*, of this permit as limitations and monitoring frequencies are regulated separately through 38 M.R.S.A.§ 413 and 06-096 CMR 519. However, the interim limitations remain in effect and enforceable and any modifications to the limits and or monitoring requirements will be formalized outside of this permitting document.

Maine law 38 M.R.S.A., §420 1-B,(B)(1) states that a facility is not in violation of the AWQC for mercury if the facility is in compliance with an interim discharge limit established by the Department pursuant to section 413, subsection 11. A review of the Department's database for the period June 2004 through the present indicates mercury test results reported have ranged from < 0.2 ppt to 7.1 ppt with an arithmetic mean (number of DMR's = 23) of 1.8 ppt.

Outfall #003 – Cooling Waters

h. Flow – This permitting action is carrying forward the monthly average flow limitation of 72.0 MGD from the previous permitting action as it remains representative of the flow being discharged. DMR's reported for the period October 2005 – October 2009 (#DMR's = 46) show the monthly average flows ranged from 18.8 MGD – 54.5 MGD with an average monthly flow of 39.0 MGD.

i. Temperature – This permitting action is carrying forward the monthly average temperature limitation of 90°F and the daily maximum temperature limitation of 95°F. Temperature is continuously monitored at the mill. Published Department guidance states that "*If this equipment allows continuous averaging of the readings throughout the day, the resulting daily average can be reported* [as the daily maximum value]."As a result, a footnote has been incorporated into the permit stating that the daily maximum effluent temperature value to be reported shall be based on the mean of one-minute readings recorded during a 24-hour operating day.

DMR's reported for the period October 2005 – October 2009 (#DMR's = 46) show the monthly average temperature was 74 Deg F and ranged from 66 Deg F to 82 Deg F. The average daily maximum temperature was 81 Deg F with daily maximum temperatures ranging from 74 Deg F to 91 Deg F.

j. pH – This permitting action is carrying forward a pH range limitation of 6.0 – 8.5 standard units. The limitation is considered to be BPT for the discharge. This permitting action is carrying forward the 1/Day pH monitoring frequency based on BPJ of BPT.

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As part of their application for license renewal, the permittee submitted the report from a consultant hired to perform an Essential Fish Habitat (EFH) and an Endangered Species Act (ESA) Review dated June 2001 for the previous permitting action. The review concluded that the discharges of process wastewater and/or cooling water do not negatively impact essential fish habitat for Atlantic salmon, pollock, whiting, red hake, white hake, winter flounder, windowpane flounder, American plaice or Atlantic herring. The review also concluded said discharges will not negatively impact endangered or threatened species, particularly shortnose sturgeon and Atlantic salmon.

As permitted, 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 SC classification.

8. PUBLIC COMMENTS

Public notice of this application was made in the *Bangor Daily News*, *The Ellsworth American* and the *Bucksport Enterprise* newspapers on or about September 14, 2009. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR 522 (effective January 12, 2001).

9. DEPARTMENT CONTACTS

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

Phyllis A. Rand
Division of Water Quality Management
Bureau of Land & Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 287-7658 Fax: (207) 287-3435
e-mail: phyllis.a.rand@maine.gov

