



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

November 3, 2006

Mr. Albert Davis
WestPoint Homes Inc.
1 York Street
Biddeford, ME. 04005

RE: Maine Pollutant Discharge Elimination System Permit #ME0000744
Maine Waste Discharge License Application #W002790-5R-E-R
Final Permit/License

Dear Mr. Davis:

Enclosed please find a copy of your **final** MEPDES permit and Maine WDL which was approved by the Department of Environmental Protection. Please read the permit/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.*"

If you have any questions regarding the matter, please feel free to call me at 287-7693.

Sincerely,

Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality

Enc.

cc: Stuart Rose, DEP/SMRO
Sandy Lao, USEPA

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

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143



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

DEPARTMENT ORDER

IN THE MATTER OF

WESTPOINT HOMES INC.)	MAINE POLLUTANT DISCHARGE
BIDDEFORD, YORK COUNTY, MAINE)	ELIMINATION SYSTEM PERMIT
NON-CONTACT COOLING WATERS)	AND
ME0000744)	WASTE DISCHARGE LISENCE
W002790-5R-E-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 applicable regulations, the Department of Environmental Protection (Department hereinafter) has considered the application of WESTPOINT HOMES INC. (WHI hereinafter) with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING:

APPLICATION SUMMARY

The applicant has applied for renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0000744 and Department Waste Discharge License #W002790-5R-D-R, (permit hereinafter) which was issued by the Department on October 1, 2001, and is due to expire on October 1, 2006. The permit authorized the discharge of up to a monthly average of 0.110 million gallons per day (MGD) and a daily maximum of 0.150 MGD of non-contact cooling waters from an industrial facility that manufactures non-woven flocked blankets. The non-contact cooling waters are discharged to the Saco River, Class SC in Biddeford, Maine.

PERMIT SUMMARY

This permitting action is carrying forward all the terms and conditions of the effective MEPDES permit/WDL issued by this Department on October 1, 2001 with the exception of reporting the temperature difference between the cooling water being discharged and the Saco River water temperature.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated October 2, 2006, 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 discharge will be subject to effluent limitations that require application of best practicable treatment.

ACTION

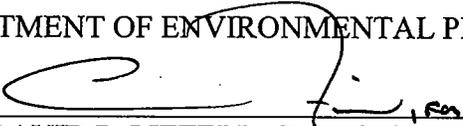
THEREFORE, the Department APPROVES the above noted application of WESTPOINT HOMES INC. to discharge up to a monthly average flow of 0.110 MGD and daily maximum of 0.150 MGD of non-contact cooling waters from an industrial manufacturing facility to the Saco River, Class SC, in Biddeford, Maine. SUBJECT 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, 2001, copy attached.
2. The attached Special Conditions, including any 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 6TH DAY OF November, 2006.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:

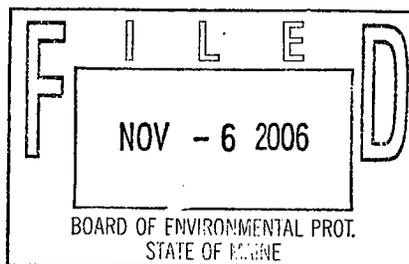


DAVID P. LITTELL, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application August 23, 2006.

Date of application acceptance August 28, 2006.



Date filed with Board of Environmental Protection _____

This order prepared by Gregg Wood, BUREAU OF LAND AND WATER QUALITY

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- The permittee is authorized to discharge non-contact cooling water from **Outfall #005A** to the Saco River. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Frequency	
	Monthly Average	Daily Maximum	Measurement Frequency	Sample Type
Flow [50050]	110,000 gpd [07]	150,000 gpd [07]	1/Month [01/30]	Calculate [CA]
Temperature [00011] <i>June 1 – August 31</i>	---	84° F (29° C)	2/ Week [02/07]	Measure ⁽¹⁾ [MS]
<i>September 1 – May 31</i>	---	84° F (29° C)	1/Month [01/30]	Measure ⁽¹⁾ [MS]
pH [00400]	---	6.0-8.5 S.U. ⁽²⁾ [12]	1/Month [01/07]	Grab ⁽¹⁾ [GR]

The italicized numeric values in brackets in the table above are not limitations but are code numbers used by Department personnel to code Discharge Monitoring Reports (DMR's).

