



STATE OF MAINE
Department of Environmental Protection

Paul R. LePage
GOVERNOR

Patricia W. Aho
COMMISSIONER

December 2, 2014

Mr. Greg McCrum
Procurement & Environmental Manager
Pineland Farms Potato Company Inc.
115 Presque Isle Road
Mars Hill, ME. 04758
e-mail gmccrm@pinelandfarms.com

RE: Integrated Compliance Information System (ICIS) #MEU507949
Maine Waste Discharge License (WDL) Application #W007949-5P-F-R
Final License

Dear Mr. McCrum:

Enclosed please find a copy of your **final** Maine WDL **renewal** which was approved by the Department of Environmental Protection. Please read this license renewal 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: William Sheehan, DEP/NMRO
Lori Mitchell, DEP/CMRO

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-3901 FAX: (207) 287-3435
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
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312 CANCO ROAD
PORTLAND, MAINE 04103
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PRESQUE ISLE
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PRESQUE ISLE, MAINE 04769-2094
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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION
AUGUSTA, ME 04333

DEPARTMENT ORDER

IN THE MATTER OF

PINELAND FARMS POTATO COMPANY INC.)	PROTECTION AND IMPROVEMENT
MARS HILL, AROOSTOOK COUNTY, MAINE)	OF WATERS
SURFACE WASTE WATER DISPOSAL SYSTEM)	
MEU507949)	WASTE DISCHARGE LICENSE
#W007949-5P-F-R)	RENEWAL
	APPROVAL	

Pursuant to the provisions of 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 PINELAND FARMS POTATO COMPANY INC.(Pineland/licensee hereinafter) with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

Pineland has submitted a timely and complete application to the Department for the renewal of Waste Discharge License (WDL) #W007949-5P-C-R which was issued on December 22, 2009 for a five-year term. The 12/22/09 WDL authorized the disposal of treated vegetable processing waste water onto the surface of the ground via a surface waste water disposal system (spray irrigation) during the summer months and snowmaking system during the winter months. The processing plant, the waste water treatment system and current disposal systems are all located on a 176-acre spray site in Mars Hill, Maine.

LICENSE SUMMARY

The licensee has not requested any substantive modifications to the 12/22/09 WDL. Therefore, this WDL is carrying forward all the terms and conditions of the previous licensing action.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated October 28, 2014, 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.A., 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) Where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and
 - (e) Where a discharge will result in lowering the existing quality of any water body, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.
4. The discharge will be subject to effluent limitations that require application of best practicable treatment.

ACTION

THEREFORE, the Department APPROVES the above noted application of PINELAND FARMS POTATO COMPANY INC. to operate a surface waste water disposal system (spray irrigation and snowmaking), SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations including:

1. *Standard Conditions of Industrial Waste Discharge Licenses* dated August 14, 1996, copy attached.
2. The attached Special Conditions, including effluent limitations and monitoring requirements.
3. This license and the authorization to discharge become effective upon the date of signature below and expire at midnight five (5) years from the effective date. If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of this license, the authorization to discharge and the terms and conditions of this license and all modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S.A. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (amended August 25, 2013)]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

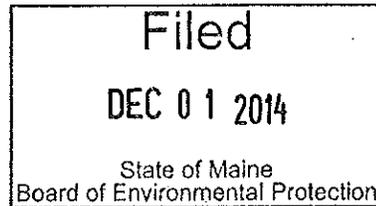
DONE AND DATED AT AUGUSTA, MAINE, THIS 1ST DAY OF December 2014.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhns
for PATRICIA W. AHO, Commissioner

Date of initial receipt of application: August 14, 2014

Date of application acceptance: August 15, 2014



Date filed with Board of Environmental Protection _____

This Order prepared by GREGG WOOD, BUREAU OF LAND AND WATER QUALITY

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. The licensee is authorized to operate a surface waste water treatment and disposal system. The **STORAGE LAGOON EFFLUENT⁽¹⁾ (OUTFALL #001)** shall be limited and monitored as specified below.

	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Biochemical Oxygen Demand <i>[00310]</i>	Report mg/L <i>[19]</i>	1/Month ⁽²⁾ <i>[01/30]</i>	Grab <i>[GR]</i>
Total Suspended Solids <i>[00530]</i>	Report mg/L <i>[19]</i>	1/Month ⁽²⁾ <i>[01/30]</i>	Grab <i>[GR]</i>
Nitrate-Nitrogen <i>[00620]</i>	Report mg/L <i>[19]</i>	1/Month ⁽²⁾ <i>[01/30]</i>	Grab <i>[GR]</i>
PH (Standard Units) <i>[00400]</i>	Report S.U. <i>[12]</i>	1/Month ⁽²⁾ <i>[01/30]</i>	Grab <i>[GR]</i>
<u>Metals (Total)</u> : Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Nickel and Zinc <i>[01002, 01027, 01034, 01042, 01051, 71900, 01067, 01092]</i>	Report ug/L <i>[28]</i>	1/5 Years ⁽³⁾ <i>[01/5Y]</i>	Grab <i>[GR]</i>

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

See pages 8 & 9 for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

2. The **SPRAY IRRIGATION FIELDS** shall be limited (**May 1st – November 30th**) and monitored as specified below:

- SF#1 – (Field 1 – 90 acres) Abuts east side of Route #1 (opposite Miller Rd)
- SF#2 – (Field 2 – 20 acres) Abuts east side of Route #1 (opposite Miller Rd)
- SF#3 – (Field 3 – 5 acres) East side of Route #1 abuts west side of Houlton/Presque Isle Multi-Use Trail
- SF#4 – (Field 4 – 6 acres) East side of Route #1 abuts west side of Houlton/Presque Isle Multi-Use Trail
- SF#41 – (Field 41 – 21 acres) N/F Keith McCrum Farm – Northeasterly side of Route #1
- SF#42 – (Field 42 – 19.1 acres) N/F Keith McCrum Farm – Northeasterly side of Route #1
- SF#44 – (Field 44 – 9 acres) N/F Keith McCrum Farm – Southwesterly side of Route #1
- SF#45 – (Field 45 – 4 acres) N/F Keith McCrum Farm – Southwesterly side of Route #1
- SF#46 – (Field 46 – 12 acres) N/F Keith McCrum Farm – Southwesterly side of Route #1