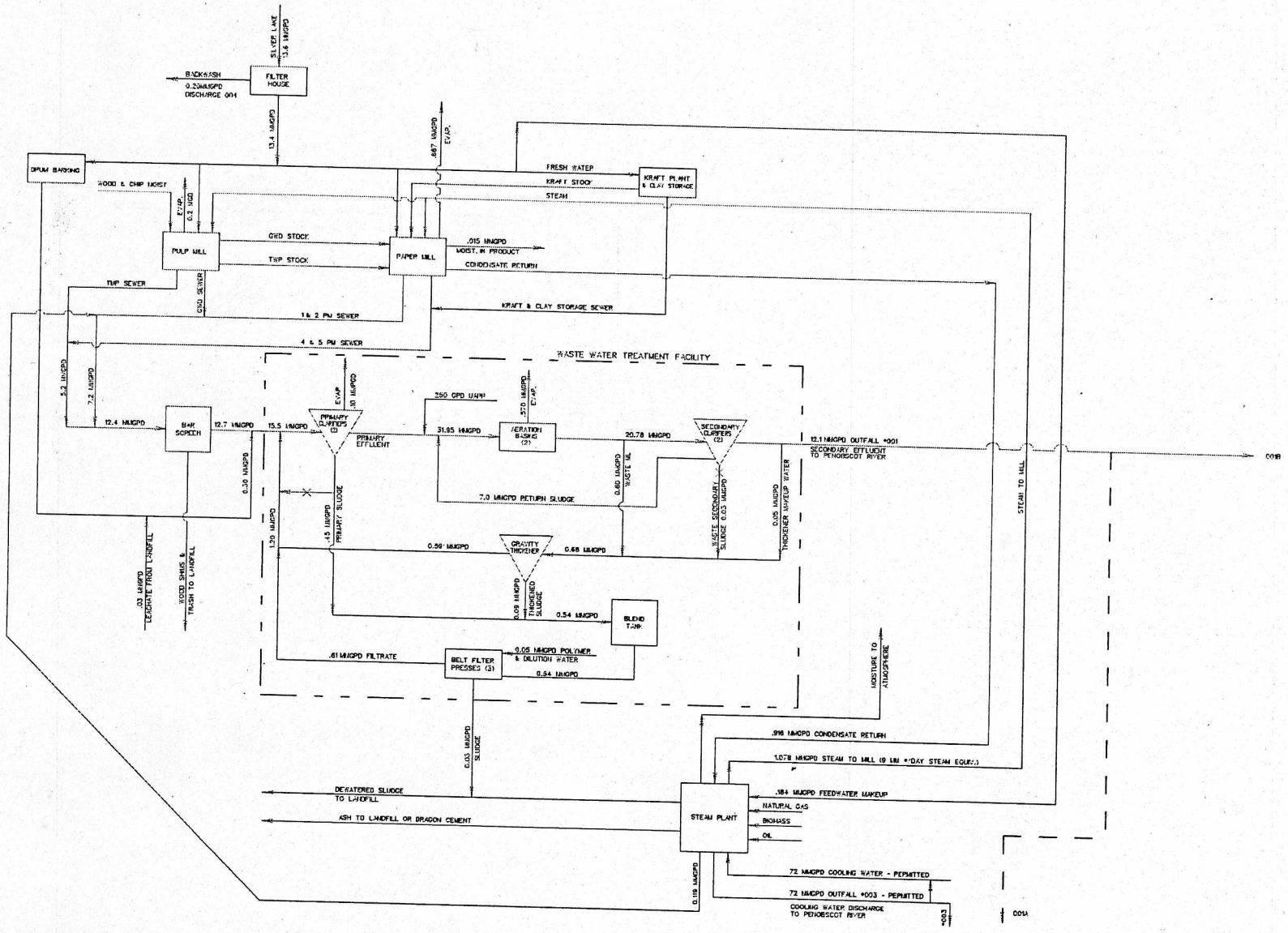
10. RESPONSE TO COMMENTS

During the period of November 17, 2009 through the issuance date of the permit/license, the Department solicited comments on the proposed draft permit/license to be issued for the discharge from Verso Bucksport LLC. The Department did not receive comments from the permittee, state or federal agencies or interested parties that resulted in any substantive change(s) in the terms and conditions of the permit. Therefore, the Department has not prepared a Response to Comments.

