STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAWN R. GALLAGHER
COMMISSIONER

Mr. Larry Nadeau
Miller Industries Inc.
P.O. Box 97
Lisbon Falls, ME. 04252

June 21, 2005

RE: Maine Pollutant Discharge Elimination System (MEPDES) Number #ME0001597
Maine Waste Discharge License (WDL) Application #W001820-5R-C-R
Final License

Dear Mr. Nadeau:

Enclosed please find a copy of your final MEPDES/Maine 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 order 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."

We would like to make you aware of the fact that your monthly Discharge Monitoring Reports (DMR) may not reflect the revisions in this permitting action for several months however, you are required to report applicable test results for parameters required by this licensing action that do not appear on the DMR. Please see attached April 2003 O&M Newsletter article regarding this matter.

If you have any questions regarding the matter, please feel free to call me at 287-7658.

Sincerely,

David Silver
Division of Water Resource Regulation
Bureau of Land and Water Quality

Enc.
cc: Denise Behr, DEP/CMRO;
~~Ted Lavery, EPA Region One;~~ Dave Webster, EPA
David Robinson, 5 Canal St, Lisbon Falls, ME 04252

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DMR Lag

(reprinted from April 2003 O&M Newsletter)

When the Department renews discharge permits, the parameter limits may change or parameters may be added or deleted. In some cases, it is merely the replacement of the federally issued NPDES permit with a state-issued MEPDES permit that results in different limits. When the new permit is finalized, a copy of the permit is passed to our data entry staff for coding into EPA's Permits Compliance System (PCS) database. PCS was developed in the 1970's and is not user-friendly. Entering or changing parameters can take weeks or even months. This can create a lag between the time your new permit becomes effective and the new permit limits appearing on your DMRs. If you are faced with this, it can create three different situations that have to be dealt with in different ways.

1. If the parameter was included on previous DMRs, but only the limit was changed, there will be a space for the data. Please go ahead and enter it. When the changes are made to PCS, the program will have the data and compare it to the new limit.

2. When a parameter is eliminated from monitoring in your new permit, but there is a delay in changing the DMR, you will have a space on the DMR that needs to be filled. For a parameter that has been eliminated, please enter the space on the DMR for that parameter only with "NODI-9" (No Discharge Indicator Code #9). This code means monitoring is conditional or not required this monitoring period.

3. When your new permit includes parameters for which monitoring was not previously required, and coding has not caught up on the DMRs, there will not be any space on the DMR identified for those parameters. In that case, please fill out an extra sheet of paper with the facility name and permit number, along with all of the information normally required for each parameter (parameter code, data, frequency of analysis, sample type, and number of exceedances). Each data point should be identified as monthly average, weekly average, daily max, etc. and the units of measurement such as mg/L or lb/day. Staple the extra sheet to the DMR so that the extra data stays with the DMR form. Our data entry staff cannot enter the data for the new parameters until the PCS coding catches up. When the PCS coding does catch up, our data entry staff will have the data right at hand to do the entry without having to take the extra time to seek it from your inspector or from you.

EPA is planning significant improvements for the PCS system that will be implemented in the next few years. These improvements should allow us to issue modified permits and DMRs concurrently. Until then we appreciate your assistance and patience in this effort.

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

DEPARTMENT ORDER

IN THE MATTER OF

MILLER INDUSTRIES INC.	)	MAINE POLLUTANT DISCHARGE
LISBON, ANDROSCOGGIN COUNTY, MAINE	)	ELIMINATION SYSTEM PERMIT
NON-CONTACT COOLING WATERS	)	AND
ME0001597	)	WASTE DISCHARGE LICENSE
W001820-5R-C-R **APPROVAL**	)	**RENEWAL**

Pursuant to the provisions of the Federal Water Pollution Control Act, Title 33 USC, Section 1251, et. seq., and Maine Law 38 M.R.S.A., Section 414-A et. seq., and all applicable regulations, the Department of Environmental Protection (Department) has considered the application of MILLER INDUSTRIES, INC. (Miller), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

Miller has applied for renewal of Waste Discharge License (WDL) #W001820-5R-B-R, which was issued on May 17, 2000 and is scheduled to expire on May 17, 2005. The WDL authorized the discharge of 50,000 gallons per day (gpd) of non-contact cooling waters from a textile manufacturing facility (Worumbo Mill) to the Androscoggin River, Class C, in Lisbon (Lisbon Falls), Maine.

