

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

DEPARTMENT ORDER

IN THE MATTER OF

GREAT NORTHERN PAPER, INC.) NATURAL RESOURCES PROTECTION
East Millinocket, Penobscot County) WETLAND ALTERATION AND
DRAINAGE IMPROVEMENTS) WATER QUALITY CERTIFICATION
L-19349-L6-A-N (APPROVAL)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of Title 38 M.R.S.A. Section 480-A et seq. and Section 401 of the Federal Water Pollution Control Act, the Department of Environmental Protection has considered the application of GREAT NORTHERN PAPER COMPANY with the supportive data, agency review comments, and other related materials on file and finds the following facts:

1. APPLICATION SUMMARY

The applicant is requesting approval to complete drainage improvements adjacent to the West Branch of the Penobscot River in East Millinocket. The project includes the installation of storm drain piping and appurtenances, and detention pond construction to collect stormwater from upgradient areas of their existing paper mill facility. The stormwater in the new system will ultimately be conveyed to the East Millinocket Operation Wastewater Treatment Plant. The emergency spillway for the new pond discharges to the river. Also included in the application is the surfacing of an existing gravel area with pavement, and replacement of a gravel road with turf grass. No direct alteration of the River or freshwater wetland is proposed under this application.

The project as proposed is shown on a set of plans entitled, "East Operation, Wood Receiving and Slashing, Woodroom/Sorter Building, Riverbank Area, Drainage Improvements, Grading/Drainage Piping (Permit)", revised 1/97.

2. SITE DESCRIPTION

Great Northern Paper, Inc. owns and operates a paper mill off Route 157 in East Millinocket. A paper mill has been operated on that site for many years. The area of the proposed project is part of the active mill yard and is not substantially vegetated. Currently, drainage off the upgradient wood handling areas discharges directly to the Penobscot River.

The applicant has a Site Location of Development permit for the paper mill facility. The proposed activity is exempt under the Site Location Exemption for expansion at existing manufacturing facility (38 MRSA Sec. 488.7).

3. WATER QUALITY CONSIDERATIONS

The applicant has proposed an erosion and sedimentation control plan for construction as detailed on Sheet YB-23531 of the site plans. The

construction sequence, erosion control plan, and detail sheet have been reviewed by the Department's Division of Watershed Management which found the application complete for stormwater and erosion control issues. The division raised no concerns about the proposal. No other water quality concerns were identified by the Department. The project will provide significant improvements to water quality by treating stormwater runoff from upgradient areas including an existing uncontrolled wood handling area. Therefore, the Department finds that the project will not cause an unreasonable impact to water quality.

4. HABITAT CONSIDERATIONS

The project was reviewed by the Department of Inland Fisheries and Wildlife as well as the Maine Natural Areas Program (NAP). IF&W commented that the project should improve water quality in the River. No records of threatened or endangered species or habitats, or significant wildlife habitats were found for the location, and no wildlife concerns were raised. The NAP found no records of rare botanical features at the project site. Therefore, the Department finds that the project will not cause an unreasonable impact to habitat.

5. OTHER CONSIDERATIONS

The Department has not identified any other significant issues involving existing scenic, aesthetic, or navigational uses, the natural transfer of soil, natural flow of water, or flooding.

Based on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions:

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment provided that erosion control measures are implemented and maintained as proposed.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, aquatic habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law including those governing the classifications of the State's waters.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.

H. The proposed activity is not on or adjacent to a sand dune.

I. The proposed activity is not on an outstanding river segment as noted in Title 38 M.R.S.A., Section 480-P.

THEREFORE, the Department APPROVES the above noted application of GREAT NORTHERN PAPER, INC. SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

1. Standard Conditions of Approval, a copy attached.
2. This approval does not imply conformance with municipal Shoreland Zoning requirements. Applicant must also comply with the municipal Shoreland Zoning ordinance, including the receipt of a local permit, if necessary, prior to any project activity.
3. The applicant shall take all necessary measures to ensure that its activities or those of its agents do not result in measurable erosion of soils on the site during the construction of the project covered by this approval.

DONE AND DATED AT AUGUSTA, MAINE, THIS 14th DAY OF May, 1997.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

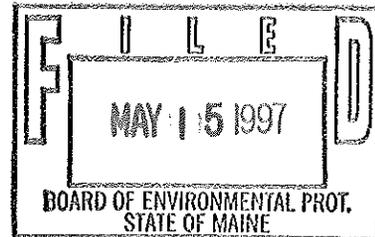
BY: *Edward O. Sullivan*
EDWARD O. SULLIVAN, COMMISSIONER

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES....

Date of initial receipt of application 3/24/97

Date of application acceptance 4/1/97

Date filed with Board of Environmental Protection
SB:L19349AN



STANDARD CONDITIONS

THE FOLLOWING STANDARD CONDITIONS SHALL APPLY TO ALL PERMITS GRANTED UNDER THE NATURAL RESOURCE PROTECTION ACT, TITLE 38, M.R.S.A. SECTION 480-A ET.SEQ. UNLESS OTHERWISE SPECIFICALLY STATED IN THE PERMIT.

- A. **Approval of Variations From Plans.** The granting of this permit is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation.
- B. **Compliance With All Applicable Laws.** The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. **Erosion Control.** The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site during the construction and operation of the project covered by this Approval.
- D. **Compliance With Conditions.** Should the project be found, at any time, not to be in compliance with any of the Conditions of this Approval, or should the applicant construct or operate this development in any way other than specified in the Application or Supporting Documents, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to have been violated.
- E. **Initiation of Activity Within Two Years.** If construction or operation of the activity is not begun within two years, this permit shall lapse and the applicant shall reapply to the Board for a new permit. The applicant may not begin construction or operation of the activity until a new permit is granted. Reapplications for permits shall state the reasons why the applicant will be able to begin the activity within two years from the granting of a new permit, if so granted. Reapplications for permits may include information submitted in the initial application by reference.
- F. **Reexamination After Five Years.** If the approved activity is not completed within five years from the date of the granting of a permit, the Board may reexamine its permit approval and impose additional terms or conditions to respond to significant changes in circumstances which may have occurred during the five-year period.
- G. **No Construction Equipment Below High Water.** No construction equipment used in the undertaking of an approved activity is allowed below the mean high water line unless otherwise specified by this permit.
- H. **Permit Included In Contract Bids.** A copy of this permit must be included in or attached to all contract bid specifications for the approved activity.
- I. **Permit Shown To Contractor.** Work done by a contractor pursuant to this permit shall not begin before the contractor has been shown by the applicant a copy of this permit.