	Monthly Total as specified	Weekly Average as specified	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Application Rate (Weekly) ⁽⁴⁾ [51125]	---	54,300 gal/acre ⁽⁵⁾ [88]	---	1/Week [01/07]	Calculate [CA]
Flow - Total Gallons [51500]	Report (Gallons) [80]	---	---	1/Month [01/30]	Calculate [CA]

The licensee is not authorized to utilize these fields SF-41, SF-42, SF-44, SF-45 or SF-46 until sampling of monitoring wells MW11, MW12, MW13, MW14, MW15, MW16, MW17, MW18, MW19 & MW20 have been sampled to determine background/baseline ground water quality. See Special Condition A(4) for list of parameters to be sampled.

See pages 8 & 9 for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

3. The SNOWMAKING FIELD shall be limited (**November 1 – March 30**) and monitored as specified below:

SM#1 – 7.5 acre area located in the approximate center of the existing 100-acre spray irrigation system.

	<u>Monthly Total</u> ⁽⁶⁾ as specified	<u>Weekly Average</u> as specified	<u>Daily Maximum</u> as specified	<u>Measurement Frequency</u> as specified	<u>Sample Type</u> as specified
Application Rate <small>[51128]</small>	24 million gallons <small>[57]</small>	---	---	1/Season <small>[01/SN]</small>	Calculate <small>[CA]</small>

See pages 8 & 9 for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

4. GROUND WATER MONITORING WELLS (MW3, MW4, MW6, MW7, MW8, MW9, MW10 MW11, MW12, MW13, MW14, MW15, MW16, MW17, MW18, MW19 & MW20)

	Daily Maximum as specified	Measurement Frequency as specified	Sample Type as specified
Depth to Water Level Below Landsurface <i>[72019]</i>	Report (feet) ⁽⁷⁾ <i>[27]</i>	2/Year ⁽⁸⁾ <i>[02/YR]</i>	Measure <i>[MS]</i>
Nitrate-Nitrogen <i>[00620]</i>	10 mg/L <i>[19]</i>	2/Year ⁽⁸⁾ <i>[02/YR]</i>	Grab <i>[GR]</i>
Specific Conductance <i>[00095]</i>	Report (umhos/cm) <i>[11]</i>	2/Year ⁽⁸⁾ <i>[02/YR]</i>	Grab <i>[GR]</i>
Temperature (°F) <i>[00011]</i>	Report (°F) <i>[15]</i>	2/Year ⁽⁸⁾ <i>[02/YR]</i>	Grab <i>[GR]</i>
PH (Standard Units) <i>[00400]</i>	Report (S.U.) <i>[12]</i>	2/Year ⁽⁸⁾ <i>[02/YR]</i>	Grab <i>[GR]</i>
Total Suspended Solids <i>[00530]</i>	Report (mg/L) <i>[19]</i>	2/Year ⁽⁸⁾ <i>[02/YR]</i>	Grab <i>[GR]</i>
Metals (Total): Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Nickel and Zinc <i>[01002, 01027, 01034, 01042, 01051, 71900, 01067, 01092]</i>	Report ug/L <i>[28]</i>	1/5 Years ⁽³⁾ <i>[02/5Y]</i>	Grab <i>[GR]</i>

See pages 8 & 9 for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

Footnotes – [Special Condition A(1), A(2), A(3) A(4)]

Lagoon Effluent

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. Samples that are sent to a POTW licensed pursuant to *Waste discharge licenses*, 38 M.R.S.A. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (last amended 2/13/00).

All analytical test results from monitoring of parameters required by this license shall be reported to the Department including results which are quantified below the respective reporting limits (RLs) specified by the Department or as specified by other approved test methods. A non-detect analytical test result shall be reported as <Y where Y is the minimum level for reporting quantitative data specified by the laboratory in their report for each respective parameter. Reporting a value of <Y that is greater than an established RL is not acceptable and will be rejected by the Department. Lab data that have an estimated value ("J" flagged) below an established RL shall be reported as "< RL". Reporting analytical data and its use in calculations must follow established Department guidelines specified in this license or in available Department guidance documents.

- (1) Storage lagoon effluent shall be sampled at a point in the operations building prior to being pumped to the spray field(s) or snowmaking field and shall be representative of what is actually being applied to the fields. Any change in sampling location must be approved by the Department in writing.
- (2) Storage lagoon effluent sampling shall be conducted 1/Month on a year-round basis. The permittee is not required to test for these parameters during a month where no wastewater was disposed of via the disposal systems. Report as NODI-C on the applicable DMR.
- (3) Metals testing shall be performed in the twelve-month period prior to the expiration date of the license.

Spray-Irrigation/Snowmaking Fields

- (4) Weekly is defined as Sunday through Saturday. A field's daily or weekly application rate is the total gallons sprayed over the applicable period of time divided by the area of the field(s) utilized. Note: 27,152 gallons is equivalent to one acre-inch. The licensee 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.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

Footnotes – [Special Condition A(1), A(2), A(3) & A(4)]

Groundwater Monitoring and Underdrain Monitoring

- (5) For Discharge Monitoring Report (DMR) reporting purposes, the licensee 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.
- (6) For DMR reporting purposes, the licensee shall report the total gallons of waste water applied to SM#1 during the period November 1st – March 30th on the March DMR of each year.
- (7) Depth to water level below the land surface shall be conducted in the months of **May and October** of each calendar year and measured to the nearest one tenth (1/10th) of a foot as referenced from the surface of the ground at the base of the monitoring well.
- (8) Ground water sampling shall be conducted the months of **May and October** of each year. Sampling, handling and preservation shall be conducted in accordance with federally approved methods.

