



STATE OF MAINE
Department of Environmental Protection

John Elias Baldacci
GOVERNOR

Beth Nagusky
ACTING COMMISSIONER

December 29, 2010

The Mills at Pepperell, LLC
Attn: Ms. Judy Marcotte
2 Main Street, 17-301E
Biddeford, ME. 04005

RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0000744
Maine Waste Discharge License (WDL) Application #W002790-5R-F-T
Final Permit/License Transfer

Dear Ms. Marcotte:

Enclosed please find a copy of your **final** MEPDES permit/WDL **transfer** which was approved by the Department of Environmental Protection. You must follow the conditions in the permit 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 (207) 287-7693.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Wood".

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

Enc.

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



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

IN THE MATTER OF
THE MILLS AT PEPPERELL, LLC) MAINE POLLUTANT DISCHARGE
BIDDEFORD, YORK COUNTY, MAINE) ELIMINATION SYSTEM PERMIT
NON-CONTACT COOLING WATER) AND
W002790-5R-F-T) WASTE DISCHARGE LICENSE
ME0000744 **APPROVAL**) **TRANSFER**

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 THE MILLS AT PEPPERELL, LLC (permittee hereinafter), with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. APPLICATION SUMMARY

On November 17, 2010, the permittee submitted an application to the Department for the transfer of Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0000744/ Maine Waste Discharge License (WDL) #W002790-5R-E-R, (permit hereinafter) issued on November 6, 2006, to West Point Homes Inc. The permit authorized the discharge of up to 150,000 gallons per day (gpd) of non-contact cooling water at a temperature not to exceed 84°F to the Saco River, Class SC, in Biddeford, Maine. The permit is due to expire on November 6, 2011.

The Mills at Pepperell, LLC is a Maine based limited liability corporation and has been duly qualified by the Maine Secretary of State to be in good standing and authorizes the corporation to conduct business under the laws of the State of Maine as of the date of this transfer. The permittee has submitted information demonstrating that it has legal title, right, and or interest in the facility. The permittee has submitted information demonstrating that it possesses the financial capacity and technical ability to operate the facility in compliance with the terms and conditions of the November 6, 2006, MEPDES permit/Maine WDL.

CONCLUSIONS

Based on the above Findings of Fact, the Department CONCLUDES that THE MILLS AT PEPPERELL, LLC has demonstrated it has title, right and or interest in the facility as well as the technical ability and the financial capacity to comply with all conditions of Maine Pollutant Discharge Elimination System Permit #ME0000744/ Maine Waste Discharge License #W002790-5R-E-R, dated November 6, 2006, and to satisfy all applicable statutory and regulatory criteria.

ACTION

THEREFORE, the Department APPROVES the above noted application of the THE MILLS AT PEPPERELL, LLC., SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations including:

1. The applicant shall abide by the terms and conditions of Maine Pollutant Discharge Elimination System Permit #ME0000744/ Maine Waste Discharge License #W002790-5R-E-R, dated November 6, 2010, a copy attached.
2. The transfer of the permit shall become effective on the date of signature below.
3. The above referenced permit expires on November 6, 2011.

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: November 17, 2010
Date of application acceptance: November 18, 2010

This Order prepared by Gregg Wood, BUREAU OF LAND AND WATER QUALITY
ME0000744 TR 2010 12/28/10

**APPENDIX A - MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
STANDARD LICENSE CONDITIONS FOR OVERBOARD DISCHARGES
OF LESS THAN 2,000 GALLONS PER DAY**

I. GENERAL COMPLIANCE

- A. The licensee shall comply with all terms and conditions of this license. Any noncompliance is a violation of State law and the Clean Water Act and is grounds for enforcement action; for license termination, revocation and reissuance, or modification; or denial of a license renewal application. 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, license, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.
- B. The discharge must be consistent with the terms and conditions of this license. **Changes that increase the estimated discharge volume are prohibited.** Any planned or actual facility modifications that may result in an increased discharge amount or change the discharge characteristics must be reported to the Department of Environmental Protection (hereinafter: the Department). Determinations of volume design flow must be based on the wastewater design flows described in CMR Chapter 241 Section 7, the Subsurface Waste Water Disposal Rules (the "Plumbing Code").