ATTACHMENT A

VERSO PAPER - BUCKSPORT
BUCKSPORT, ME

EXHIBIT B - WATER USE SCHEMATIC
W000598-44-E-R ME0002160
DISCHARGE 001A & B



YEAR - 2000

VERSC
BUCKSPORT MIL

SCALE - NONE	M	D	Y	FILE
DRAWN - RLB	2	28	95	36
APPD -				
JOB CHARGE	6-500			

STREAM POLLUTION ABATEMENT - BUCKSPORT MILL TURBINE CONDENSOR - FLOW CHART

DWG. NO.	REV.
S-15457	5

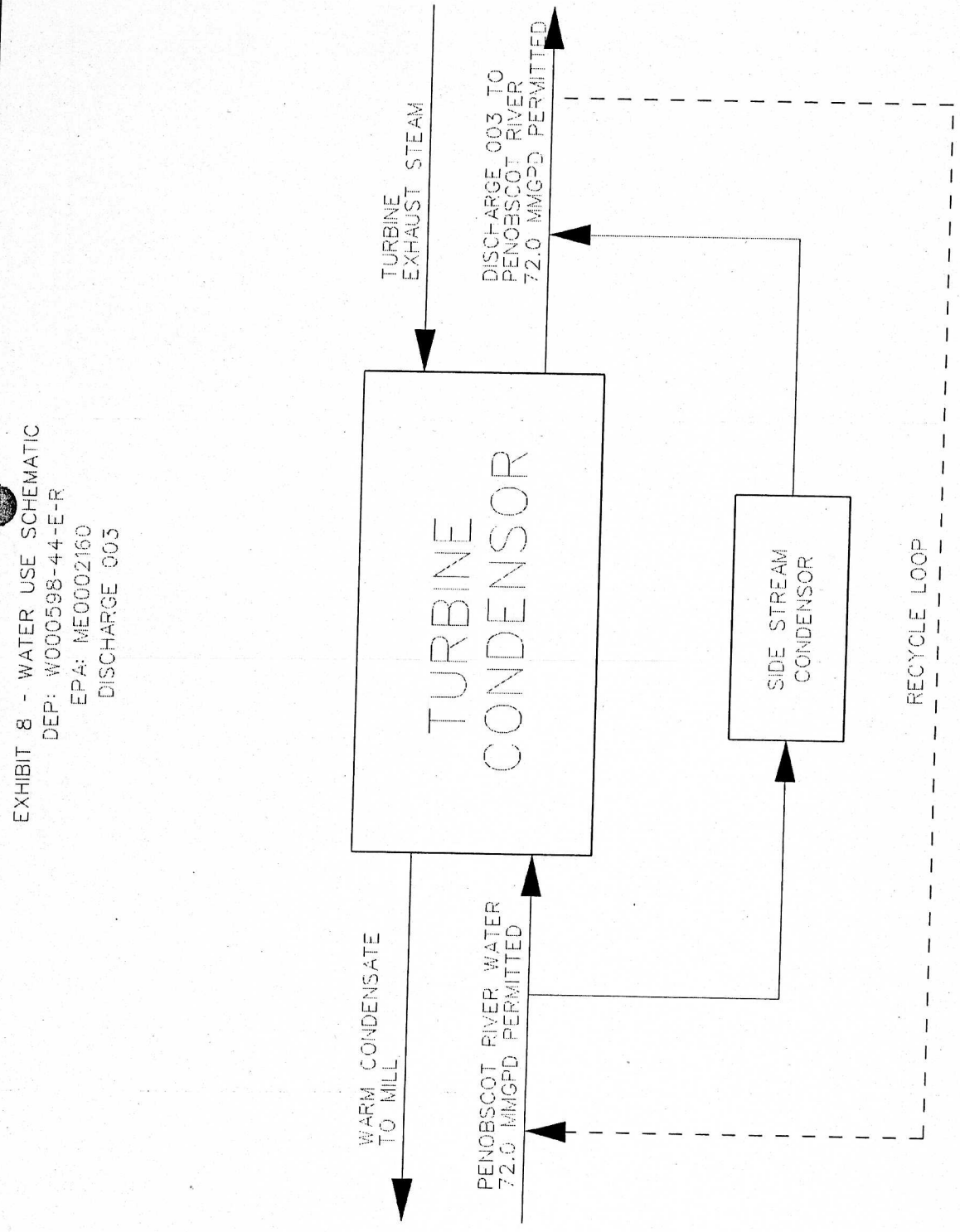


EXHIBIT 8 - WATER USE SCHEMATIC
DEP: W000598-44-E-R
EPA: ME0002160
DISCHARGE 003

VERSO PAPER - BUCKSPORT
BUCKSPORT, MAINE
TURBINE CONDENSOR DISCHARGE 003
PROCESS FLOW DIAGRAM

s-15457.dgn 8/17/2009 8:15:20 AM

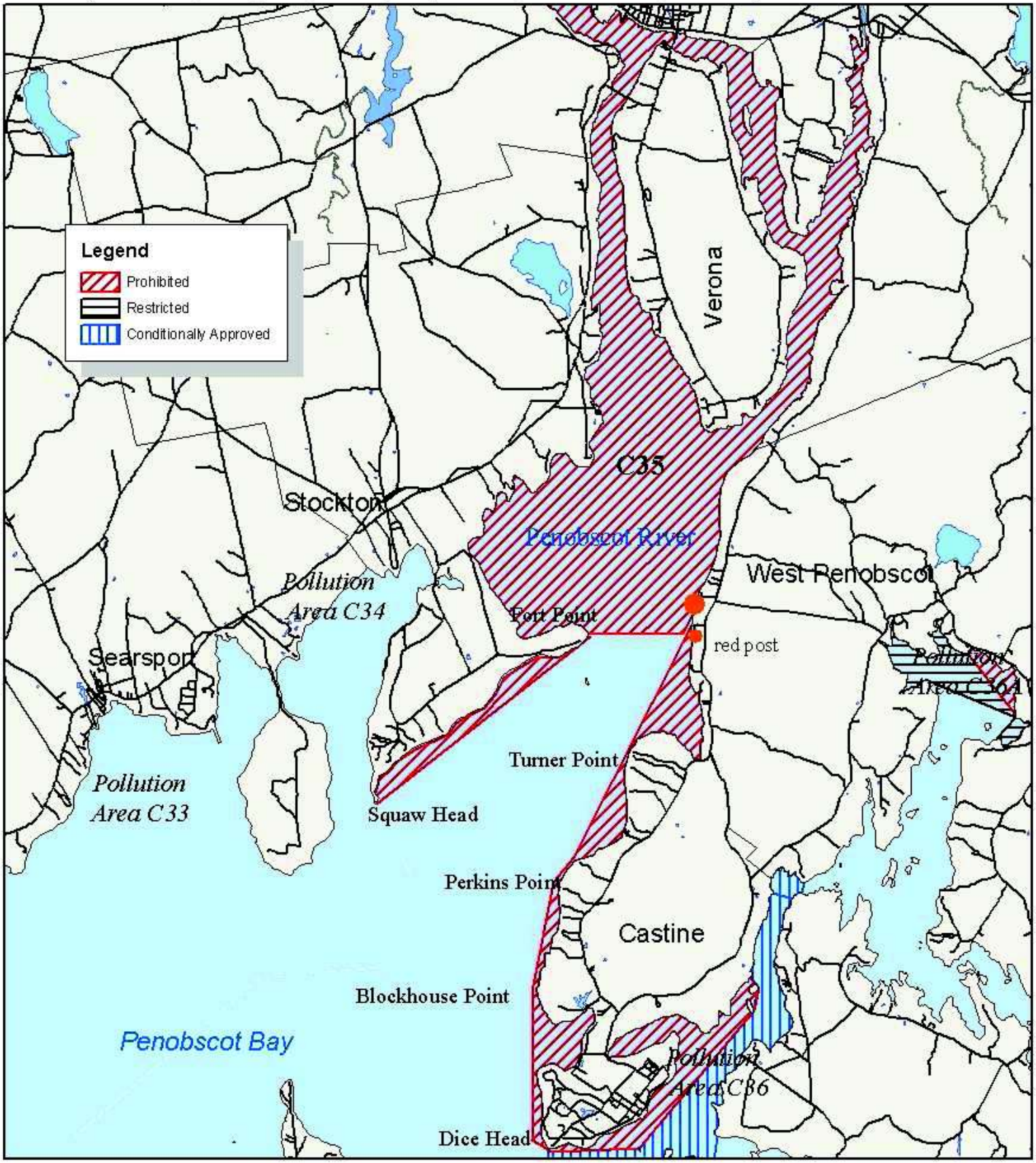
ATTACHMENT B

Maine Department of Marine Resources

Pollution Area No. 35

Penobscot River

(Stockton, Prospect, Bucksport, Orland, Penobscot, Castine) 1/13/2009



ATTACHMENT C

Species	Test	Test Result %	Sample Date
TROUT	A_NOEL	100	08/14/1990
TROUT	C_NOEL	100	08/14/1990
WATER FLEA	A_NOEL	>100	08/14/1990
WATER FLEA	C_NOEL	100	08/14/1990
WATER FLEA	A_NOEL	>100	03/08/1991
WATER FLEA	C_NOEL	100	03/08/1991
WATER FLEA	LC50	>100	03/08/1991
WATER FLEA	A_NOEL	>100	01/16/1992
WATER FLEA	C_NOEL	100	01/16/1992
TROUT	A_NOEL	100	05/24/1995