Specific conductance (calibrated to 25.0° C), temperature, and pH are considered to be “field” parameters, and are to be measured in the field via instrumentation. The licensee is required to test for these parameters whether waste water was disposed of via the spray-irrigation system or not.

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent shall not contain materials in concentrations or combinations which would impair the uses designated for the classification of the groundwater.
2. 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. TREATMENT PLANT OPERATOR

The person who has the management responsibility over the treatment facility must hold a **Grade SITS-II or Grade II or higher** certificate (or Registered Maine Professional Engineer) pursuant to Title 32 M.R.S.A. §4171 *et seq.* 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.

SPECIAL CONDITIONS

D. MONITORING AND REPORTING

Monitoring results obtained during the previous month shall be summarized for each month and reported on separate Discharge Monitoring Report (DMR) forms provided by the Department 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 DMR and all other reports required herein shall be submitted to the following address:

Department of Environmental Protection
Bureau of Land and Water Quality
1235 Central Drive - Skyway Park
Presque Isle, ME 04769

Alternatively, if you are submitting an electronic DMR (eDMR), the completed eDMR must be electronically submitted to the Department by an authorized DMR Signatory not later than close of business on the 15th day of the month following the completed reporting period. Hard copy documentation submitted in support of the eDMR must be postmarked on or before the thirteenth (13th) day of the month or hand-delivered to the Department's Regional Office such that it is received by the Department on or before the fifteenth (15th) day of the month following the completed reporting period. Electronic documentation in support of the eDMR must be submitted not later than close of business on the 15th day of the month following the completed reporting period.

E. AUTHORIZED DISCHARGES

The licensee is authorized to discharge treated process waste water only in accordance with the terms and conditions of this WDL and only to the spray irrigation/snowmaking disposal fields identified in the Waste Discharge License application accepted by the Department on August 15, 2014. Discharge of waste water from any other location or from sources other than those indicated on said application requires written authorization from the Department.

F. NOTIFICATION REQUIREMENT

In accordance with Standard Condition #6, the licensee shall notify the Department of any substantial change in the volume or character of pollutants being introduced into the waste water collection and treatment system. For the purposes of this section, notice regarding substantial change shall include information on:

- (a) the quality and quantity of waste water introduced to the waste water collection and treatment system; and
- (b) any anticipated impact caused by the change in the quantity or quality of the waste water to be discharged from the treatment system.

SPECIAL CONDITIONS

G. GENERAL OPERATIONAL CONSTRAINTS

1. All waste waters shall receive biological treatment through a properly designed, operated and maintained lagoon system prior to disposal.
2. The surface waste water disposal facilities shall be effectively maintained and operated at all times so that there is no discharge to surface waters, nor any contamination of ground water which will render it unsatisfactory for usage as a public drinking water supply.
3. The surface waste water disposal system shall not cause the lowering of the quality of the ground water, as measured in the ground water monitoring wells specified by this license, below the State Primary and Secondary Drinking Water Standards specified in the Maine State Drinking Water Regulations pursuant to Maine Law 22 M.R.S.A. § 2601.

In the event the ground water monitoring results indicate adverse effects, the licensee may be required to take immediate remedial action(s), which may include but not limited to, adjustment of the irrigation schedule or application rates, a reduction of the pollutant loading, or ceasing operation of the system until the ground water attains applicable standards.

4. The licensee shall maintain a file on the location of all system components and relevant features. Each component shall be mapped and field located sufficiently to allow adequate inspections and monitoring by both the licensee and the Department.
5. System components including collection pipes, tanks, manholes, pumps, pumping stations, spray disposal fields, and monitoring wells shall be identified and referenced by a unique system identifier in all logs and reports.

H. SPRAY IRRIGATION OPERATIONAL CONSTRAINTS

1. Suitable vegetative cover shall be maintained. Waste water may not be applied to areas without sufficient vegetation or ground cover as to prevent erosion or surface water runoff outside the designated boundaries of the spray fields.
2. At least 10 inches of separation from the ground surface to the ground water table shall be present prior to spray irrigation.
3. No waste water shall be applied to the site following a rainfall accumulation exceeding 1.0 inch within the previous 8-hour period. A rain gauge shall be located on site to monitor daily precipitation. The licensee shall also manage application rates by taking into consideration the forecast for rain events in the 48-hour period in the future.
4. No waste water shall be applied where there is more than 0.5 inches of snow present on the surface of the ground.

SPECIAL CONDITIONS

H. SPRAY IRRIGATION OPERATIONAL CONSTRAINTS (cont'd)

5. No waste water shall be applied when there is any evidence of frost or frozen ground within the upper 10 inches of the soil profile.
6. No traffic or equipment shall be allowed in the spray-irrigation field except where installation occurs or where normal operations and maintenance are performed.

I. SNOWMAKING OPERATIONAL CONSTRAINTS

1. Snow from effluent shall only be made when conditions are conducive to snowmaking or ice making. When conditions are such that the effluent from the snow guns results in a liquid being sprayed on the site, the operator will cease snowmaking operations until proper conditions exist. Snowmaking will be interrupted to prevent runoff occurring off the site.
2. The licensee shall inspect all snowmaking equipment, effluent pipes and pipelines periodically for leaks and other maintenance requirements. Upon the detection of a leak, the section needing repair shall be shutdown immediately and the necessary repairs or replacements made prior to startup.

