

March 11, 2008

Ms. Ellen Rossi
Jasper Wyman & Son
P.O. Box 100
Milbridge, ME 04658

***RE: Maine Pollutant Discharge Elimination System (MEPDES) Permit #ME0036919
Maine Waste Discharge License (WDL) Application #W007847-5O-D-M
FINAL MEPDES Permit/WDL Modification***

Dear Ms. Rossi:

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 287-7659.

Sincerely,

Bill Hinkel
Division of Water Quality Management
Bureau of Land and Water Quality

Enc.

cc: Jim Sohns, DEP
Lori Mitchell, DEP
Sandy Lao, USEPA
File #7847

IN THE MATTER OF

JASPER WYMAN & SON)	MAINE POLLUTANT DISCHARGE
DEBLOIS, WASHINGTON COUNTY)	ELIMINATION SYSTEM PERMIT
BLUEBERRY PROCESSING/STORM WATER)	AND
#ME0036919)	WASTE DISCHARGE LICENSE
#W007847-5O-D-M)	MODIFICATION
APPROVAL		

Pursuant to the provisions of the *Federal Water Pollution Control Act*, Title 33 USC, §1251, *Conditions of Licenses*, 38 M.R.S.A. § 414-A, and applicable regulations, the Maine Department of Environmental Protection (Department) is hereby modifying the combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0036919/Maine Waste Discharge License (WDL) #W007847-5O-C-R issued to JASPER WYMAN & SON (Wyman's) on March 19, 2007. With its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

Wyman's has applied to the Department for modification of the 3/19/07 MEPDES permit/WDL. The 3/19/07 MEPDES permit/WDL authorizes the discharge of blueberry processing waste waters via a surface wastewater disposal system (75,600 gallons per acre per week for each of two spray irrigation fields), as well as the discharge of storm water to Great Falls Branch, Class A, in Deblois, Maine.

MODIFICATION SUMMARY

The Department is modifying the aforementioned MEPDES permit/WDL by authorizing the discharge of an additional 35,000 gallons per day (GPD) of blueberry processing waste waters resulting from the proposed expansion of the blueberry processing facility. Wyman's proposal and application increases the daily waste water volume from approximately 113,000 GPD to 148,000 GPD and reorganizes and expands the number of spray irrigation fields from two (2) to seven (7).

This permit modification is revising the treatment plant operator requirement from a Grade II to a SITS-II pursuant to Maine law and Department rules.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated March 11, 2008, 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, *Classification of Maine waters*, 38 M.R.S.A. § 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 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 discharge will be subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S.A. § 414-A(1)(D).

ACTION

THEREFORE, the Department is hereby MODIFYING the combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0036919/Maine Waste Discharge License (WDL) #W007847-5O-C-R issued to JASPER WYMAN & SON (Wyman's) on March 19, 2007, and APPROVES Wyman's to treat waste water generated at a average daily flow rate of 148,000 gallons per day and to operate a surface waste water disposal (spray irrigation) system that uses spray irrigation to discharge up to 2.8 inches per acre per week (75,600 gallons per acre per week) via seven (7) spray irrigation areas SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

1. *Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits*, revised July 1, 2002, copy attached.
2. All terms and conditions in combination MEPDES permit #ME0036919 / WDL #W007847-5O-C-R, dated March 19, 2007, not modified by this permitting action remain in effect and enforceable.
3. The attached Special Conditions, including any effluent limitations and monitoring requirements.
4. This permit modification expires on March 19, 2012, concurrent with combination MEPDES permit #ME0036919 / WDL #W007847-5O-C-R issued by the Department on March 19, 2007.