Footnotes:

- Sampling location is a pipe access port located a relatively short distance back from the Saco River discharge point.
- The pH of the effluent shall be between 6.0 and 8.5 standard units unless exceedences are due to the background levels in the receiving water. In such cases, the effluent shall be within 0.5 standard units of the background pH.

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 discharge 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. NOTIFICATION REQUIREMENT

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

1. Any substantial change in the volume or character of pollutants being discharged.
2. For the purposes of this section, adequate notice shall include information on:
 - a) the change in quality and quantity of cooling water being discharged.
 - b) any anticipated impact of the change in the quality or quantity of the cooling water being discharged.

D. UNAUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with the terms and conditions of this permit and only from Outfall #005A. Discharges of wastewater 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.

SPECIAL CONDITIONS

E. MONITORING AND REPORTING

Monitoring results shall be summarized and reported on separate Discharge Monitoring Report Forms provided by the Department at a frequency of 1/Month and **postmarked on or before the thirteenth (13th) day of the month or hand-delivered to a Department Regional Office such that the DMRs 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 Discharge Monitoring Report and all other reports required herein shall be submitted to the following address:

Department of Environmental Protection
Southern Maine Regional Office
Bureau of Land and Water Quality
Division of Water Quality Management
312 Canco Road
Portland, Maine 04103

F. RE-OPENER OF PERMIT FOR MODIFICATIONS

Upon evaluation of the test results in Special Conditions A of this permitting action, new site specific information, or any other 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 pollutants or whole effluent toxicity where there is reasonable potential that the effluent may cause water quality criteria to be exceeded; (2) require additional monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

G. SEVERABILITY

In the event that any provision, 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.

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

FACT SHEET

Date: **October 2, 2006**

PERMIT NUMBER: **ME0000744**
LICENSE NUMBER **W002790-5R-E-R**

NAME AND ADDRESS OF APPLICANT:

**WESTPOINT HOMES INC.
1 York Street
Biddeford, Maine 04005**

COUNTY: **York County**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**Biddeford Mill
1 York Street
Biddeford, Maine 04005**

RECEIVING WATER/CLASSIFICATION: **Saco River/Class SC**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Albert Davis
(207) 282-1866**

1. APPLICATION SUMMARY

The applicant has applied for renewal of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0000744 and Department Waste Discharge License #W002790-5R-D-R, (permit hereinafter) which was issued by the Department on October 1, 2001, and is due to expire on October 1, 2006. The permit authorized the discharge of up to a monthly average of 0.110 million gallons per day (MGD) and a daily maximum of 0.150 MGD of non-contact cooling waters from an industrial facility that manufactures non-woven flocked blankets. The non-contact cooling waters are discharged to the Saco River, Class SC in Biddeford, Maine. See Attachment A of this Fact Sheet for a location map for the manufacturing facility.

2. PERMIT SUMMARY

- a. Terms and Conditions - This permitting action is carrying forward all the terms and conditions of the effective MEPDES permit/WDL issued by this Department on October 1, 2001 with the exception of reporting the temperature difference between the cooling water being discharged and the Saco River water temperature.
- b. History: The most recent licensing/permitting actions include the following:

State Licensing Actions

April 15, 1984	The Department issued WDL #W002790-42-A-R to West Point Pepperell, Inc. for a five-year term.
April 2, 1991	The Department issued WDL #W002790-57-B-R to West Point Pepperell, Inc. for a five-year term.
December 10, 1993	West Point Pepperell, Inc. changed its name to WestPoint Stevens Inc.
May 16, 1996	The Department issued WDL #W002790-57-C-R to WestPoint Stevens Inc. for a five-year term.
December 21, 1998	The Department administratively modified WDL #W002790-57-C-R, changing the flow sample type from "Continuous" to "Calculate".
April 2, 2000	WestPoint Stevens Inc. changed its name to WestPoint Stevens Inc. I.
May 16, 2001	The Department issued an order transferring all permits/licenses issued by the Department from WestPoint Stevens Inc. I to WestPoint Housing Inc.
October 1, 2001	The Department issued combination MEPDES permit #ME0000744/WDL #W002790-5R-D-R for a five-year term.
August 16, 2006	The Department issued a license transfer order transferring all permits/licenses issued by the Department to Westpoint Stevens Inc. to Westpoint Homes Inc.
August 23, 2006	WestPoint Housing Inc. submitted a timely and complete application to renew the MEPDES permit/WDL for its Biddeford mill.