TROUT	C_NOEL	100	05/24/1995
TROUT	LC50	>100	05/24/1995
WATER FLEA	A_NOEL	100	05/24/1995
WATER FLEA	C_NOEL	100	05/24/1995
WATER FLEA	LC50	>100	05/24/1995
TROUT	A_NOEL	100	08/22/1995
TROUT	C_NOEL	100	08/22/1995
TROUT	LC50	>100	08/22/1995
WATER FLEA	A_NOEL	100	08/22/1995
WATER FLEA	C_NOEL	100	08/22/1995
WATER FLEA	LC50	>100	08/22/1995
FATHEAD	A_NOEL	100	11/10/1995
FATHEAD	C_NOEL	100	11/10/1995
FATHEAD	LC50	>100	11/10/1995
WATER FLEA	A_NOEL	100	11/10/1995
WATER FLEA	C_NOEL	100	11/10/1995
WATER FLEA	LC50	>100	11/10/1995
TROUT	A_NOEL	100	05/13/1996
TROUT	C_NOEL	100	05/13/1996
TROUT	LC50	>100	05/13/1996
WATER FLEA	A_NOEL	100	05/13/1996
WATER FLEA	C_NOEL	100	05/13/1996
WATER FLEA	LC50	>100	05/13/1996
FATHEAD	A_NOEL	100	06/08/1997
FATHEAD	C_NOEL	100	06/08/1997
FATHEAD	LC50	>100	06/08/1997
WATER FLEA	A_NOEL	100	06/08/1997
WATER FLEA	C_NOEL	5	06/08/1997
WATER FLEA	LC50	>100	06/08/1997
FATHEAD	A_NOEL	100	09/02/1997
FATHEAD	LC50	>100	09/02/1997
WATER FLEA	A_NOEL	100	09/02/1997

Species	Test	Test Result %	Sample Date
WATER FLEA	LC50	>100	09/02/1997
FATHEAD	A_NOEL	100	05/26/1998
FATHEAD	C_NOEL	100	05/26/1998
FATHEAD	LC50	>100	05/26/1998