DONE AND DATED AT AUGUSTA, MAINE, THIS 11th DAY OF March, 2008.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
DAVID P. LITTELL, Commissioner

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: December 3, 2007

Date of application acceptance: December 10, 2007

Date filed with Board of Environmental Protection _____

This Order prepared by William F. Hinkel, BUREAU OF LAND & WATER QUALITY
#W007847-5O-D-M /#ME0036919 March 11, 2008

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- The permittee is authorized to operate a surface waste water disposal system consisting of the following seven (7) spray irrigation areas: **SPRAY IRRIGATION AREAS (PCS IDs) SA-A, SA-B, SA-C, SA-D, SA-E, SA-F, and SA-G**. The seven spray irrigations areas shall be limited and monitored as specified below ⁽¹⁾.

APRIL 15 – NOVEMBER 15

Effluent Characteristic	Discharge Limitations		Minimum Monitoring Requirements	
	Monthly <u>Total</u> as specified	Weekly <u>Maximum</u> as specified	Measurement <u>Frequency</u> as specified	Sample <u>Type</u> as specified
Application Rate (Weekly) ⁽²⁾ <i>[01287]</i>	---	75,600 gal/acre/week ⁽³⁾ (2.8 inches/acre/week) <i>[8B]</i>	1/Week <i>[01/07]</i>	Calculate <i>[CA]</i>
Flow – Total Gallons ⁽²⁾ (collectively for all spray areas) <i>[82220]</i>	Report (Gallons) <i>[80]</i>	---	1/Month <i>[01/30]</i>	Calculate <i>[CA]</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: See Page 5 of this permit for applicable footnotes.

SPECIAL CONDITIONS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

FOOTNOTES:

1. **Sampling** – Sampling and analysis must be conducted in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis shall be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services.
2. **Weekly Application Rate** – A field's weekly application rate is the total gallons sprayed over the applicable period of time divided by the size of the wetted area of the spray-irrigation field or the area in acres of that portion of the field utilized. The permittee shall measure the flow of waste water to the irrigation area by the use of a flow measuring device that is checked for calibration at least once per calendar year. Weekly is defined as Sunday through Saturday.
3. **Discharge Monitoring Report (DMR) Reporting** – The permittee shall report the highest weekly application rate for the month in the applicable box on the form. Compliance with weekly reporting requirements must be reported for the month in which the calendar week ends.

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. AUTHORIZED DISCHARGES

The permittee is authorized to discharge only in accordance with: 1) the permittee's General Application for Waste Discharge License Modification, accepted for processing on December 10, 2007; 2) the terms and conditions of this WDL Modification; 3) the terms and conditions of WDL #W007847-5O-C-R issued on March 19, 2007 not otherwise modified herein; 4) via spray irrigation areas referenced as SA-A, SA-B, SA-C, SA-D, SA-E, SA-F, and SA-G; and 5) storm water outfalls #007, #008, #009. Discharges of wastewater from any other point source are not authorized under this permit, and shall be reported in accordance with Standard Condition B(5), *Bypasses*, of this permit.

SPECIAL CONDITIONS

D. TREATMENT PLANT OPERATOR

The treatment facility must be operated by a person holding a minimum of a Grade SITS-II certificate (or Registered Maine Professional Engineer) pursuant to *Sewerage Treatment Operators*, 32 M.R.S.A. § 4171-4182 and *Regulations for Wastewater Operator Certification*, 06-096 CMR 531 (effective May 8, 2006). All proposed contracts for facility operation by any person must be approved by the Department before the permittee may engage the services of the contract operator.

E. REOPENING OF PERMIT FOR MODIFICATION

Upon evaluation of the tests results 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 monitoring if results on file are inconclusive; or (3) change monitoring requirements or limitations based on new information.