On January 12, 2001, the State of Maine received authorization from the U.S. Environmental Protection Agency (EPA) to administer the National Pollutant Discharge Elimination System (NPDES) permitting program in Maine. As a result, the Department is hereby issuing a combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0001597 / Maine Waste Discharge License (WDL) #W001820-5R-C-R for the discharge of non-contact cooling waters. Miller was assigned the NPDES permit number ME0001597 when it applied to the EPA for authorization to discharge from this facility, and an individual NPDES permit was issued on May 12, 2000.

PERMIT SUMMARY

This permitting action is carrying forward the limitations from the previous licensing action. This permit is not requiring regular monitoring or reporting of the parameters listed above (temp, flow, pH). However, the limitations remain in effect and enforceable.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated May 19, 2005 and subject to the Conditions listed below, the Department makes the following CONCLUSIONS:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.

2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.

3. The provisions of the State's antidegradation policy, 38 M.R.S.A., Section 464(4)(F), will be met, in that:

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

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

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

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

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

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

ACTION

THEREFORE, the Department APPROVES the application of MILLER INDUSTRIES INC., to discharge up to a daily maximum flow of 0.050 MGD (50,000 GPD) of non-contact cooling water to the Androscoggin River, Class C, in Lisbon, Maine. The discharge shall be subject to the attached conditions, and all applicable standards and regulations including:

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

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

3. This permit expires five (5) years from the date of signature below.

DONE AND DATED AT AUGUSTA, MAINE, THIS 22ND DAY OF JUNE, 2005.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
Dawn Gallagher, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application May 13, 2005.

Date of application acceptance May 13, 2005.

Date filed with Board of Environmental Protection FILED JUN 23 2005 BOARD OF ENVIRONMENTAL PROT. STATE OF MAINE

This order prepared by David Silver, BUREAU OF LAND AND WATER QUALITY

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning the effective date of the permit and lasting through permit expiration, the permittee is authorized to discharge non-contact cooling waters from **OUTFALL #001 to the Androscoggin River, Class C receiving water.**

Effluent Characteristic	Discharge Limitations			Minimum Monitoring Requirements	
	Monthly Average as specified	Weekly Average as specified	Daily Maximum as specified	Measurement Frequency[1] as specified	Sample Type as specified
Flow *[50050]*	---	---	0.050 MGD*[03]*	---	---
Temperature *[00011]*	---	---	80°F*[15]*	---	---
pH (Standard Units) *[00400]*	The pH shall not be less than 6.0 or greater than 9.0 at any time *[12]*			---	---

The permittee shall maintain logs of all sampling or monitoring results conducted to determine compliance with the discharge temperature, pH, and flow limitations. The log book shall be maintained at the facility and shall be made available upon request by Department personnel in order to demonstrate compliance with the limitations contained in this permitting action.

Sampling – Sampling and analysis must be conducted in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis shall be analyzed by a laboratory certified by the State of Maine's Department of Human Services. **This permit is not requiring regular monitoring or reporting of the parameters listed above (temp, flow, pH). However, the limitations remain in effect and enforceable.**

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. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from Outfall #001. Discharges of waste water from any other point source are not authorized under this permit, but shall be reported in accordance with Standard Condition B(5) (*Bypass*) of this permit.