WATER FLEA	A_NOEL	100	05/26/1998
WATER FLEA	C_NOEL	100	05/26/1998
WATER FLEA	LC50	>100	05/26/1998
FATHEAD	A_NOEL	100	08/24/1998
FATHEAD	LC50	>100	08/24/1998
WATER FLEA	A_NOEL	68.6	08/24/1998
WATER FLEA	LC50	>100	08/24/1998
FATHEAD	A_NOEL	100	05/16/1999
FATHEAD	C_NOEL	100	05/16/1999
FATHEAD	LC50	>100	05/16/1999
WATER FLEA	A_NOEL	100	05/16/1999
WATER FLEA	C_NOEL	100	05/16/1999
WATER FLEA	LC50	>100	05/16/1999
FATHEAD	A_NOEL	100	08/23/1999
FATHEAD	LC50	>100	08/23/1999
WATER FLEA	A_NOEL	4.7	08/23/1999
WATER FLEA	LC50	61	08/23/1999
WATER FLEA	A_NOEL	100	10/03/1999
WATER FLEA	LC50	>100	10/03/1999
FATHEAD	A_NOEL	100	05/30/2000
FATHEAD	C_NOEL	100	05/30/2000
FATHEAD	LC50	>100	05/30/2000
WATER FLEA	A_NOEL	100	05/30/2000
WATER FLEA	C_NOEL	50	05/30/2000
WATER FLEA	LC50	>100	05/30/2000
TROUT	A_NOEL	100	08/06/2000
TROUT	C_NOEL	100	08/06/2000
TROUT	LC50	>100	08/06/2000
WATER FLEA	A_NOEL	100	08/06/2000
WATER FLEA	C_NOEL	100	08/06/2000
WATER FLEA	LC50	>100	08/06/2000
FATHEAD	A_NOEL	100	10/29/2000
FATHEAD	C_NOEL	10	10/29/2000
FATHEAD	LC50	>100	10/29/2000
WATER FLEA	A_NOEL	100	10/29/2000
WATER FLEA	C_NOEL	10	10/29/2000
WATER FLEA	LC50	>100	10/29/2000
TROUT	A_NOEL	100	01/28/2001