J. SPRAY IRRIGATION AND SNOWMAKING OPERATIONAL PROCEDURES, LOGS AND REPORTS

1. Prior to the commencement of spray irrigation for the season, the licensee shall notify the Department's compliance inspector that site conditions are appropriate (frozen ground, soil moisture, etc.) for spray irrigation.
2. The licensee shall install the equivalent of one ground water level inspection well per spray field to verify that 10 inches of separation from the ground surface to the observed ground water level is present prior to spraying.
3. The licensee shall at all times maintain in good working order and operate at maximum efficiency all waste water collection, treatment and/or control facilities. Should significant malfunctions or leaks be detected, the licensee must shut down the malfunctioning/leaking sections of the spray system and make necessary repairs before resuming operation. The licensee shall cease irrigation if runoff is observed outside the designated boundaries of the spray field(s).

SPECIAL CONDITIONS

J. SPRAY IRRIGATION AND SNOWMAKING OPERATIONAL PROCEDURES, LOGS AND REPORTS (cont'd)

4. The licensee shall maintain a daily log of all spray irrigation and snowmaking operations which records the date, weather, rainfall, areas irrigated, volume sprayed (gallons), application rates (daily and weekly), and other relevant observations/comments from daily inspections. The log shall be in accordance with the general format of the "Monthly Operations Log" provided as Attachment A of this license, or other similar format approved by the Department. Weekly application rates shall be reported in accordance with the general format of the "Spray Application Report by Week" provided as Attachment B of this license or other format as approved by the Department. The *Monthly Operations Log*, and *Spray Application Report by Week*, for each month shall be submitted to the Department as an attachment to the monthly Discharge Monitoring Reports (DMRs) in a format approved by the Department. Copies will also be maintained on site for Department review and for license operation maintenance purposes

K. LAGOON MAINTENANCE

1. The banks of the lagoon shall be inspected periodically during the operating season and properly maintained at all times. There shall be no overflow through or over the banks. Any signs of leaks, destructive animal activity or soil erosion of the banks shall be repaired immediately.
2. The banks of the lagoon shall be maintained to keep them free of woody vegetation and other vegetation that may be detrimental to the integrity of the bank and/or lagoon liner.
3. The waters within the lagoon shall be kept free of all vegetation (i.e. grasses, reeds, cattails, etc) that hinders the operation of the lagoon.
4. The licensee shall maintain the lagoon freeboard at design levels or at least two (2) feet whichever is greater. The storage lagoon shall be operated in such a way as to balance the disposal of waste water, including the necessary storage capacity for precipitation, to ensure that design freeboard levels are maintained.
5. The treatment and storage lagoons shall be dredged as necessary to maintain the proper operating depths in both lagoons that will provide best practicable treatment of the waste water. All material removed from the lagoon(s) shall be properly disposed of in accordance with all applicable State and Federal rules and regulations.

SPECIAL CONDITIONS

L. INSPECTIONS AND MAINTENANCE

The licensee shall periodically inspect all system components to ensure the facility is being operated and maintained in accordance with the design of the system. Maintenance logs shall be maintained for each major system component including pumps, pump stations, septic tanks, lagoons, spray apparatus, and pipes. At a minimum, the logs shall include the unique identifier [see Special Condition G(5)], the date of maintenance, type of maintenance performed, names or person performing the maintenance, and other relevant system observations.

M. GROUND WATER MONITORING WELLS

1. All monitoring wells shall be equipped with a cap and lock to limit access and shall be maintained in a secured state at all times. The integrity of the monitoring wells shall also be verified annually.
2. The Department reserves the right to require increasing the depth and or relocating any of the ground water monitoring wells if the well is perennially dry or is determined not to be representative of ground water conditions.

N. OPERATIONS AND MAINTENANCE (O & M) PLAN AND SITE PLAN(S)

The licensee shall maintain a current written comprehensive Operation & Maintenance (O & M) Plan. The plan shall provide a systematic approach by which the licensee shall at all times, properly operate and maintain all facilities and the systems of treatment and control (and related appurtenances) which are installed or used by the licensee to achieve compliance with the conditions of this license. Of particular importance is the management of the spray application sites such that the two spray sites are given ample periods of rest to prevent over application.

By December 31 of each year, or within 90 days of any process changes or minor equipment upgrades, the licensee shall evaluate and modify the O& M Plan including site plan(s) and schematic(s) for the wastewater treatment facility to ensure that it is up-to-date. The O& M Plan shall be kept on-site at all times and made available to the Department personnel upon request.

Within 90 days of completion of new and substantial upgrades of the waste water treatment facility, the licensee shall submit the updated O&M Plan to their Department inspector for review and comment.

SPECIAL CONDITIONS

O. REOPENING OF LICENSE FOR MODIFICATIONS

Upon evaluation of any required test results, results of inspections and/or reporting required by the Special Conditions of this licensing action, additional site specific or any other pertinent information or test results obtained during the term of this license, the Department may, at any time and with notice to the licensee, modify this license to require additional monitoring, inspections and/or reporting based on the new information.

P. SEVERABILITY

In the event that any provision, or part thereof, of this license is declared to be unlawful by a reviewing court, the remainder of the license shall remain in full force and effect, and shall be construed and enforced in all respects as if such unlawful provision, or part thereof, had been omitted, unless otherwise ordered by the court.

Attachment A

Monthly Operations Log

Pineland Farms (WDL #W007949)

(Month/Year) _____

Spray Field # _____

Weekly Application Rate: _____ gallons/week

A	B	C	D	E	F	G
Date	Precipitation Previous 24 hours (inches)	Air Temp (°F)	Weather	Wind- Direction Speed (mph)	Depth To GW in Observation well (inches)	Total Gallons Pumped (gallons)
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
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31						

Signature of Responsible Official: _____ Date _____

Attachment B

Spray Application Report by Week

Pineland Farms (WDL #W007949)

(Month/Year) _____

Spray Field #	Weekly Limit (Gallons/Week)	Spray Application Rates (Gallons/Week)					Monthly Total
		Week 1	Week 2	Week 3	Week 4	Week 5	