Facility modifications that may increase the volume or otherwise affect the characteristics of the discharge include but are not limited to:

1. Residential sources: The construction of additional bedrooms, bunkhouses or dwellings; the conversion of accessory structures to such uses, the creation of waste discharge connections from mobile homes or recreational vehicles, or an increase in the duration of the discharge beyond that authorized in this license.
2. Commercial sources: Construction or renovations that would increase restaurant seating, room capacity or other modifications or changes of use which could reasonably be expected to result in an increase in discharge volume, duration or characteristic.

Changes that increase the estimated discharge volume are a violation of the terms and conditions of this license and are therefore prohibited. Changes or modifications to discharge characteristics without prior Department approval are also a violation of this license.

- C. The licensee shall grant Department staff right of entry to the regulated wastewater treatment facility at reasonable times. The licensee shall grant staff unobstructed access to the treatment system and appurtenances (its controls, monitoring and testing equipment) for the purposes of verifying compliance, examining records, sampling the effluent, and inspecting the treatment system and appurtenances. Disinfection unit and sampling ports must be accessible at all times.

II. LIMITATIONS OF LICENSE

- A. This license does not preclude obtaining other required Federal, State or Municipal licenses
- B. The licensee shall comply with all Federal Statutes, regulations, and conditions of licenses applicable to its discharge of wastewater, including but not limited to those requiring the installation of pretreatment facilities or establishment of pretreatment programs.
- C. Apart from the installation, maintenance and replacement of the approved or existing treatment system and its appurtenances (waste collection, system controls, monitoring equipment, etc.), this license does not authorize or approve the construction of any facilities or physical structures within the shoreland zone or below the normal high water mark of any waterbody.
- D. This license does not authorize any infringement of any other body of law, be it Federal, State or local, nor does it relieve the licensee from civil or criminal penalties for non-compliance.
- E. The issuance of this license does not convey any property rights, authorize injury to public or private property or infringement upon another's personal rights.

**APPENDIX A - MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
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III. TREATMENT

- A. The licensee shall maintain the wastewater treatment system including its appurtenances in good working order and operate the system at maximum efficiency at all times.
- B. The wastewater treatment system including its appurtenances must be installed according to Department specifications and be operational prior to the discharge of wastewater.
- C. The effluent from the wastewater treatment system must not exceed the following limits:

Effluent Characteristic	Discharge Limitations	
	Monthly <u>Average</u>	Daily <u>Maximum</u>
Flow	- - -	as licensed
5-Day Biochemical Oxygen Demand (BOD)	30 mg/L	50 mg/L
Total Suspended Solids (TSS)	30 mg/L	50 mg/L
Settleable Solids	- - -	0.3 ml/L
Fecal coliform Bacteria (for marine, estuarine discharges)	15col/100ml	50 col/100ml
Escherichia coli Bacteria (for freshwater discharges)	Class B: 64 col/100ml Class C: 142 col./100ml	427 col/100 ml 949 col./100 ml
Total Residual Chlorine	1.0 mg/L	
pH	The pH of the effluent shall not be less than 6.0 or greater than 9.0	

- D. Chlorination or ultraviolet units must be used as a means of disinfection. A minimum detention time of 20 minutes in an approved contact chamber must be provided at all times for chlorinators. The total chlorine residual in the effluent must at no time cause any demonstrable harm to aquatic life in the receiving water. The total chlorine residual of the effluent may not exceed 1.0 mg/L at any time.
- E. The final effluent pipe must be placed in the receiving waters in such a manner that mixing and effective dispersion of the wastewater will be achieved and that contact with the effluent will be minimized.
- F. The licensee shall not discharge or cause to be discharged any materials designated as hazardous or toxic under the provision of Section 12, Federal Water Pollution Control Act, as amended, 33 U.S.C. 1162 (1971) or by the Department or which are known by the licensee to be hazardous or toxic.
- G. The discharge must not have a visible oil sheen, contain foam or floating solids.
- H. The discharge may not contain materials in concentrations or combinations that are hazardous or toxic to aquatic life; nor may it cause turbidity or visible discoloration in the receiving waters to exceed control values measured upstream of the discharge point.
- I. Notwithstanding specific conditions of this license the effluent may not lower that water quality standards or impair the uses designated by the classification of the receiving waters.

IV. NONCOMPLIANCE NOTIFICATION

- A. It is the obligation of the licensee to notify Department staff immediately of any malfunction in any component of the wastewater treatment system. In the event the wastewater treatment system malfunctions, the wastewater discharge is to cease within 24 hours unless authorization to the contrary is obtained from the staff of the Department.