D. NOTIFICATION REQUIREMENT

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

E. 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.

MAINE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

AND

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: **May 19, 2005**

PERMIT NUMBER: **ME0001597**
LICENSE NUMBER: **W001820-5R-C-R**

NAME AND MAILING ADDRESS OF APPLICANT:

Miller Industries, Inc.
P.O. Box 97
Lisbon, Maine 04252

COUNTY: **Androscoggin**

NAME AND PHYSICAL ADDRESS WHERE DISCHARGE OCCURS:

7 Canal Street – Lisbon Road
Lisbon, Maine

RECEIVING WATER AND CLASSIFICATION: **Androscoggin River, Class C**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Allen Miller**
(207) 369-1124

1. APPLICATION SUMMARY

Application: The permittee has applied for renewal of Waste Discharge License (WDL) #W001820-5R-B-R, which was issued on May 17, 2000 and is scheduled to expire on May 17, 2005. The WDL authorized the discharge of 50,000 gallons per day (gpd) of non-contact cooling waters from a textile manufacturing facility (Worumbo Mill) to the Androscoggin River, Class C, in Lisbon (Lisbon Falls), Maine.

2. PERMIT SUMMARY

a. Regulatory - On January 12, 2001, the Department received authorization from U.S. Environmental Protection Agency (EPA) to administer the National Pollutant Discharge Elimination System (NPDES) permit program in Maine. From this point forward, the program will be referred to as the Maine Pollutant Discharge Elimination System (MEPDES) permit program and #ME0001597 will be utilized as the primary reference number for the MEPDES permit.

This permitting action is carrying forward the limitations from the previous licensing action. This permit is not requiring regular monitoring or reporting of the parameters listed above (temp, flow, pH). However, the limitations remain in effect and enforceable.

b. History: The most current and relevant regulatory actions include the following:

October 1, 1974 – The U.S. Environmental Protection Agency (EPA) issued National Pollutant Discharge Elimination System (NPDES) permit #ME0001597 to Max Miller and Company, Inc..

February 8, 1988 – The Department issued WDL #W001820-57-A-R to Max Miller and Company, Inc. for the non-contact cooling water discharge from the mill.

March 8, 1988 – Miller Industries (formerly Max Miller and Company, Inc.) filed an application with the EPA to renew NPDES permit #ME0001597. The NPDES permit was issued by EPA on May 17, 2000.

April 26, 2000 – Miller Industries filed an application with the Department to renew the WDL for the discharge of up to a daily maximum of 0.050 MGD of non-contact cooling waters to the Androscoggin River.

May 17, 2000 – The Department issued WDL #W001820-5R-B-R auhorizing the discharge. The term of the WDL issued was five years. The EPA also renewed the NPDES permit on this date.

May 13, 2005 – Miller Industries submitted a timely application to the Department to renew the WDL for the discharge of non-contact cooling water.

c. Source Description: Non-contact cooling waters discharged from the facility are generated by waters used to cool compressors at the textile mill. Flows have historically averaged less then 5,000 gpd. The source of the water used for cooling is the public drinking water supply for the Town of Lisbon. Miller Industries does not add any chemicals (chlorine, biocides, etc.) or pollutants (except for heat) to the water prior to discharge to the Androscoggin River. Process and sanitary waste water generated by the facility is currently conveyed to a municipal waste water collection system and treated at the publicly owned treatment works (potw).

2. PERMIT SUMMARY

d. Wastewater Treatment: The non-contact cooling water discharged via Outfall #001 does not receive any formal treatment prior to discharge as the only pollutant of concern is heat. The cooling water is discharged to the head pond of a hydro-electric generating facility (adjacent to the mill) via an outfall pipe with an eight inch diameter at a depth of six feet below the water surface of the Androscoggin River during low water conditions. The discharge receives rapid and complete mixing with the receiving waters as it is immediately channeled through the turbines of the hydro-electric facility.

3. CONDITIONS OF PERMITS

Maine Law, 38 M.R.S.A., Section 414-A, requires that the effluent limitations prescribed for discharges require application of best practicable treatment, 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, 38 M.R.S.A., Section 420, and Department Regulation Chapter 530.5, *Surface Water Toxics Control Program,* requires the regulation of toxic substances at the levels set forth for Federal Water Quality Criteria as published by the U.S. Environmental Protection Agency pursuant to the Clean Water Act.

4. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A., §467(1)(A)(2) classifies the Androscoggin River as a Class C waterway. Maine law, 38 M.R.S.A., §465(3) contains the classification standards for Class C waterways.