Species	Test	Test Result %	Sample Date
TROUT	C_NOEL	10	01/28/2001
TROUT	LC50	>100	01/28/2001
WATER FLEA	A_NOEL	100	01/28/2001
WATER FLEA	C_NOEL	10	01/28/2001
WATER FLEA	LC50	>100	01/28/2001
FATHEAD	A_NOEL	100	05/20/2001
FATHEAD	C_NOEL	100	05/20/2001
FATHEAD	LC50	>100	05/20/2001
WATER FLEA	A_NOEL	100	05/20/2001
WATER FLEA	C_NOEL	50	05/20/2001
WATER FLEA	LC50	>100	05/20/2001
FATHEAD	A_NOEL	100	08/28/2001
FATHEAD	LC50	>100	08/28/2001
WATER FLEA	A_NOEL	100	08/28/2001
WATER FLEA	LC50	>100	08/28/2001
FATHEAD	A_NOEL	100	05/19/2002
FATHEAD	C_NOEL	100	05/19/2002
FATHEAD	LC50	>100	05/19/2002
WATER FLEA	A_NOEL	57.1	05/19/2002
WATER FLEA	C_NOEL	50.0	05/19/2002
WATER FLEA	LC50	>100	05/19/2002
FATHEAD	A_NOEL	100	08/26/2002
FATHEAD	LC50	>100	08/26/2002
WATER FLEA	A_NOEL	100	08/26/2002
WATER FLEA	LC50	>100	08/26/2002
FATHEAD	A_NOEL	100	05/18/2003
FATHEAD	C_NOEL	100	05/18/2003
FATHEAD	LC50	>100	05/18/2003
WATER FLEA	A_NOEL	58.3	05/18/2003
WATER FLEA	LC50	91.7	05/18/2003
WATER FLEA	A_NOEL	100	06/15/2003
WATER FLEA	C_NOEL	50	06/15/2003
WATER FLEA	LC50	>100	06/15/2003
FATHEAD	A_NOEL	100	09/02/2003
FATHEAD	LC50	>100	09/02/2003
WATER FLEA	A_NOEL	100	09/02/2003
WATER FLEA	LC50	>100	09/02/2003
FATHEAD	A_NOEL	100	06/06/2004
FATHEAD	C_NOEL	100	06/06/2004
FATHEAD	LC50	>100	06/06/2004
WATER FLEA	A_NOEL	100	06/06/2004
WATER FLEA	C_NOEL	10	06/06/2004

Species	Test	Test Result %	Sample Date
WATER FLEA	LC50	>100	06/06/2004
FATHEAD	A_NOEL	100	09/12/2004
FATHEAD	LC50	>100	09/12/2004
WATER FLEA	A_NOEL	100	09/12/2004
WATER FLEA	LC50	>100	09/12/2004
FATHEAD	A_NOEL	100	10/16/2005
FATHEAD	C_NOEL	100	10/16/2005
FATHEAD	LC50	>100	10/16/2005
WATER FLEA	A_NOEL	100	10/16/2005
WATER FLEA	C_NOEL	10.0	10/16/2005
WATER FLEA	LC50	>100	10/16/2005
MYSID SHRIMP	A_NOEL	>50.0	11/17/2008
SEA URCHIN	C_NOEL	0.28	11/17/2008
MYSID SHRIMP	A_NOEL	>50	06/21/2009
SEA URCHIN	C_NOEL	0.28	06/21/2009

ATTACHMENT D

PP Data for "Hits" Only

INTERNATIONAL PAPER - BUCKSPORT

PENOBSCOT RIVER

ANTIMONY
MDL = 5 ug/l

	Conc, ug/l	MDL	Sample Date	Date Entered
	3.000000	OK	11/17/2008	12/31/2008
	7.000000	OK	06/09/2004	08/16/2004
<	2.000000	OK	10/17/2005	12/28/2005