**APPENDIX A - MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
STANDARD LICENSE CONDITIONS FOR OVERBOARD DISCHARGES
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V. MONITORING AND REPORTING

- A. The licensee shall operate and maintain the facility in accordance with Department specifications and the terms and conditions of this license. The licensee shall install supplementary monitoring, metering or testing equipment at any time during the operation of the treatment facilities as the Department may reasonably require to ensure compliance with license conditions. Metering, monitoring, testing or sampling equipment must be of a design approved by the Department. Disinfection unit and sampling port covers must be accessible at all times.
- B. The licensee shall complete, sign, certify and submit to the staff of the Department any reports, in such form and containing such information as the Department may require.

VI. LICENSE ADMINISTRATION

- A. The permittee shall maintain this license as current, submitting complete applications with all required exhibits for renewals and/or modifications as may be necessary.
- B. The licensee shall pay an annual fee to the Department for the administration of the Overboard Discharge Program and inspection of the applicant's OBD system. Payment of the fee is due within 30 days of receiving a bill from the Department.
- C. Prior to the transfer the ownership of the property, or the facility thereon, a site evaluation must be performed by a licensed site evaluator with experience in designing systems for the replacement of overboard discharges, if one has not been conducted in the previous five years. Should a practicable alternative be identified by the LSE, that system must be installed within 90 days of transfer, season and weather permitting.
- D. In the event that the named licensee transfers ownership of the facility without application by the new owner and subsequent Department approval of a transfer of the associated license, the license granted by the Department continues to authorize a discharge within the limits and subject to the terms and conditions stated in the license, and the parties to the transfer are jointly and severally liable for any violation thereof until such time as the Department approves transfer of issuance of a waste discharge license to the new owner. The Department may in its discretion require the new owner to apply for a new license, or may approve transfer of the existing license upon a satisfactory showing that the new owner can abide by its terms and conditions.
- E. All wastewater will be consigned to a municipal treatment system when said municipal system becomes available. This waste discharge license will automatically expire 90 days after a municipal facility becomes available unless the Board, in writing, for good cause shown extends this time.
- F. The Department reserves the right to make appropriate revisions to this license in order to establish any appropriate effluent limitations, schedule of compliance or other provisions which may be authorized under 38 M.R.S.A., §414-A(5)

SPECIAL CONDITIONS FOR SAND FILTER SYSTEMS

- S-1. At least three days prior to the construction or replacement of the sand filter, the licensee shall contact the Department staff in order that an inspection of the construction may be made.
- S-2. The licensee shall ensure that the septic tank is pumped at least once every three years and that periodic cleaning of the disinfection unit housing chamber is performed as may be necessary for proper disinfection and discharge of treated sanitary wastewater.

**APPENDIX A - MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
STANDARD LICENSE CONDITIONS FOR OVERBOARD DISCHARGES
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SPECIAL CONDITIONS FOR MECHANICAL TREATMENT SYSTEMS

- M-1. The licensee shall maintain a service contract for any and all treatment equipment and facilities with a service organization acceptable to the Department. A signed copy of the service contract must be forwarded or presented to the Department staff upon request.
- M-2. A tag, provided by the service contractor, must be attached to the treatment system or displayed near the treatment system in an accessible manner. The tag must show the name of the service contractor, the date of the most recent visit by the service contractor and the initials of the person conducting the service.
- M-3. The installed mechanical system must have an alarm system of a design approved by the Department.

DEFINITIONS - FOR THE PURPOSE OF THIS LICENSE, THE FOLLOWING DEFINITIONS APPLY:

- A. Daily Maximum for Concentration: The maximum value not to be exceeded by any composite or grab samples.
- B. Monthly Average for Concentration: The total discharge by weight during a calendar month divided by the number of tests in the month that the facility was operating. Where less than daily sampling is required by this license, the monthly average discharge shall be determined by the summation of all the measured daily discharges by weight divided by the number of days during the calendar month when the measurements were made.
- C. Licensee: The person identified in the findings of fact as being granted the license by the Department.
- D. Facility: "Facility" includes the waste discharge system, its appurtenances, and all connected structures that produce wastewater discharge volumes according to this license. Facility shall include unplumbed structures accessory to connected structures (bunkhouses, etc.) which would logically result in an increased discharge volume or change in effluent character.
- E. Sanitary Wastewater: Domestic effluent, having received the licensed level of treatment and disinfection.



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.

Master File



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



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 of 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.

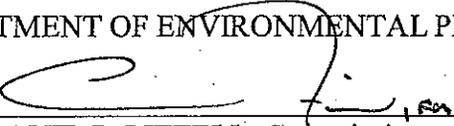
ACTION

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.