5. RECEIVING WATER QUALITY CONDITIONS

A document entitled, State of Maine Department of Environmental Protection, 2002 Integrated Water Quality Monitoring and Assessment Report, published by the Department indicates that the Androscoggin River at the point of discharge (Category 4-B *Rivers and Streams Impaired by Pollutants, Pollution Control Requirements Reasonably Expected to Result in Attainment)* has been impaired, however pollutant controls are expected to result in attainment. The impairment is related to a fish consumption advisory with respect to dioxin concentrations. The Department is not aware of discharges from the Miller Industries facility located on Canal Street that would cause or contribute to any non-attainment of the water classification of Androscoggin River.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

a. Flow: The previous licensing action established a daily maximum flow limitation of 0.050 MGD (50,000 gpd) for outfall #001, that is being carried forward in this permitting action as it remains representative of the discharge flow from the facility.

b. Temperature – The previous licensing action established a daily maximum temperature limit of 80°F for the discharge which is being carried forward in this permitting action Department Rule Chapter 582, *Regulations Relating To Temperature*, states that no discharge shall cause the ambient temperature of any freshwater body such as a stream or river, as measured outside a mixing zone, to be raised more than 5° F. The regulation also limits thermal discharges to an in-stream temperature increase (ΔT) of 0.5° F above the ambient receiving water temperature when the weekly average temperature of the receiving water is greater than or equal to 66° F or when the daily maximum temperature is greater than or equal to 73° F. The temperature thresholds are based on EPA water quality criterion for the protection of brook trout and salmon (both species indigenous to the Androscoggin River). The weekly average temperature of 66° F was derived to protect for normal growth of the brook trout and the daily maximum threshold temperature of 73° F protects for the survival of juveniles and adult salmon during the summer months. As a point of clarification, the Department interprets the term "weekly average temperature" to mean a seven (7) day rolling average. To promote consistency, the Department also interprets the ΔT of 0.5° F as a weekly rolling average criterion when the receiving water temperature is $\geq$66° F and <73° F. When the receiving water temperature is $\geq$73°F, compliance with the ΔT of 0.5° F is evaluated on a daily basis. Maine law, 38 M.R.S.A. §464(4)(D), states that the assimilative capacity of a receiving water shall be calculated utilizing a seven-day low event with a recurrence interval of ten years that is often referred to as the 7Q10. The Department has determined that the 7Q10 flow of Androscoggin River at the point of discharge is 1,994 cfs or 1,289 MGD.
The mass balance thermal calculations below indicate that if theAndroscoggin River was at 7Q10 low flow conditions and at a critical temperature of 66°F and the plant was operating at maximum permitted flow and temperature conditions, then the temperature increase in the receiving waters (RW) would be less than 0.001°F.

The temperature changes may be calculated as follows:

(Plant Flow) (Discharge Temperature) + (RW Flow) (RW Temp) = (Total Flow) (RW Temp)

Ex, (0.050 MGD)(80° F) + (1,289 MGD)(66°F) = (1,289 MGD)(X° F)

Solving for X° F, the resultant temperature in the receiving waters becomes 66.0003° F which is within the allowable limits established under Department Regulations.

c. pH – The pH range limit of 6.0 – 9.0 standard units is being established in this permitting action in conformance with Department Rules, Chapter 525, Section 3.

d. This permit is not requiring regular monitoring or reporting of the parameters listed above (temp, flow, pH). However, the limitations remain in effect and enforceable.

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As permitted, the Department has made a determination based on a best professional judgment that the existing water uses will be maintained and protected and the discharge will not cause or contribute to the failure of the waterbody to meet standards for Class C classification.