2. PERMIT SUMMARY (cont'd)

Federal permitting actions by the U.S. Environmental Protection Agency (EPA):

- | | |
|------------------|---|
| August 22, 1979 | The U.S. Environmental Protection Agency (EPA) issued National Pollutant Discharge Elimination System (NPDES) permit #ME0000744 for a five-year term. |
| January 12, 2001 | On January 12, 2001, the Department received authorization from the EPA to administer the NPDES permit program in Maine. From that point forward, the program has been referred to as the Maine Pollutant Discharge Elimination System (MEPDES) and this permit has been assigned the number ME0000744. |
| June 15, 2001 | The EPA terminated WestPoint Steven's Inc. coverage under the Non-Contact Cooling Water General Permit MEG250015 as the discharge was already covered under individual permit ME0000744. |

- c. Source Description: WestPoint Homes Inc. manufactures Vellux® blankets at the Biddeford manufacturing facility. Water is drawn from the Saco River (just above the West Channel Dam) for the cooling of manufacturing equipment and processes which include laminators, air-conditioning units and a hydraulic cooling unit (See Attachment B of this Fact Sheet). Non-contact cooling water from an air compressor unit was eliminated in 1996. Laminator #3 and Range #4 were added during the 1996 licensing/permitting period. The applicant reports that non-contact cooling water is discharged around-the-clock 365 days per year.

Wastewaters from the dying operations and sanitary wastewater generated at the mill are conveyed to the City of Biddeford's collection system.

One minor waste water discharge not included in any previous waste discharge permit, but mentioned in the facility's Storm water Pollution Prevention Plan (May 1993) is a sand filter backwash water discharge at storm water Outfall #002 located at the stream plant building. Filtered river water is used to provide make-up feed water for the main boiler. This sand filter backwash water discharge has since been removed as a discharge to the river and is now conveyed to the City's collection system.

- d. Waste Water Treatment: No formal treatment of the non-contact cooling water is proposed. The applicant has indicated that no chemicals, dyes, or additives will be present in the discharged non-contact cooling waters. The pollutant of concern is heat.
- e. Outfall: The non-contact cooling water outfall is an 8-inch PVC pipe, which was installed in July 1997 and has been given an identified of Outfall 005A. The applicant states that this outfall discharges above mean low water. Prior to July 1997, the non-contact cooling water was discharged through a 12-inch vitrified clay pipe (VCP) (Outfall 001) along with stormwater.

2. PERMIT SUMMARY (cont'd)

Both the non-contact cooling water (005) and stormwater (001) piping are located within an old underground canal and discharge into the tidal waters of the West Channel of the Saco River just below the West Channel Dam (See Attachment C of this Fact Sheet).

3. CONDITIONS OF PERMITS

Maine law, 38 M.R.S.A. Section 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, 38 M.R.S.A., Section 420 and Department rule 06-096 CMR Chapter 530, *Surface Water Toxics Control Program*, require the regulation of toxic substances not to exceed levels set forth in Department rule 06-096 CMR Chapter 584, *Surface Water Quality Criteria for Toxic Pollutants*, 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., Section 469 (8) (E) (2) states that the Saco River at and below the WestPoint Homes Inc. discharge is classified as a Class SC waterway. Maine law 38 M.R.S.A. Section 465 (B) (3) describes the standards for this classification.