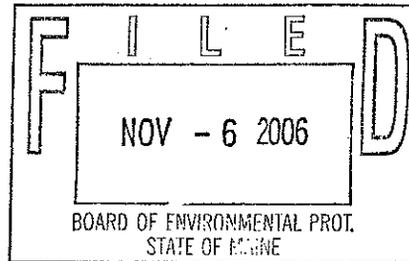
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

1. 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 <i>[50050]</i>	110,000 gpd <i>[07]</i>	150,000 gpd <i>[07]</i>	1/Month <i>[01/30]</i>	Calculate <i>[CA]</i>
Temperature <i>[00011]</i> <i>June 1 – August 31</i>	---	84° F (29° C)	2/ Week <i>[02/07]</i>	Measure ⁽¹⁾ <i>[MS]</i>
<i>September 1 – May 31</i>	---	84° F (29° C)	1/Month <i>[01/30]</i>	Measure ⁽¹⁾ <i>[MS]</i>
pH <i>[00400]</i>	---	6.0-8.5 S.U. ⁽²⁾ <i>[12]</i>	1/Month <i>[01/07]</i>	Grab ⁽¹⁾ <i>[GR]</i>

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:

- (1) Sampling location is a pipe access port located a relatively short distance back from the Saco River discharge point.
- (2) 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:

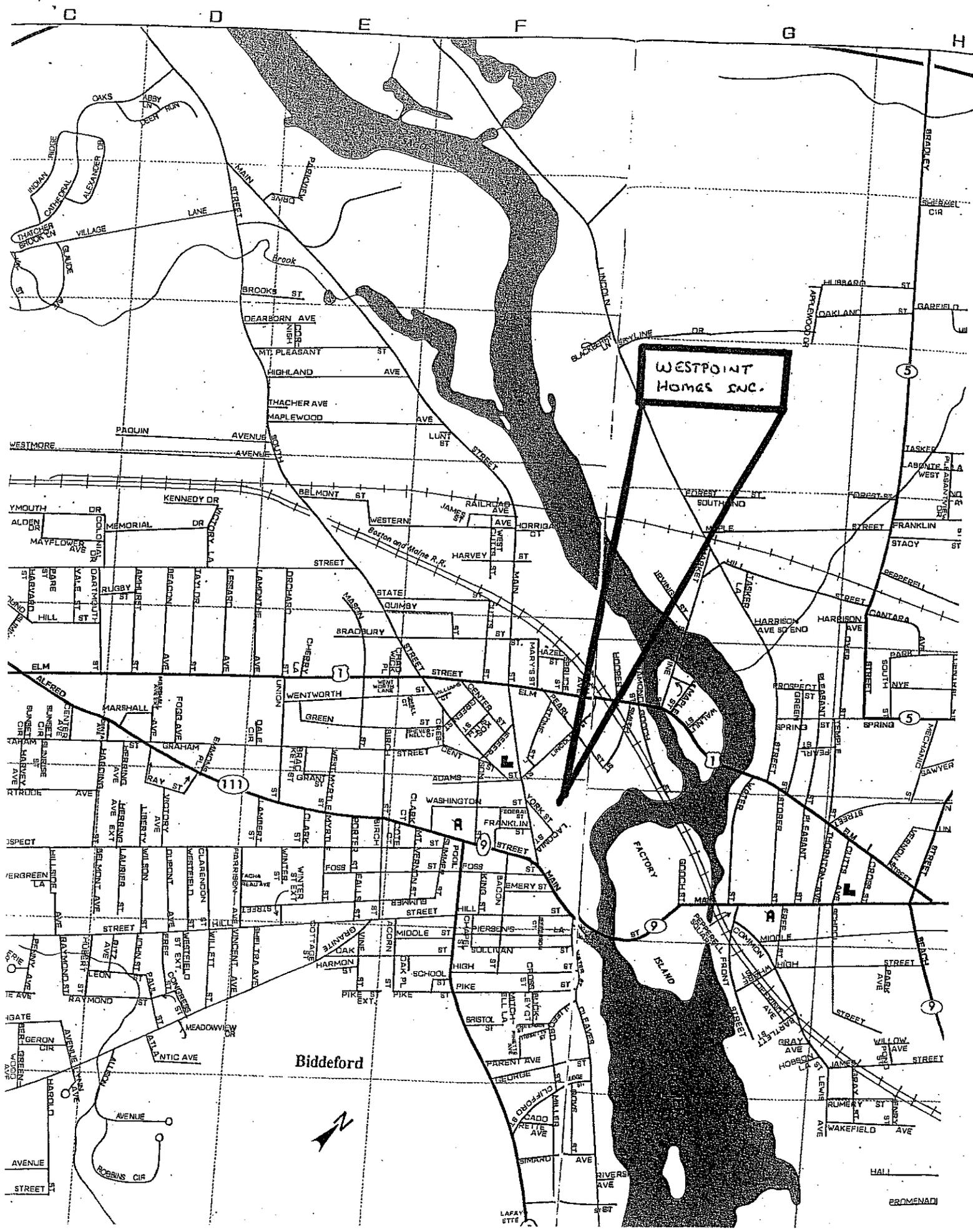
Gregg Wood
Division of Water Quality Management
Bureau of Land and Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017
e-mail: gregg.wood@maine.gov