8. PUBLIC COMMENTS

Public notice of this application was made in the Lewiston Sun Journal newspaper on or about May 13, 2005. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

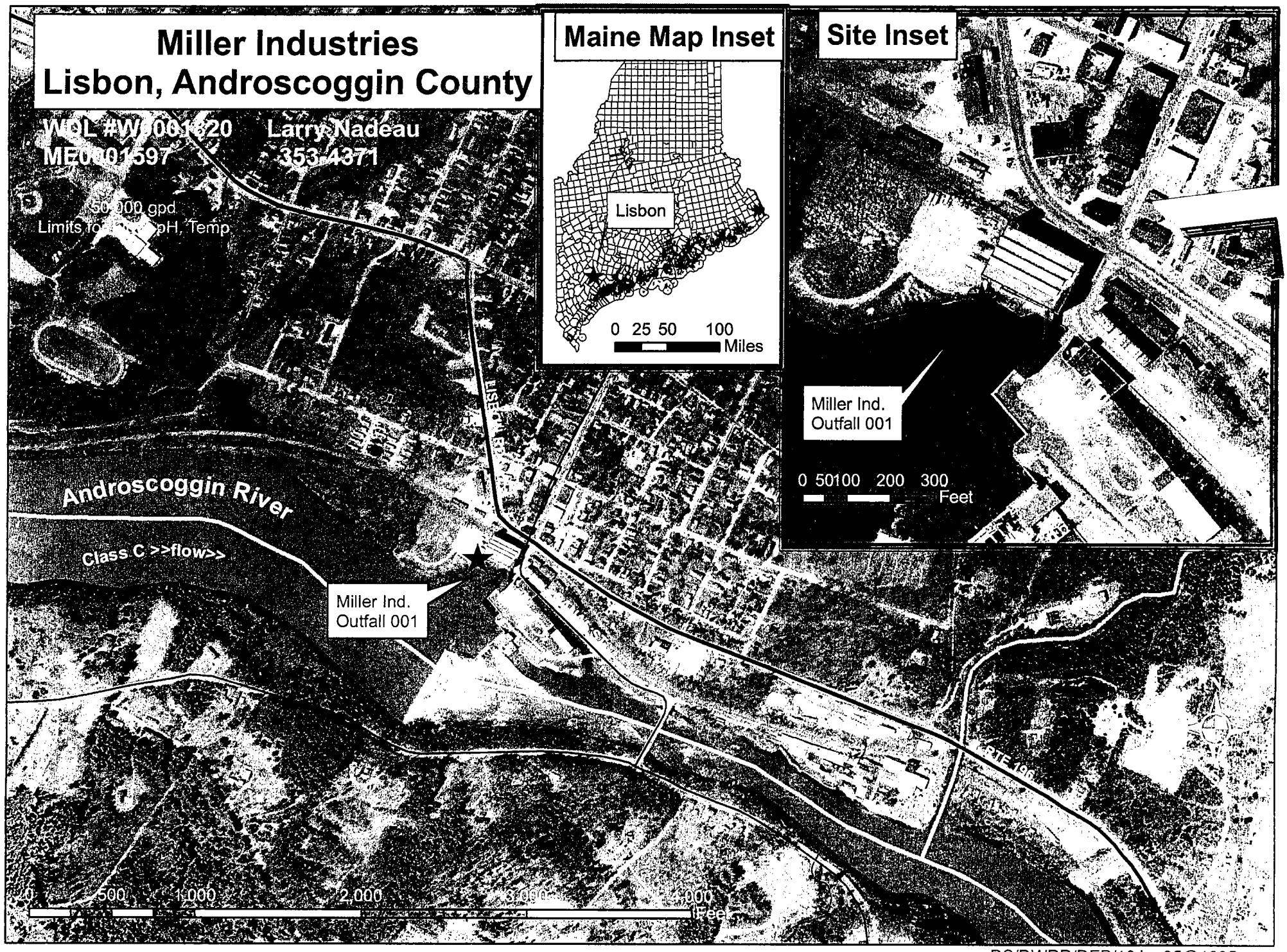
9. DEPARTMENT CONTACTS

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

David Silver
Division of Water Resource Regulation
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone (207) 287-7658
E-mail: dave.silver@maine.gov

10. RESPONSE TO COMMENTS

During the period of May 19, 2005, 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 the Miller Industries facility. The Department did not receive comments from the permittee, state or federal agencies or interested parties that resulted in any substantive changes in the terms and conditions of the permit. Therefore, the Department has not prepared a Response to Comments section.



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