F. 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
MAINE WASTE DISCHARGE LICENSE**

FACT SHEET

Date: **MARCH 11, 2008**

MEPDES PERMIT NUMBER: **#ME0036919**
WASTE DISCHARGE LICENSE NUMBER: **#W007847-5O-D-M**

NAME AND ADDRESS OF APPLICANT:

**JASPER WYMAN & SON
P.O. BOX 100
601 ROUTE 193
MILBRIDGE, MAINE 04658**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**JASPER WYMAN & SON
601 ROUTE 193
DEBLOIS, MAINE 04658**

COUNTY: **WASHINGTON COUNTY**

RECEIVING WATER/CLASSIFICATION:

**SPRAY IRRIGATION
GROUND WATER, CLASS GW-A**

**STORM WATER
GREAT FALLS BRANCH, CLASS A**

COGNIZANT OFFICIAL AND PHONE NUMBER:

**MS. ELLEN ROSSI
SENIOR OPERATIONS MANAGER
(207) 546-3381**

1. APPLICATION SUMMARY

Application: Jasper Wyman and Son (Wyman's) has applied to the Department of Environmental Protection (Department) for modification of combination Maine Pollutant Discharge Elimination System (MEPDES) permit #ME0036919/Maine Waste Discharge License (WDL) #W007847-5O-C-R issued on March 19, 2007. The 3/19/07 MEPDES permit/WDL authorizes the discharge of blueberry processing waste waters via a surface wastewater disposal system (75,600 gallons per acre per week for each of two spray irrigation fields), as well as the discharge of storm water to Great Falls Branch, Class A, in Deblois, Maine.

2. REGULATORY SUMMARY

The Department is modifying the aforementioned MEPDES permit/WDL by authorizing the discharge of an additional 35,000 gallons per day (GPD) of blueberry processing waste waters resulting from the proposed expansion of the blueberry processing facility. Wyman's proposal and application increase the daily waste water volume from approximately 113,000 GPD to 148,000 GPD and reorganizes and expands the number of spray irrigation fields from two (2) to seven (7).

This permit modification is revising the treatment plant operator requirement from a Grade II to a SITS-II pursuant to Maine law and Department rules.

a. History: Recent relevant licensing/permitting actions include the following:

August 24, 2006 – Wyman's submitted a timely and complete General Application to the Department for renewal of their 12/31/01 WDL.

March 19, 2007 – The Department issued combination MEPDES permit #ME0036919/WDL #W007847-5O-C-R to Wyman's for the discharge of blueberry processing waste waters via a surface wastewater disposal system (via two spray irrigation fields), as well as the discharge of storm water to Great Falls Branch, Class A, in Deblois, Maine. The 3/19/07 permit is scheduled to expire on March 19, 2012.

December 3, 2007 – Wyman's submitted a complete General Application to the Department for modification of their 3/19/07 permit. The application was accepted for processing on December 10, 2007.

b. Modification Requested: The Jasper Wyman & Son processing facility in Deblois, Maine is a blueberry processing facility. Raw product is harvested, received at the facility, cleaned and flash frozen through freezing tunnels, packaged, and labeled. Frozen blueberries are also stored in bulk and packaged for retail sale at a later date.

The facility seeks to expand production by constructing approximately 40,000 square feet of additional freezer storage and 31,000 square feet of production and dock space. The expansion area will be connected to the existing building.

2. MODIFICATION SUMMARY (cont'd)

As part of the expansion, the facility will need to discharge additional condensate and defrost water used in the processing and freezing of produce. Wyman's indicated that their data shows the existing daily process water use at the facility is approximately 113,000 gallons per day (gpd). The facility expansion will have an anticipated water use of an additional 35,000 gpd, increasing the anticipated total volume to 148,000 gpd. As such, Wyman's has requested modification of the 3/19/07 permit to accommodate the increased process waste water disposal needs.

This increase in waste water generation is anticipated to reduce the retention time in the existing 1.5-million gallon capacity lagoon from 13.3 days to 10.1 days.

Wyman's proposed expansion of the spray irrigation system is based on past assumptions that the daily spray irrigation applications need to be approximately 1.5 times the daily waste water production generation at the facility. The proposed rate provides an approximate daily spray volume of 220,000 gpd ($148,000 \text{ gpd} \times 1.5 = 220,000 \text{ gpd}$). This safety margin is factored into Wyman's calculations to account for climate conditions or other factors that may prevent the facility from spraying each day during the authorized season.