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



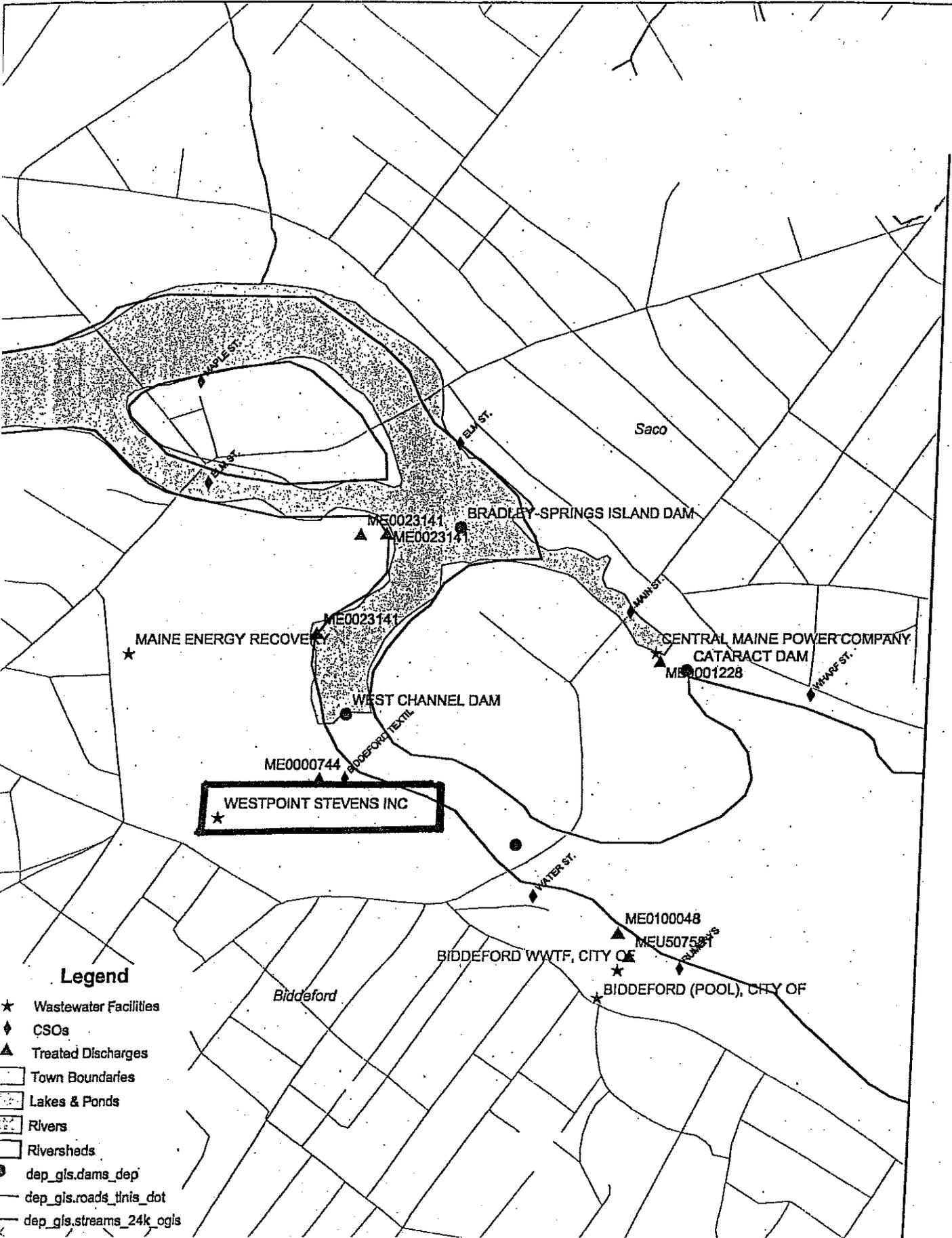
WESTPOINT
HOMES INC.