Signature of Responsible Official: _____ Date _____

STANDARD CONDITIONS OF POTW WASTE DISCHARGE LICENSES
REVISED 7/16/96

1. General Conditions

- A. All discharges shall be consistent with the terms and conditions of this license; any changes in production capacity or process modifications which result in changes in the quantity or the characteristics of the discharge must be authorized by an additional license or by modifications of this license; it shall be a violation of the terms and conditions of this license to discharge any pollutant not identified and authorized herein or to discharge in excess of the rates or quantities authorized herein or to violate any other conditions of this license.
- B. The licensee shall permit the Department of Environmental Protection Staff upon the presentation of proper credentials:
- (1) To enter upon licensee's premises where an effluent source is located or in which any records are required to be kept under the terms and conditions of this license;
 - (2) To have access to and copy any records required to be kept under the terms and conditions of this license;
 - (3) To inspect any monitoring equipment or monitoring method required in this license; or,
 - (4) To measure and/or sample at any intake, process or cooling effluent stream, waste water treatment facility and/or outfall.
- C. This license shall be subject to such monitoring requirements as may be reasonably required by the Department of Environmental Protection including the installation, use and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). The licensee shall provide the Department of Environmental Protection with periodic reports on the proper Department of Environmental Protection reporting form of monitoring results obtained pursuant to the monitoring requirements contained herein.
- D. This license does not preclude obtaining other required Federal, State or Municipal permits and does not authorize or approve the construction of any on-shore physical structures or facilities or the undertaking of any work in any navigable waters.

- E. The issuance of this license does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights nor any infringement of Federal, State or local laws or regulations.
- F. Nothing in this license shall be construed to relieve the licensee from civil or criminal penalties for non-compliance, whether or not such non-compliance is due to factors beyond the licensee's control, such as accident, equipment breakdown, labor disputes or natural disaster.

2. Pretreatment Requirements

- A. The licensee shall comply with all Federal Statutes, regulations, and conditions of permits applicable to its discharge of waste waters, including, but not limited to, those requiring the installation of pretreatment facilities or establishment of pretreatment programs.
- B. Municipal or quasi-municipal licenses shall maintain user contracts, permits or ordinances to regulate industrial entities which discharge process waste water to the licensee's treatment facilities in quantities greater than 10% of the facility's design capacity. Such contracts, permits or ordinances shall be submitted to the Department for approval within three months of the effective date of this license or prior to acceptance of new or increased volumes of industrial waste water. All such contracts, permits or ordinances shall be an enforceable part of this license whether or not approved by the Department.

3. Waste water Treatment and Sampling Facilities

- A. The licensee shall collect all waste flows designated by the Department of Environmental Protection as requiring treatment and discharge them into an approved waste treatment facility in such a manner as to maximize removal of pollutants unless authorization to the contrary is obtained from the Department.
- B. The licensee shall at all times maintain in good working order and operate at maximum efficiency all waste water collection, treatment and/or control facilities.
- C. All necessary waste treatment facilities will be installed and operational prior to the discharge of any waste waters.
- D. Final plans and specifications must be submitted to the Department of Environmental Protection and approved prior to the construction or modification of any treatment facilities.
- E. The licensee shall install flow measuring facilities of a design approved by the Department of Environmental Protection.

F. The licensee must provide an outfall of a design approved by the Department of Environmental Protection which is placed in the receiving waters in such a manner that maximize mixing and dispersion of the waste waters will be achieved as rapidly as possible.

4. Non-Compliance Notification

A. In the event the licensee bypasses collection or treatment facilities or is unable to comply with any of the conditions of this license due, among other reasons, to:

- (1) breakdown of waste treatment equipment;
- (2) accidents caused by error or negligence;
- (3) high strength, high volume or incompatible wastes; or
- (4) other causes such as acts of nature,

the licensee shall notify the Department of Environmental Protection verbally as soon as its agents have knowledge of the incident.

B. Within five (5) days of becoming aware of such condition the licensee shall provide the Department of Environmental Protection in writing, the following information:

- (1) A description of the discharge and cause of non-compliance; and
- (2) The period of non-compliance, including exact dates and times; or, if not corrected, the anticipated time the non-compliance is expected to continue, and steps being taken to reduce, eliminate and prevent recurrence of the non-complying discharge.

C. If the licensee knows in advance of changes in licensed facilities or activities which may result in non-compliance or of the need to bypass, it shall submit prior notice at least ten days in advance of such occurrence.

D. In the event a bypass is due to inflow or infiltration of uncontaminated water into a sewer system, reporting requirements may be adjusted by the Department to a monthly basis.

5. Monitoring and Reporting

A. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. If effluent limitations are based wholly or partially on quantities of a product processed, the licensee shall ensure samples are representative of times when production is taking place. Where discharge monitoring is required when production is less than 50%, the resulting data shall be reported as a daily measurement but not included in computation of averages, unless specifically authorized by the Department.

B. Test Methods

The sampling, preservation, handling, and analytical methods used must conform with Standard Methods for the Examination of Water and Waste Waters, American Public Health Association, 1015 18th Street, N.W., Washington, D.C. 20036, latest approved edition, or methods referenced in 40 CFR Part 136, Guidelines Establishing Test Procedures for Analysis of Pollutants. However, different but equivalent methods are allowable if they receive the prior written approval from the Department of Environmental Protection.

- (1) All reports shall be submitted to the Department not later than the fifteenth of the month following the end of the monitoring period.
- (2) Any reports or records of monitoring activities and results shall include for all samples: (a) the date, exact place, and time of sampling; (b) the dates and times of analyses; (c) the analytical techniques/methods used, including sampling, handling, and preservation techniques; and (d) the results of all required analyses.

C. All reports shall be signed by:

- (1) In the case of corporations, a principal executive officer of at least the level of vice president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the reporting form originates.
- (2) In the case of a partnership, a general partner or duly authorized representative.
- (3) In the case of a sole proprietorship, the proprietor or duly authorized representative.
- (4) In the case of a municipal, State, or other public facility, either a principal executive officer, ranking elected official, or duly authorized employee.