ARSENIC
MDL = 5 ug/l

	Conc, ug/l	MDL	Sample Date	Date Entered
	3.000000	OK	11/17/2008	12/31/2008
	3.000000	OK	10/17/2005	12/28/2005
	4.000000	OK	06/09/2004	08/16/2004
<	2.000000	OK	06/21/2009	08/19/2009
<	3.000000	OK	03/05/2009	05/20/2009

CHLOROFORM
MDL = 5.0 ug/l

	Conc, ug/l	MDL	Sample Date	Date Entered
	1.100000	OK	11/17/2008	12/31/2008
<	2.000000	OK	10/17/2005	12/28/2005
<	2.000000	OK	06/09/2004	08/16/2004

SELENIUM
MDL = 5 ug/l

	Conc, ug/l	MDL	Sample Date	Date Entered
	6.000000	OK	11/17/2008	12/31/2008
<	1.000000	OK	06/09/2004	08/16/2004
<	1.000000	OK	10/17/2005	12/28/2005

Sample Date: 06/09/2004
Plant flows provided

Total Tests:	133	mon.(MGD)= 13.070
Missing Compounds:	0	day(MGD)= 13.080
Tests With High DL:	0	

M = 0 V = 0 A = 0

BN = 0 P = 0 other = 0

Sample Date: 10/17/2005
Plant flows provided

Total Tests:	135	mon.(MGD)= 13.190
Missing Compounds:	1	day(MGD)= 13.110
Tests With High DL:	0	

M = 0 V = 0 A = 0

BN = 0 P = 0 other = 0

Sample Date: 11/17/2008
Plant flows provided

Total Tests:	128	mon.(MGD)= 11.000
Missing Compounds:	1	day(MGD)= 11.600
Tests With High DL:	0	

M = 0 V = 0 A = 0

BN = 0 P = 0 other = 0

CONTENTS

SECTION		TOPIC	PAGE
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	1	General compliance	2
	2	Other materials	2
	3	Duty to Comply	2
	4	Duty to provide information	2
	5	Permit actions	2
	6	Reopener clause	2
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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.

DEP INFORMATION SHEET

Appealing a Commissioner's Licensing Decision

Dated: May 2004 **Contact: (207) 287-2811**

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner: (1) in an administrative process before the Board of Environmental Protection (Board); or (2) in a judicial process before Maine's Superior Court. This INFORMATION SHEET, in conjunction with consulting statutory and regulatory provisions referred to herein, can help aggrieved persons with understanding their rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

DEP's *General Laws*, 38 M.R.S.A. § 341-D(4), and its *Rules Concerning the Processing of Applications and Other Administrative Matters* (Chapter 2), 06-096 CMR 2.24 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

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

HOW TO SUBMIT AN APPEAL TO THE BOARD

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

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

The materials constituting an appeal must contain the following information at the time submitted:

1. *Aggrieved Status*. Standing to maintain an appeal requires the appellant to show they are particularly injured by the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.

5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.

6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.

7. *New or additional evidence to be offered.* The Board may allow new or additional evidence as part of an appeal only when the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or show that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2, Section 24(B)(5).

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license file is public information made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.

2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.

3. *The filing of an appeal does not operate as a stay to any decision.* An applicant proceeding with a project pending the outcome of an appeal 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 initiation of the appeals procedure, including the name of the DEP project manager assigned to the specific appeal, within 15 days of receiving a timely filing. The notice of appeal, all materials accepted by the Board Chair as additional evidence, and any materials submitted in response to the appeal will be sent to Board members along with a briefing and recommendation from DEP staff. Parties filing appeals and interested persons are notified in advance of the final date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision. The Board will notify parties to an appeal and interested persons of its decision.

II. APPEALS TO MAINE SUPERIOR COURT

Maine law allows aggrieved persons to appeal final Commissioner licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2.26; 5 M.R.S.A. § 11001; & MRCivP 80C. Parties to the licensing decision must file a petition for review within 30 days after receipt of notice of the Commissioner's written decision. A petition for review by any other person aggrieved must be filed within 40-days from the date the written decision is rendered. The laws cited in this paragraph and other legal procedures govern the contents and processing of a Superior Court appeal.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, contact the DEP's Director of Procedures and Enforcement at (207) 287-2811.

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.