Biddeford



PROMENADI

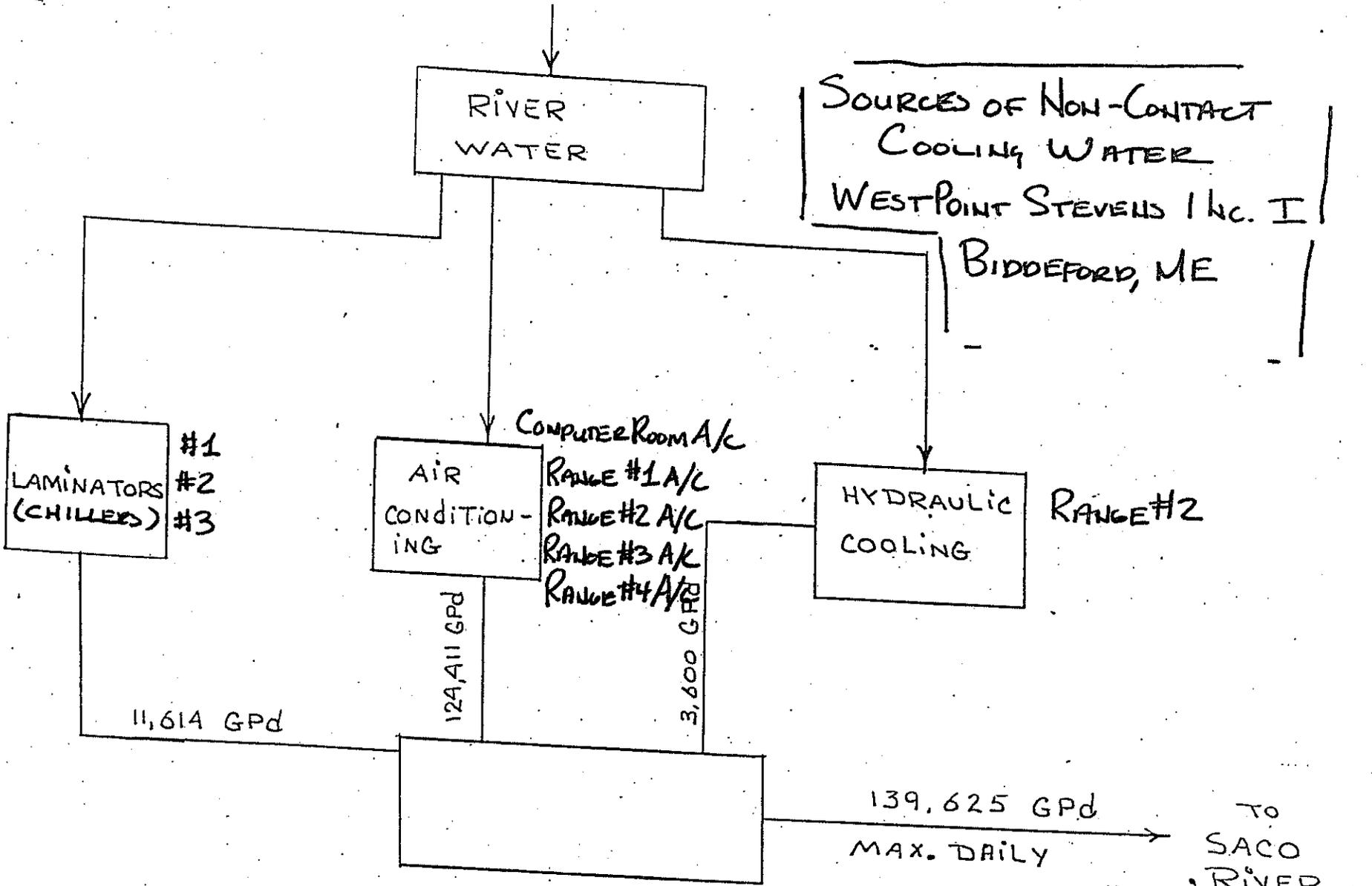
Wastewater Licensing Information



Legend

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

ATTACHMENT B



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

ATTACHMENT C