5. Change of Discharge

The licensee shall notify the Department in writing as soon as it has knowledge of any significant changes or proposed changes in its discharge, including but not limited to:

- A. the temporary or permanent termination of the discharge;
- B. changes in the waste collection, treatment or disposal facilities;
- C. changes in the volume or character of waste water flows;
- D. permanent changes in industrial production rates;
- E. the proposed addition, directly or indirectly, of toxic pollutants not authorized by the license or reflected in the application filed with the Department;
- F. the addition to a municipal or quasi-municipal treatment system of industrial wastes which are categorically regulated by the U.S. EPA pursuant to the agency's pretreatment program.

7. Transfer of Ownership

In the event that any person possessing a license issued by the Department shall transfer the ownership of the property, facility or structure which is the source of a licensed discharge, without transfer of the license being approved by the Department, the license granted by the Department shall continue to authorize a discharge within the limits and subject to the terms and conditions stated in the license, provided that the parties to the transfer shall be jointly and severally liable for any violation thereof until such time as the Department approves transfer or 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.

8. Records Retention

All records and information resulting from the monitoring activities required by this license including all records of analyses performed and calibration and maintenance of instrumentation shall be retained for a minimum of three (3) years.

9. Other Materials

Other materials ordinarily produced or used in the operation of this facility, which have been specifically identified in the application, may be discharged at the maximum frequency and maximum level identified in the application, provided:

- A. They are not

(1) designated as toxic or hazardous under the provisions of Sections 307 and 311 respectively, of the Federal Water Pollution Control Act; Title 38, Section 420, Maine Revised Statutes; or other applicable State Law, or

(2) known to be hazardous or toxic by the licensee.

B. The discharge of such materials will not violate applicable water quality standards.

10. Removed Substances

Solids, sludges trash rack cleanings, filter backwash, or other pollutants removed from or resulting from the treatment or control of waste waters shall be disposed of in a manner approved by the Department of Environmental Protection.

11. Bypass of Waste Treatment Facilities

The diversion or bypass of any discharge from facilities utilized by the licensee to maintain compliance with the terms and conditions of this license is prohibited, except (1) where unavoidable to prevent loss of life or severe property damage, or (2) where excessive storm drainage or runoff would damage any facilities necessary for compliance with the terms and conditions of this license. The licensee shall notify the Department of Environmental Protection of each such diversion or bypass in accordance with the procedure specified in paragraph 6 above for reporting non-compliance. It is the duty of the licensee to take all feasible steps to prevent, minimize and mitigate bypasses. If infiltration or inflow of stormwater or ground water contribute to bypasses, the licensee shall submit to the Department for approval, a wet weather flow management plan. The plan shall describe measures implemented to maximize the volume of flow through the treatment facilities and the efficiency of the treatment process. Submission of this plan shall not remove any responsibilities of the licensee pursuant to paragraph 6.

12. Emergency Action-Electric Power Failure

Within thirty days after the effective date of this license, the licensee shall notify the Department of Environmental Protection of facilities and plans to be used in the event the primary source of power to its waste water pumping and treatment facilities fails. During power failure, all waste waters which are normally treated shall receive a minimum of primary treatment and disinfection. Unless otherwise approved, alternate power supplies shall be provided for pumping stations and treatment facilities. Alternate power supplies shall be on-site generating units or an outside power source which is separate and independent from sources used for normal operation of the waste water facilities.

DEFINITIONS

FOR THE PURPOSE OF THIS LICENSE THE FOLLOWING SHALL APPLY

- A. Grab Sample: An individual sample collected in a period of less than 15 minutes.
- B. Composite Sample: A sample consisting of a minimum of eight grab samples collected at equal intervals during a 24-hour period (or a lesser period if specified in the section on Monitoring and Sampling) and combined proportional to flow or a sample continuously collected proportionally to flow over the same time period.
- C. Daily Maximum For Concentration: The maximum value not to be exceeded at any time.
- D. Daily Maximum For Quantity: The maximum value not to be exceeded during any day.
- E. Weekly or Monthly Average: The sum of all daily samples measurement or test results made during a week or month divided by the number of tests or measurement made during the respective time period. Exception: bacteriological tests shall be calculated as a geometric mean.
- F. Bypass: The diversion of waste water, either by act or by design, from any portion of a treatment facility or conveyance system.

WMUNCIPL

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: **October 28, 2014**

PERMIT NUMBER: **MEU507949**
LICENSE NUMBER: **W007949-5P-E-R**

NAME AND ADDRESS OF APPLICANT:

**PINELAND FARMS POTATO COMPANY INC.
115 Presque Isle Road
Mars Hill, Maine 04758**

COUNTY: **Aroostook County**

NAME AND ADDRESS WHERE DISCHARGE OCCURS:

**U.S. Route #1
Mars Hill, Maine 04758**

RECEIVING WATER/CLASSIFICATION: **Ground Water/Class GW-A**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **Mr. Greg McCrum
Utility Manager
(207) 227-2434
e-mail: gmccrun@pinelandfarms.com**

1. APPLICATION SUMMARY

- a. Application: Pineland Farms Potato Company Inc. (Pineland/licensee hereinafter) has submitted a timely and complete application to the Department for the renewal of Waste Discharge License (WDL) #W007949-5P-C-R which was issued on December 22, 2009. The 12/22/09 WDL authorized the disposal of vegetable processing water onto the surface of the ground via a surface waste water disposal system (spray irrigation) during the summer months and snowmaking system during the winter months. The processing plant, the waste water treatment system and current disposal systems are all located on a 176-acre spray site in Mars Hill, Maine. See **Attachment A** of this Fact Sheet for a location map.

