



STATE OF MAINE
DEPARTMENT OF
ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PAUL MERCER
COMMISSIONER

November 21, 2016

Ms. Judie Marcotte
The Mills at Pepperell LLC
2 Main Street Suite #17-301
Biddeford, ME. 04005
judie@pepperellmillcampus.com

**RE: *Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0000744
Maine Waste Discharge License (WDL) Application #W002790-5R-H-R
Proposed Draft MEPDES Permit Renewal***

Dear Ms. Marcotte:

Attached is a proposed draft MEPDES permit and Maine WDL which the Department proposes to issue for your facility as a final document after opportunity for your review and comment. By transmittal of this letter, you are provided with an opportunity to comment on the proposed draft permit and its special and standard conditions. If it contains errors or does not accurately reflect present or proposed conditions, please respond to this Department so that changes can be considered.

The comment period begins on November 21, 2016 and ends on December 21, 2016. All comments on the proposed draft permit must be received in the Department of Environmental Protection office on or before the close of business Wednesday December 21, 2016. Failure to submit comments in a timely fashion will result in the proposed draft/license permit document being issued as drafted.

Comments in writing should be submitted to my attention at the following address:

Maine Department of Environmental Protection
Bureau of Water Quality
Division of Water Quality Management
17 State House Station
Augusta, ME 04333-0017
rodney.robert@maine.gov

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
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
(207) 764-0477 FAX: (207) 760-3143

The Mills at Pepperell LLC
November 21, 2016
Page 2 of 2

If you have any questions regarding the matter, please feel free to call me at 207-446-1875.

Sincerely,



Rodney Robert
Division of Water Quality Management
Bureau of Water Quality

Enclosure

cc:

Stuart Rose, MDEP
Lori Mitchell, MDEP
David Webster, USEPA
David Pincumbe, USEPA
Alex Rosenberg, USEPA
Olga Vergara, USEPA
Marelyn Vega, USEPA
Maine Dept. Inland Fisheries and Wildlife Environmental Review
Maine Dept. Marine Resources Environmental Review



DEPARTMENT ORDER

IN THE MATTER OF

THE MILLS AT PEPPERELL, LLC)	MAINE POLLUTANT DISCHARGE
BIDDEFORD, YORK COUNTY, MAINE)	ELIMINATION SYSTEM PERMIT
NON-CONTACT COOLING WATERS)	AND
#ME0000744)	WASTE DISCHARGE LICENSE
#W002790-5R-H-R)	RENEWAL
APPROVAL)	

In compliance with the provisions of the *Federal Water Pollution Control Act*, Title 33 U.S.C. § 1251, *Conditions of licenses*, 38 M.R.S. § 414-A, and applicable regulations, the Department of Environmental Protection (Department) has considered the application of THE MILLS AT PEPPERELL, LLC (permittee) with its supportive data, agency review comments, and other related materials on file FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

The Mills at Pepperell, LLC has applied to the Department for the renewal of combination Maine Waste Discharge License (WDL) #W002790-5R-G-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0000744, which was issued on December 6, 2011. The 12/6/11 permit authorized the monthly average discharge of up to 110,000 gallons per day (GPD) and daily maximum discharge of up to 150,000 GPD of non-contact cooling water from an industrial manufacturing facility to Saco River, Class C, in Biddeford, Maine.

PERMIT SUMMARY

This permitting action is carrying forward all numeric effluent limitations established in the December 6, 2011 permitting action.

CONCLUSIONS

BASED on the findings summarized in the attached Fact Sheet dated November 21, 2016 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. §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) 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 water quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharges are subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S. § 414-A(1)(D).

ACTION

THEREFORE, the Department APPROVES the above noted application of THE MILLS AT PEPPERELL, LLC to discharge a monthly average flow of 110,000 gallons per day and a daily maximum of 150,000 gallons per day, of non-contact cooling water to the Saco River, Class SC, in Biddeford, Maine, SUBJECT TO ALL APPLICABLE STANDARDS AND REGULATIONS AND THE FOLLOWING CONDITIONS:

1. “*Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable to All Permits*,” revised July 1, 2002, copy attached.
2. The attached Special Conditions, including any effluent limitations and monitoring requirements.
3. This permit becomes effective upon the date of signature below and expires at midnight five (5) years after that date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this permit, the terms and conditions of this permit and all subsequent modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. *Maine Administrative Procedure and Services*, 5 M.R.S. § 10002 and Rules Concerning the *Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (amended October 19, 2015).

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS ____ DAY OF _____ 2016.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
PAUL MERCER, Commissioner

Date of initial receipt of application June 6, 2016

Date of application acceptance June 17, 2016

Date filed with Board of Environmental Protection _____.