5. RECEIVING WATER QUALITY CONDITIONS

The 2004 Integrated Water Quality Monitoring and Assessment Report lists the marine waters of the Saco River below the Saco and Biddeford waste water treatment facilities [Waterbody ID 811-7] in a table entitled *Category 4-B-2: Estuarine and Marine Waters Impaired by Bacteria from Combined Sewer Overflows (TMDL Required only if Control Plans are Insufficient)* due to the CSOs associated with the collection systems for the cities of Saco and Biddeford. The phrase "TMDL Required Only if Control Plans are Insufficient" in the title refers to installation of the new Storm King[®] swirl separator at the Saco waste water treatment facility as the control measure. Installation of the swirl separator will allow the Saco facility to provide primary treatment and disinfection for an additional 5.6 MGD of wet weather flows (above and beyond 8.0 MGD receiving secondary treatment) that were previously discharged untreated via the seven CSO's in the collection system. The swirl separator is scheduled for completion in December 2006 and be fully operational for wet weather flows in the spring of 2007. As for Biddeford, separation of storm water and sanitary waste water is the preferred alternative to mitigate CSO discharges. On July 1, 2005, the City of Biddeford submitted a Phase II draft CSO Master Plan with an implementation schedule that is currently being reviewed by the Department for approval.

5. RECEIVING WATER QUALITY CONDITIONS (cont'd)

In addition to being listed in category 4-B-2, the Saco River Estuary is listed in a table entitled, *Estuarine And Marine Waters Impaired By Pollutants Other Than Those Listed In 5-B-5-D (TMDL required)*. The table indicates aquatic life criteria for 576 acres of Class SC waters is impaired due to elevated levels of fecal coliform bacteria, copper and other toxic pollutants. The Department last sampled the area in 1998 and is scheduled to complete the TMDL in calendar year 2008. If the TMDL indicates the discharge(s) from the WestPoint Homes Inc. facility is causing or contributing to said impairment, this permit may be reopened pursuant to Special Condition F, *Reopening of Permit For Modifications*, to impose new or revised limitations and/or monitoring requirement to bring the waterbody into attainment.

It is noted that all fresh water bodies in Maine carry a fish advisory for mercury due to atmospheric transport and deposition. Maine law 38 M.R.S.A., §420 and Department Rule, Chapter 519, Interim Effluent Limitations and Controls For the Discharge of Mercury, establishes controls of mercury to surface waters of the State and United States through interim effluent limitations and implementation of pollution prevention plans.

The Department does not have any information as of the date of this permitting action indicating that the non-contact cooling water discharged by Westpoint Homes Inc. facility is causing or contributing to any non-attainment of water quality standards in the Saco River.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- a. Flow – The previous permitting action established a monthly average flow limitation of 110,000 gallons per day (gpd) and a daily maximum limitation of 150,000 gpd that are being carried forward in this permitting action. These limits were derived from calculations performed by the applicant as part of the administrative modification of the license dated December 21, 1998. A review of the monthly Discharge Monitoring Report (DMR) data for calendar years 2003, 2004 and 2005 indicates the monthly average flow has been reported as 110,000 gpd and the daily maximum flow has been reported as 140,000 gpd every month for said period.
- b. Temperature – The previous permitting action established a year-round daily maximum temperature limitation of 84°F that was original proposed by the permittee in past licensing actions as being representative of the discharge temperature. A review of the monthly DMR data for the summer period (June – September) for calendar years 2003, 2004 and 2005 indicates the daily maximum temperature has ranged from 74.8°F to 83°F with an arithmetic mean of 80.3°F. For the non-summer period (2003-2005) the temperature of the discharge has ranged from 59°F to 75°F with an arithmetic mean of 61°F.

6. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The limitation of 84°F is being carried forward in this permitting action. It is noted the monitoring frequency for the summer months (2/Week) is more frequency than the non summer months (1/Month) as Department rule Chapter 582 focuses on the summer months as the critical time of the year for thermal impacts.

- c. pH: The previous permit established a pH range limit of 6.0 – 8.5 standard units. This permitting action is carrying forward the limitation as a best practicable treatment (BPT) limitation. A review of the monthly DMR data for the period January 2003 – December 2005 indicates the pH of the discharge has ranged from a low of 6.3 standard units to a high of 7.8 standard units.

7. IMPACT OF THE DISCHARGE ON THE RECEIVING WATER

As permitted, the Department has made the determination that designated and existing water uses will be maintained and protected and the discharge will not cause or contribute to the receiving water not attaining the standards of its assigned classification.