1. APPLICATION SUMMARY (cont'd)

- b. Source Description: Pineland processes raw potatoes into various food products including cut, sliced, diced and or mashed potatoes for the restaurant business sector. Pineland processes approximately 700,000 – 1,000,000 lbs of potatoes per day totaling 200 million pounds per year. Raw potatoes are brought in directly from the fields or storage facilities via trucks and off loaded to a conveyor where they are graded and sorted according to the product being processed. The potatoes are washed, cut, sliced, diced and packaged for shipping or washed, cooked, mashed and cooled and packaged for shipping. The processing facility currently operates four days per week, two shifts per day with processing during the day and clean-up in the evening.

Sources of waste water totaling 200,000 gpd are associated with the processing of raw potatoes are limited to wash waters, process waters and clean-up waters containing minor quantities of disinfectants. Sanitary waste waters generated at the facility are conveyed to the municipal waste water treatment facility which is also permitted/licensed by this Department.

- c. Waste Water Treatment: All process and clean-up waters generated at the facility are pumped to a lagoon system for treatment and eventually applied to the surface of the ground via a spray irrigation or snowmaking operation. Potato wash waters at the front end of the process are put through hydroclones to remove settleable soil and then the water is sent to the lagoon system.

The biological treatment process consists of two smaller aerated treatment lagoons and one larger aerated storage lagoon that were constructed in 1997. The two treatment lagoons are constructed with an earthen liner consisting of 30 inches of thick glacial till covered by a 4-inch layer of bituminous asphalt. The storage lagoon has an earthen liner consisting of a 24-inch layer of clay. In 2008, four surface aerators were placed in the storage lagoon to help eliminate low dissolved oxygen level problems which has lead to odor problems. Since the aerators have been in place, their have no been any odor complaints. Mixers are installed in the storage lagoon each spring which has resulted in oxygen levels being consistently maintained above 1.5 mg/L. In the spring of 2009, all the coarse bubble aerators were removed from the treatment ponds and replaced with EDI fine bubble aeration. Six lines make up the grid pattern and were installed in the spring of 2010. The fine bubble aeration system gives the treatment system the capacity to treat waste waters from the processing facility at full production loading levels.

1. APPLICATION SUMMARY (cont'd)

Each treatment lagoon has a surface area of 0.5 acres, each are 10 feet-deep and each has a working volume of 0.5 million gallons. At the average daily flow rate of 125,000 gpd, each treatment lagoon system provides for an average detention time of 4 days. The storage lagoon has a surface area of approximately 3.0 acres, is 20 feet deep, and has a working volume of 10 million gallons. The storage lagoon provides for a maximum detention time of approximately 80 days. Flows to the spray irrigation fields and snowmaking fields are measured via a 6-inch in-line magnetic meter.

Spray Irrigation - Between May 1st and November 30th of each year, waste water from the aerated lagoon is currently conveyed to four existing spray fields SF#1 (90 acres), SF#2 (20 acres), SF#3 (5 acres), and SF#4 (6 acres). The licensee has SF #41(21 acres), SF #42 (19 acres), SF #44 (9 acres), SF#45 (4 acres) and SF #46 (12 acres) in reserve if needed. All nine spray fields total approximately 176 acres. See **Attachment B** of this Fact Sheet. Waste water is applied to each spray field in a circular pattern measuring 700 feet in diameter via a center pivoting agricultural irrigation mechanism. The licensee also has a retractable rain wheel spray apparatus that applies the treated waste water in a circular pattern measuring 150 feet in diameter.

Snowmaking: Between November 1st and March 30th of each year, waste water from the storage lagoon is converted to snow via compressed air and stored in piles on a parcel of land encompassing approximately 7.5 acres. See **Attachment B** of this Fact Sheet. The licensee utilizes four mobile snow guns (similar in design to those utilized at ski areas) to distribute the snow over the 7.5-acre parcel. Water from the snow piles will be slowly released to the environment via evaporation (assume 15%) during the snowmaking process, sublimation (assume 20%) of the snow piles over time and infiltration into the ground as the snow piles melt in the spring and early summer. Based on other snowmaking sites licensed by the Department, melting generally occurs during the months of March (5%), April (15%), May (30%), June (40%) and July (10%). On average, the application rate of 24 million gallons of snow melting water over a period of 22 weeks on 7.5 acres is 0.6 inches/week or 1.1 million gallons per week.

A high intensity Class B soil survey of the existing spray/snowmaking site indicates the soils consist of topsoil (cropland) and glacial tills that are generally well drained soils and conducive to surface waste water disposal.

2. LICENSE SUMMARY

- a. Terms and conditions - The licensee has not requested any substantive modifications to the 12/22/09 WDL. Therefore this WDL is carrying forward all the terms and conditions of the previous licensing action.
- b. History: The most current relevant regulatory actions and or significant events include the following;

January 31, 1997 – The Department issued WDL #W007949-5P-A-N for a five-year term in the name of Freshway Inc.

December 22, 2004 – The Department WDL renewal #W007949-5P-B-R for a five-year term in the name of Naturally Potatoes Inc.

December 22, 2009 – The Department WDL renewal #W007949-5P-C-R for a five-year term in the name of Naturally Potatoes a Basic American Foods Division, LLC.

October 4, 2010 – The Department issued WDL transfer order W007949-5P-E-T transferring Department issued waste water and air emissions licenses from Naturally Potatoes a Basic American Foods Division, LLC to Pineland Farms Potato Company LLC.

August 14, 2014 – Pineland Farms Potato Company Inc. submitted a timely and complete application to the Department to renew the 12/22/09 WDL.

3. CONDITIONS OF THE LICENSE

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 Water Classification System.

4. RECEIVING WATER QUALITY STANDARDS

Maine law, 38 M.R.S.A § 470 indicates the groundwater at the point of discharge is classified as Class GW-A receiving waters. Maine law, 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

Slow rate land irrigation treatment and snowmaking are environmentally sound and appropriate technology for best practicable treatment and disposal of waste water. The soils and vegetation within the irrigation area will provide adequate filtration and absorption to preserve the integrity of the soil, and both the surface and groundwater quality in the area.

a. Monitoring Parameters

Biochemical Oxygen Demand (BOD₅) - Monitoring for BOD yields an indication the condition of the waste water being applied, of excessive loading of organic material and the effectiveness of the spray-irrigation treatment process.