The total area needed to apply the proposed 220,000 gpd of process waste waters is approximately 21 acres (seven sites measuring 2.93 acres each), which is based on an approved application rate of 2.8 inches per acre per week. However, due to overlap of the spray circles, the area will have an equivalent size of approximately 29.5 acres (seven sites at 4.2 equivalent acres each).

The proposed spray irrigation plan contains seven (7) different spray areas (identified as SA-A, SA-B, SA-C, SA-D, SA-E, SA-F, and SA-G in this permitting action). Each area contains 12 spray heads and the areas have been arranged so that daily application does not overlap the previous day's application. An additional 12.3 acres of land area has also been designated as reserve areas for future use if necessary. These areas have the same basic soil profile as the areas where spray irrigation is currently operating. The Department's hydrogeologist has recommended that Wyman's collect baseline ground water monitoring data from monitoring wells within the reserved land areas prior to proposing use of these areas for spray irrigation. This recommendation is strongly supported by the Department to assess changes in ground water quality as the Wyman's facility expands operations.

- c. Spray Area Site Conditions: CES, Inc. performed a Class B High Intensity Soil Survey for the proposed expansion of the spray irrigation areas. The site conditions and soil map units were found to be consistent with those mapped as part of a Class B High Intensity Soil Survey conducted by S.W. Cole Engineering, Inc., in 1994. Detailed soils information may be reviewed in the fact sheet associated with the 3/19/07 permit as well as in Wyman's 12/10/07 General Application, which includes a copy of CES, Inc.'s November 2007 soil survey report.

3. CONDITIONS OF PERMITS

Conditions of licenses, 38 M.R.S.A. § 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., § 420 and 06-096 CMR 530 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 ground water, 38 M.R.S.A. § 470 classifies the groundwater at the point of discharge as Class GW-A waters. *Standards for the classification of ground water*, 38 M.R.S.A. § 465-C describes the standards for Class GW-A waters as the highest classification of groundwater and shall be of such quality that it can be used for public water supplies. These waters shall be free of radioactive matter or any matter that imparts color, turbidity, taste or odor which would impair the usage of these waters, other than occurring from natural phenomena.

5. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- a. Spray Irrigation Application Rate: The 3/19/07 permitting action established, and this permit modification is carrying forward, a weekly maximum application rate of 75,600 gallons per acre per week (2.8 inches per acre per week) for the spray irrigation areas. This permit modification is identifying a total of seven (7) separate spray irrigation areas authorized for use for the disposal of waste waters. This is based on the reorganization of the two existing spray areas (identified as SF 1 and SF 2 in the 3/19/07 permit) and inclusion of the new spray irrigation areas. The seven spray areas have been assigned permit compliance system identifiers of SA-A through SA-G. The weekly average limitation is based on the on the characteristics of in-situ soils and to ensure a margin of safety against hydraulically overloading a spray area on any one given day. This permitting action authorizes the use of the spray irrigation system during the period of April 15 through November 15 of each year, provided compliance with the other terms and conditions of this permit. The irrigation flow rate shall be calculated on a daily basis when the system is in use. This permitting action establishes a monthly total reporting requirement for total gallons of wastewater applied to all spray areas collectively.

6. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

As permitted, the Department has determined the existing water uses will be maintained and protected and the discharges will not cause or contribute to the failure of the water body to meet standards for Class GW-A classification.

7. PUBLIC COMMENTS

Public notice of this application was made in the *Downeast Coastal Press* newspaper on or about November 29, 2007. 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 shall 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).

8. DEPARTMENT CONTACTS

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

William F. Hinkel
Division of Water Quality Management
Bureau of Land & Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 287-7659 Fax: (207) 287-3435
e-mail: bill.hinkel@maine.gov

9. RESPONSE TO COMMENTS

During the period of February 7, 2008 through March 10, 2008, the Department solicited comments on the proposed draft Maine Pollutant Discharge Elimination System Permit to be issued Wyman's for the proposed discharge. The Department did not receive significant comments on the proposed draft permit; therefore a response to comments was not prepared.