8. PUBLIC COMMENTS

Public notice of this application was made in the Courier newspaper on or about August 24, 2006. 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 a 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:

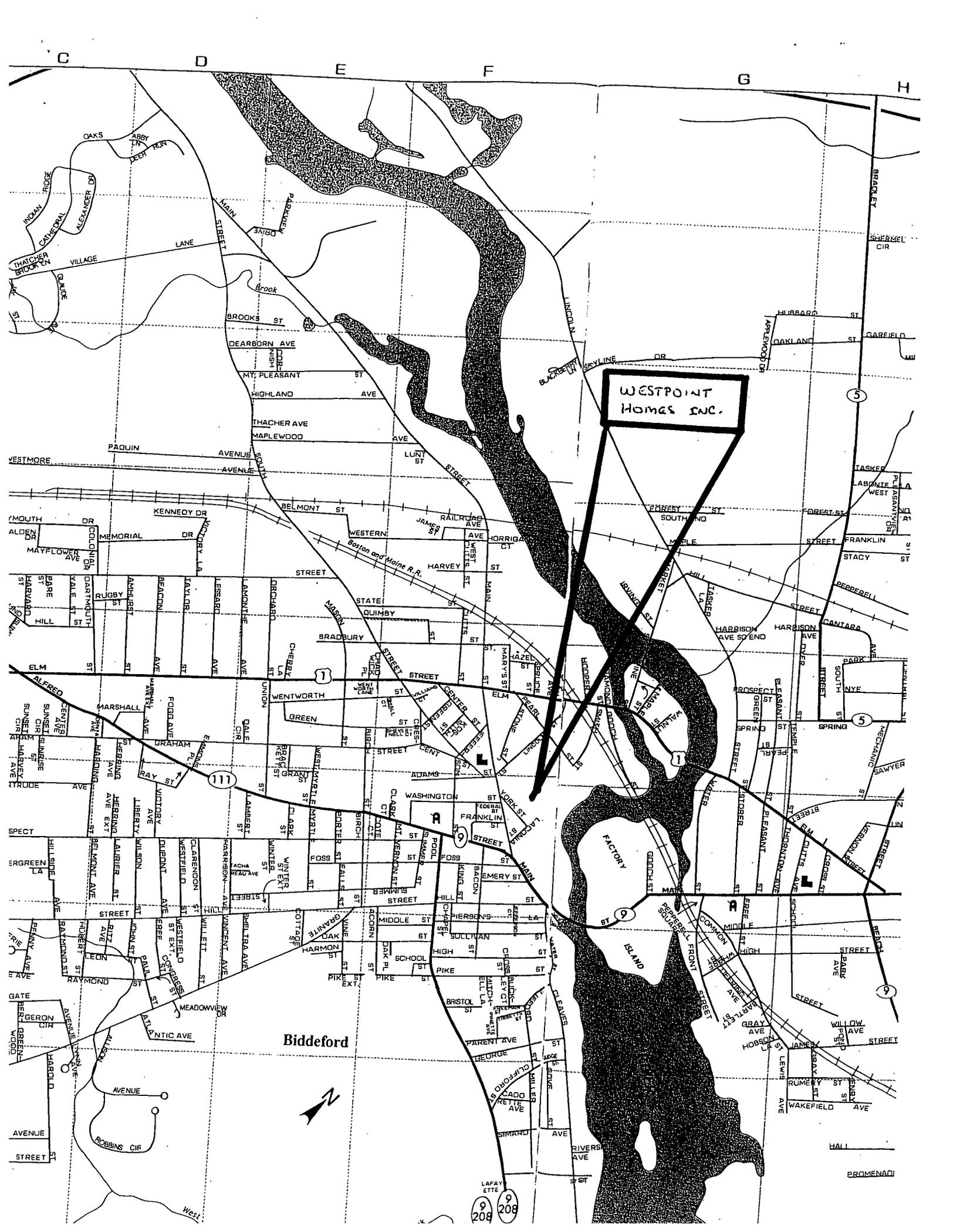
Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017
e-mail: gregg.wood@maine.gov

Telephone (207) 287-3901

10. RESPONSE TO COMMENTS

During the period of October 2, 2006 through the date of issuance of this permit, the Department solicited comments on the proposed draft permit for the discharge from the permittee's Biddeford facility. 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