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- The permittee is authorized to discharge **non-contact cooling water via Outfall #005A** to the Saco River in Biddeford, Maine. Such discharges must be limited and monitored by the permittee as specified below⁽¹⁾:

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
	as specified	as specified	as specified	as specified
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] June 1-August 31</i>	---	84° F <i>[15]</i>	2/Week <i>[02/07]</i>	Measure <i>[MS]</i>
Temperature <i>[00011] September 1-May 31</i>	---	84° F <i>[15]</i>	1/Month <i>[01/30]</i>	Measure <i>[MS]</i>

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

FOOTNOTES:

- Sampling** – Sampling and analysis must be conducted in accordance with; a) methods approved in Title 40 *Code of Federal Regulations* (40 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. For reporting purposes, the permittee must enter “0” on monthly Discharge Monitoring Reports when there was no discharge for the entire reporting period.

SPECIAL CONDITIONS

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent must 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 must not contain materials in concentrations or combinations which are hazardous or toxic to aquatic life, or which would impair the usages designated for the classification of the receiving waters.
3. The discharge must not cause visible discoloration or turbidity in the receiving waters which would impair the usages designated for 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 must 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 must 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. AUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge Permit, accepted for processing on June 17, 2016; 2) the terms and conditions of this permit; and 3) only from Outfall #005A. Discharges of wastewater from any other point source are not authorized under this permit, and must be reported in accordance with Standard Condition D(1)(F)(twenty-four hour reporting) of this permit.

SPECIAL CONDITIONS

E. COMMENCEMENT OF OPERATIONS

At a minimum of ninety (90) days prior to commencing production/operations, the permittee must meet with the Department's permitting and compliance inspection staff to review applicability of the permit limitations, monitoring requirements and reporting requirements. Should the Department determine the proposed production/operations are significantly different than what has been presented in the June 17, 2016, application materials, the Department may require the permittee to submit a revised application to the Department.

F. REOPENING OF PERMIT FOR MODIFICATIONS

Upon evaluation of the tests results or monitoring requirements specified in the 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 any time 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.

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 must remain in full force and effect, and must 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
WASTE DISCHARGE LICENSE**

FACT SHEET

DATE: **NOVEMBER 21, 2016**

MEPDES PERMIT: **#ME0000744**
WASTE DISCHARGE LICENSE: **#W002790-5R-H-R**

NAME AND ADDRESS OF APPLICANT:

**THE MILLS AT PEPPERELL, LLC
2 MAIN STREET, SUITE 17-301E
BIDDEFORD, MAINE 04005**

COUNTY: **YORK**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**THE MILLS PEPPERELL, LLC
2 MAIN STREET, SUITE 17-301E
BIDDEFORD, MAINE 04005**

RECEIVING WATER / CLASSIFICATION: **SACO RIVER / CLASS SC**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER:

MS. JUDY MARCOTTE
(207) 282-5577
eastland@northdammill.com

1. APPLICATION SUMMARY

- a. Application: The Mills at Pepperell, LLC has applied to the Department for the renewal of combination Maine Waste Discharge License (WDL) #W002790-5R-G-R / Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0000744, which was issued on December 6, 2011. The 12/6/11 permit authorized the monthly average discharge of up to 110,000 gallons per day (GPD) and daily maximum discharge of up to 150,000 GPD of non-contact cooling water from an industrial manufacturing facility to Saco River, Class SC, in Biddeford, Maine.

2. PERMIT SUMMARY

- a. Terms and conditions: **This permitting action is carrying forward all numeric effluent limitations established in the December 6, 2011 permitting action.**
- b. History: This section provides a summary of significant regulatory actions associated with The Mills at Pepperell, LLC.

August 22, 1979 – The U.S. Environmental Protection Agency (USEPA) issued National Pollutant Discharge Elimination System (NPDES) permit renewal #ME0000744 to West Point – Pepperell, Inc. for a five-year term. The August 22, 1979 permit superseded the NPDES permit issued to West Point Pepperell, Inc. on December 20, 1974.

January 12, 2001 – The Department received authorization from the USEPA to administer the NPDES permit program in Maine, excluding areas of special interest to Maine Indian Tribes. From that point forward, the program has been referred to as the MEPDES program, and MEPDES permit #ME0000744 has been utilized as the primary reference number for The Mills at Pepperell, LLC facility.

November 6, 2006 – The Department issued combination WDL/MEPDES permit #W002790-5R-E-R/#ME0000744 to Westpoint Homes, Inc. for a five-year term. The November 6, 2006 permit superseded WDL #W002790-5R-D-R issued on October 1, 2001 and all previous WDLs back to the earliest order on file, dated April 15, 1984.

November 4, 2011 – The Mills at Pepperell, LLC submitted a timely and complete General Application to the Department for renewal of the November 6, 2006 MEPDES permit. The application was accepted for processing on November 4, 2011, and was assigned WDL #W002790-5R-G-R / MEPDES #ME0000744.

December 6, 2011 – The Department issued combination WDL/MEPDES permit #W002790-5R-G-R / MEPDES #ME0000744 for a five year term..

- c. Source Description: The Mills at Pepperell LLC, at the Pepperell Mill Campus in Biddeford, Maine utilizes non-contact cooling water for the cooling of industrial equipment used in a variety of production purposes. Water is drawn from the Saco River just above the West Channel Dam for the cooling of manufacturing equipment and processes.
Wastewaters from the dyeing operations and sanitary wastewater generated at the mill are conveyed to the City of Biddeford's collection system.
- d. Wastewater Treatment: Non-contact cooling waters are not treated with any chemicals or compounds and do not receive treatment prior to discharge. The pollutant of concern in non-contact cooling waters is heat or thermal loading to the receiving waters. The discharge is conveyed to the Saco River via an 8-inch diameter outfall pipe that terminates above the mean low water level of the tidally influenced segment of the Saco River.