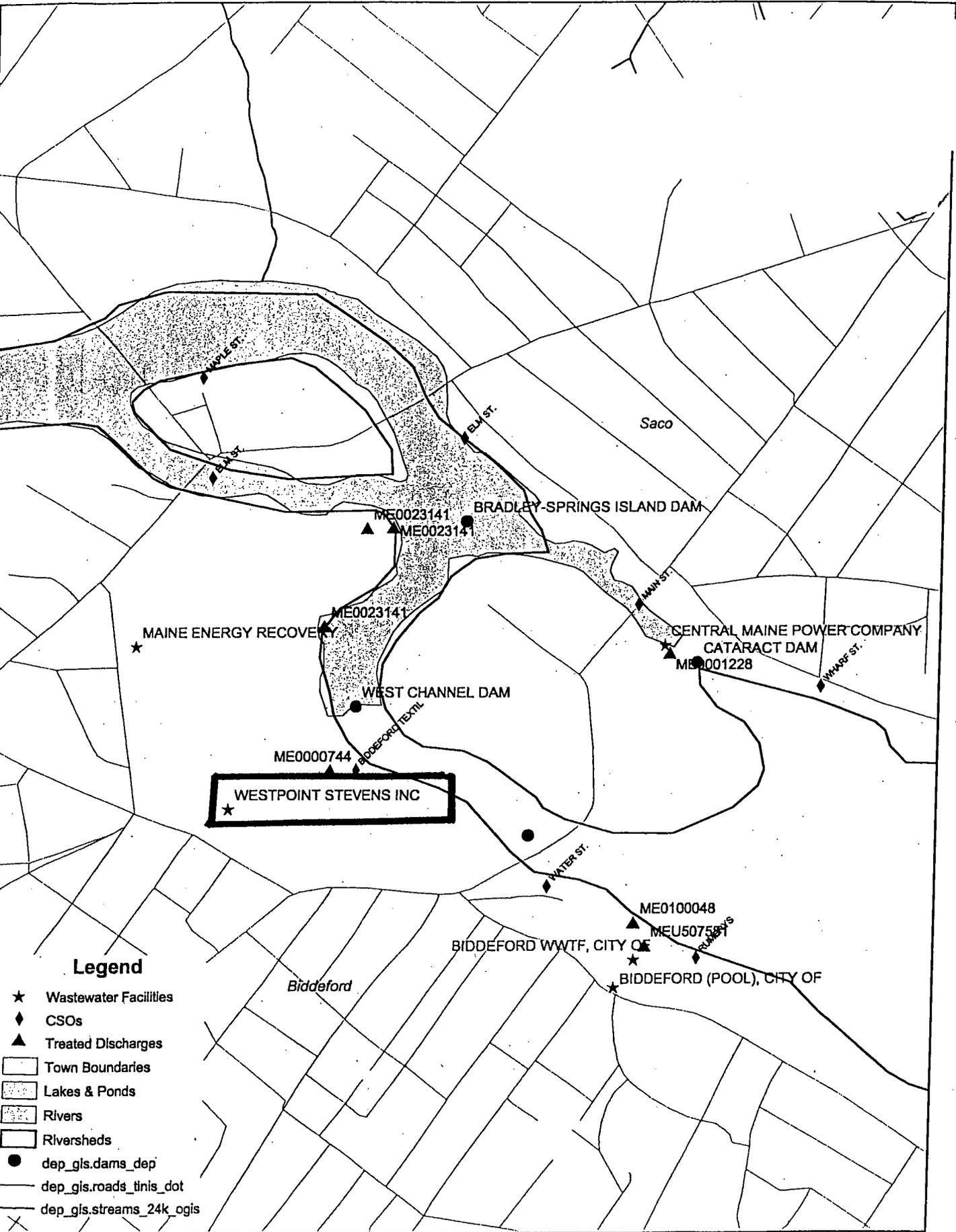
WESTPOINT
HOMES INC.

Biddeford



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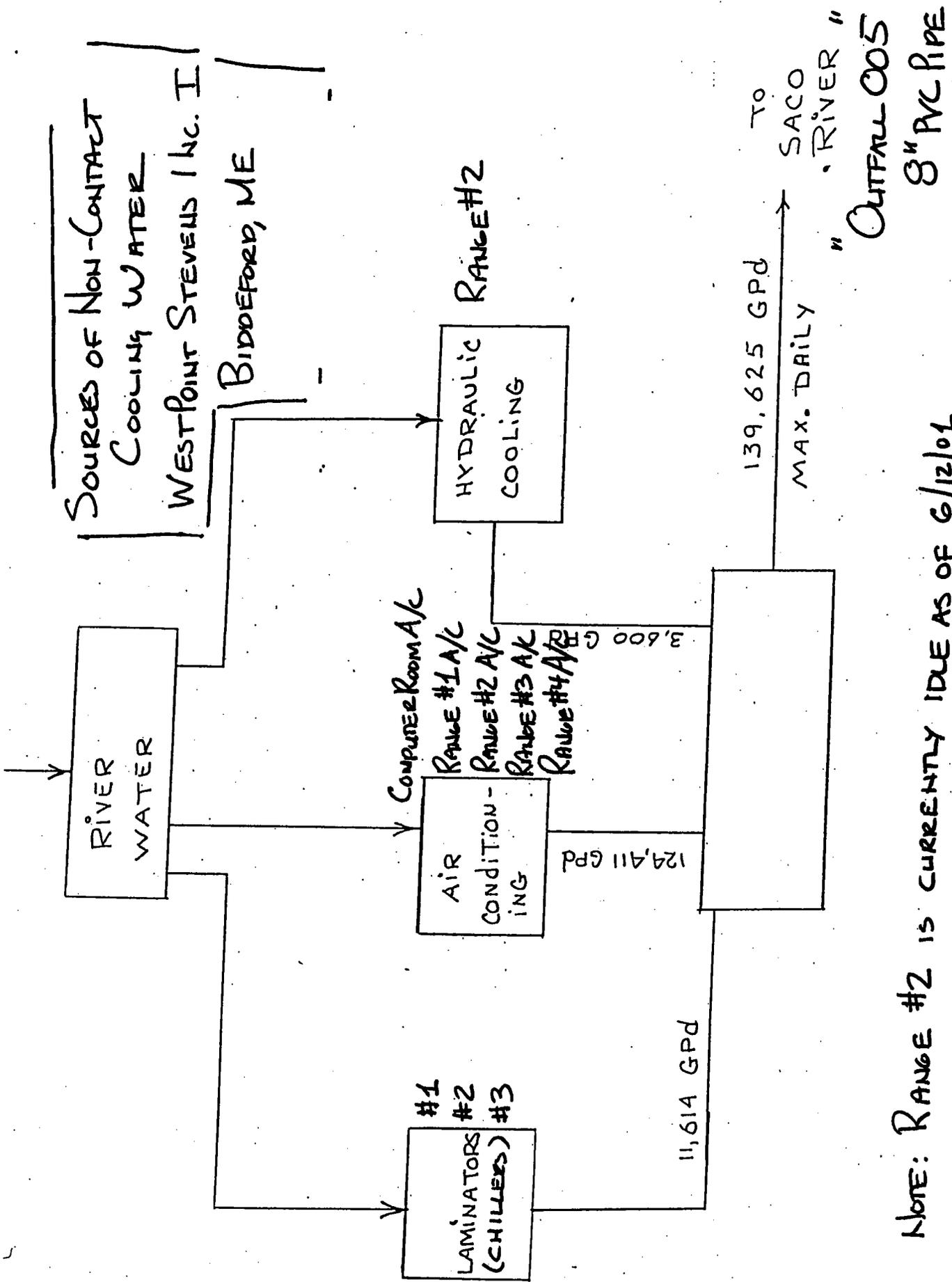
Wastewater Licensing Information