3. CONDITIONS OF PERMITS

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

4. RECEIVING WATER QUALITY STANDARDS

Classification of estuarine and marine waters, 38 M.R.S. § 469(8)(E)(2) classifies the tidal waters of the Saco River, which includes the river at the point of discharge, as Class SC waters. *Standards for classification of estuarine and marine waters*, 38 M.R.S. § 465-B(3) describes the standards for Class SC waters.

5. RECEIVING WATER QUALITY CONDITIONS

The *State of Maine 2012 Integrated Water Quality Monitoring and Assessment Report* lists a 1,245-acre area of the tidal Saco River as “*Category 4-A: Estuarine and Marine Waters with Impaired Use, TMDL Completed.*” The Report states, “(A TMDL is complete, but there is insufficient new data to determine if attainment has been achieved. Note: Bacteria may impair either recreational uses (swimming) or shellfish consumption uses, or both. Shell fish consumption impairments only apply to waters naturally capable of supporting the shellfish-harvesting use (i.e., waters of high enough salinity for propagation of shellfish.) On September 28, 2009, the USEPA approved the Department’s *Maine Statewide Bacteria TMDL (Total Maximum Daily Loads)*, dated August 2009, for fresh, marine and estuarine waters impaired by bacteria. The Department has no information that the discharge of non-contact cooling water from this facility causes or contributes to non-attainment of bacteria standards for Class SC waters.

6. EFFLUENT LIMITATIONS & MONITORING REQUIREMENTS

- a. Flow: The previous permitting action established, and this permitting action is carrying forward, monthly average and daily maximum discharge flow limits of 110,000 gallons per day (GPD) and 150,000 GPD, respectively, which are based on calculated and anticipated discharge rates via Outfall #005A.

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

The permittee reported no discharge from September 2009 through the issuance date of this permit.

The permittee must consult the Department compliance inspector no less than ninety (90) days prior to resuming the discharge of cooling waters from this facility as stated in Special Condition E of the permit.

- b. Temperature: This permitting action carries forward the previously established daily maximum effluent temperature limitation of 29 degrees Celsius (29°C) / 84 degrees Fahrenheit (84°F) with bi-weekly monitoring during June 1 – August 31 and monthly monitoring during September 1 – May 31 of each year. *Regulations Relating to Temperature*, 06-096 CMR 582(5) states,

No discharge of pollutants must cause the monthly mean of the daily maximum ambient temperatures in any tidal body of water, as measured outside the mixing zone, to be raised more than 4 degrees Fahrenheit, nor more than 1.5 degrees Fahrenheit from June 1 to September 1. In no event must any discharge cause the temperature of any tidal waters to exceed 85 degrees Fahrenheit at any point outside a mixing zone established by the Board.

The assimilative capacity of the Saco River (thermal load that would cause the river to increase by 1.5°F) at the critical 7Q10 low flow (448 cfs) can be calculated as follows:

$$(448 \text{ cfs})(0.6464)(1.5^\circ\text{F})(8.34 \text{ lbs./gallon})(10^6 \text{ gallons}) = 3.6 \times 10^9 \text{ Btu/day}$$

Based on the DMR data reported prior to 2010, the Department is carrying forward a best professional judgment daily maximum effluent temperature limitation of 84°F. With a daily maximum flow rate of 150,000 GPD (equal to 0.150 million gallons per day, MGD) and a daily maximum temperature limit of 84°F, the discharge from The Mills at Pepperell, LLC will comply with the instantaneous temperature limit of 85°F established by 06-096 CMR 582. The calculation is as follows:

$$(0.150 \text{ MGD})(84^\circ\text{F} - 85^\circ\text{F})(8.34 \text{ lbs./gallon})(10^6 \text{ gallons}) = 1.0 \times 10^6 \text{ Btu/day}$$

$$1.0 \times 10^6 \text{ Btu/day (thermal loading)} < 3.6 \times 10^9 \text{ Btu/day (assimilative capacity)}$$

This permitting action is carrying forward the minimum monitoring frequency requirements for temperature.

7. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As permitted, the Department has determined the existing water uses will be maintained and protected and that the discharge will not cause or contribute to the failure of the Saco River to meet the applicable standards for Class SC classification.

8. PUBLIC COMMENTS

Public notice of this application was made in the *Journal Tribune* newspaper on or about June 16, 2016. The Department receives public comments on an application until the date a final agency action is taken on the application. Those persons receiving copies of draft permits must have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR 522 (effective January 12, 2001).

9. DEPARTMENT CONTACTS

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

Rodney Robert
Division of Water Quality Management
Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 446-1875
e-mail: rodney.robert@maine.gov

10. RESPONSE TO COMMENTS

Reserved until the end of the formal thirty (30) day comment period