Legend

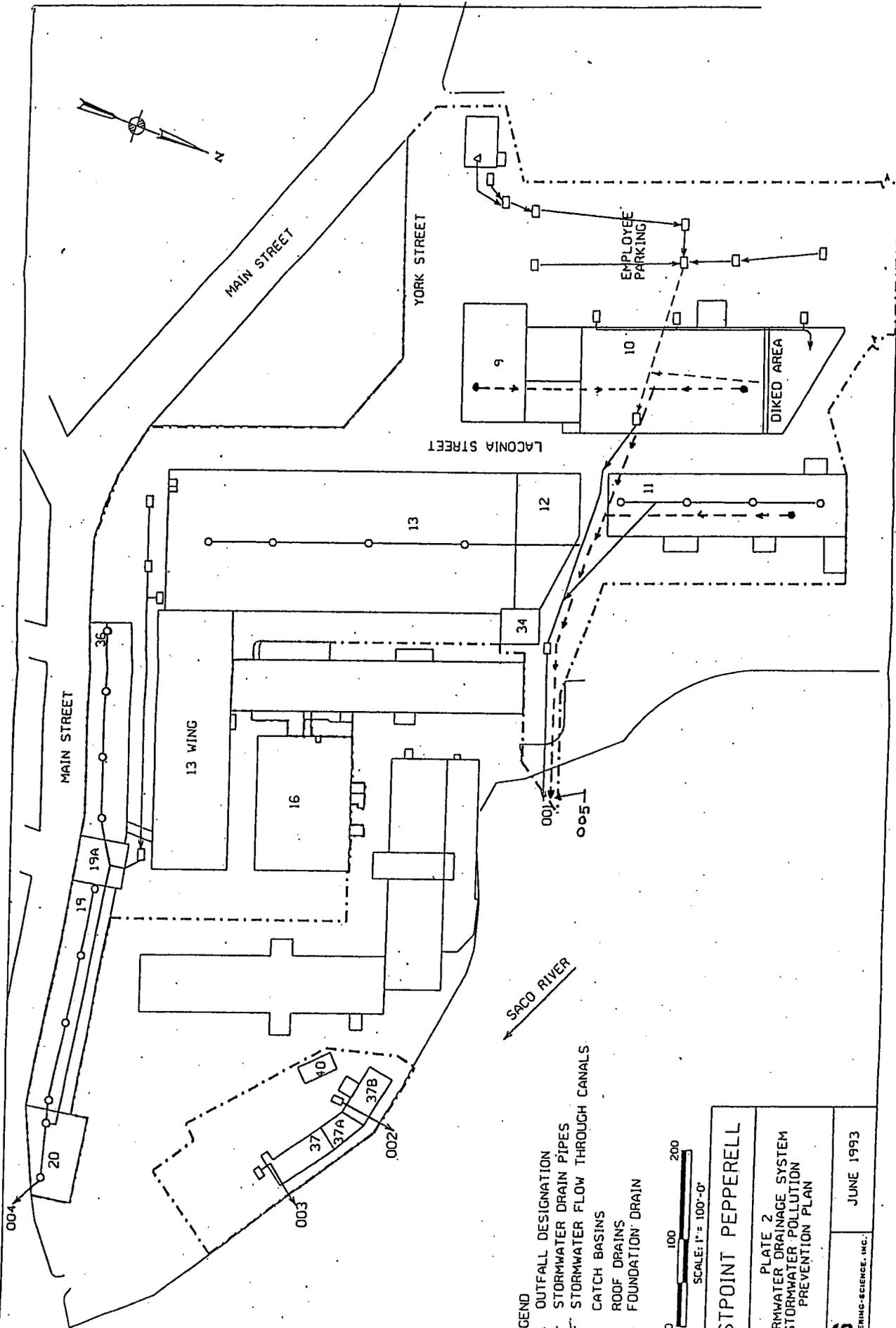
- ★ Wastewater Facilities
- ◆ CSOs
- ▲ Treated Discharges
- Town Boundaries
- ▨ Lakes & Ponds
- ▨ Rivers
- Riversheds
- dep_gis.dams_dep
- dep_gis.roads_tinis_dot
- dep_gis.streams_24k_ogis

ATTACHMENT B



NOTE: RANGE #2 IS CURRENTLY IDE AS OF 6/12/01

ATTACHMENT C



- LEGEND
- 01 OUTFALL DESIGNATION
 - STORMWATER DRAIN PIPES
 - - - STORMWATER FLOW THROUGH CANALS
 - CATCH BASINS
 - ROOF DRAINS
 - △ FOUNDATION DRAIN



STPOINT PEPPERELL

PLATE 2
 STORMWATER DRAINAGE SYSTEM
 STORMWATER POLLUTION
 PREVENTION PLAN

ENGINEERING-SCIENCE, INC. JUNE 1993