Nitrate-nitrogen - Nitrogen compounds are by-products of the biological breakdown of ammonia in the waste water. Because nitrate-nitrogen is weakly absorbed by soil, it functions as a reliable indicator of contamination from waste-disposal sites. Elevated levels of nitrate-nitrogen in the drinking water supply are of human health concern. The limit of 10 mg/L is a National Primary Drinking Water standard.

Specific Conductance, Temperature and PH are considered to be "field" parameters meaning that they are measured directly in the field via instrumentation and does not require laboratory analysis. These parameters are considered as surveillance level monitoring parameters and are used as early-warning indicators of potential groundwater contamination.

Total Suspended Solids (TSS) - TSS in the groundwater yields an indication of the integrity of the monitoring wells.

- b. Design Flow: - The daily average influent design flow of the treatment plant is 90,000 gallons per day.
- c. Lagoon Effluent: Monthly monitoring parameters include BOD₅, TSS, Nitrate-Nitrogen and pH. Monitoring for these parameters yields an indication of the effectiveness of the lagoon treatment process and the condition of the waste water being applied. Monitoring is being required on a year-round basis.
Testing for specific metals in the effluent from the storage lagoon is only required to be performed in the twelve-month period prior to the expiration date of the license.

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

- d. Spray Irrigation/Snowmaking Application Rates – The previous licensing action established an application rate of 2.0 inches/week that is being carried forward in this licensing action for all the spray sites (SF#1, SF#2, SF#3, SF#4, SF #41, SF #42, SF #44, SF#45 and SF #46) and snowmaking site (SM#1). The licensee has operated within this range since 1997 without the ground water quality being diminished or runoff from the sites.

Regardless of the calculated rate, the system operator shall monitor each waste application to verify adequate infiltration of the waste into the soil and a spray irrigation or snowmaking cycle must be stopped if runoff outside of the designated sprayfield(s) or snowmaking site is observed.

- e. Ground Water Monitoring

Seven ground water monitoring wells are to be monitored on the existing spray and snowmaking sites and are shown on **Attachment A** of this Fact Sheet. The seven wells are:

Monitoring Wells	Location
MW-3	Southeast corner of the lagoons
MW-4	Northwest corner of the lagoons
MW-6	Easterly of SF#2, westerly of old railroad bed
MW-7	South-southwest of SF#3
MW-8	Westerly edge of SF#1, 500 feet west of US Route #1, Background well
MW-9	East of SM#1
MW-10	Westerly edge of SF#1, 600 feet west of US Route #1, 500 feet south of MW#8, Background well

It is noted MW-11 through MW-20 have been installed but not sampled to date as the licensee has not utilized the corresponding spray fields to dispose of waste water.

Monitoring parameters for all monitoring wells include depth to the water level below the land surface, nitrate-nitrogen, specific conductance, temperature, pH, TSS. Ground water sampling shall now be conducted in May and October of each calendar year. Testing for metals is only required in the twelve-month period prior to the expiration date of the license.

6. HISTORICAL MONITORING RESULTS

Below is a summary of the lagoon effluent and ground water monitoring test results and spray application rates for the period January 2011 – August 2014.

a. Lagoon Effluent

BOD (mg/L) (DMRs = 33)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	Report	25 – 2,000	322

TSS (mg/L) (DMRs = 33)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	Report	180 – 3,700	801

pH (standard units) (DMRs = 33)

Value	Limit (s.u)	Range (s.u)
Daily Maximum	Report	7.1 – 7.6

Nitrate-Nitrogen (mg/L) (DMRs = 33)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	Report	0.05 – 315	25

b. Spray application rates

Monthly totals applied (gallons)

Field Name	Limit (gal)	Range (gal)	Average (gal/mon)
SF-1n(DMRs = 21)	Report	397,185 – 6,968,400	2,700,410
SF-2 (DMRs = 1)	Report	2,585,070	2,585,070

c. Snowmaking

SM-1 Yearly totals applied (gallons)

Year	Limit (gal/season)	Gallons/season
Fall 10 - Spring 11	24,000,000	8,443,748
Fall 11 - Spring 12	24,000,000	3,657,120
Fall 12 - Spring 13	24,000,000	7,092,145
Fall 13 - Spring 14	24,000,000	2,257,841

6. HISTORICAL MONITORING RESULTS

c. Ground water

Values summarized below are mean values based on seven (7) DMRs

Parameter	Temp. (°F)	Conductance (uhmos/cm)	TSS (mg/L)	Nitrate-Nitrogen (mg/L)	Depth to GW (ft)
Well #	---	---	---	---	---
MW-3	49	592	1.0	0.05	4.5
MW-4	49	407	1.7	0.81	12
MW-6	46	634	0.7	14	15
MW-7	46	504	1.8	0.17	7.4
MW-8	44	611	3.6	1.6	10.9
MW-9	49	861	7.5	3.3	2.7

7. SYSTEM CALIBRATION

Discharge rates, application rates and uniformity of application change over time as equipment gets older and components wear, or if the system is operated differently from the assumed design. Operating below design pressure greatly reduces the coverage diameter and application uniformity (resulting in increased ponding). For these reasons, the licensee should field calibrate their equipment on a regular basis to ensure proper application and uniformity, and when operating conditions are changed from the assumed design.

8. DISCHARGE IMPACT ON RECEIVING WATER QUALITY

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

9. PUBLIC COMMENTS

Public notice of this application was made in the Star Herald newspaper on or about August 13, 2014. 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 licenses shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

10. DEPARTMENT CONTACTS:

Additional information concerning this licensing 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
Telephone (207) 287-7693
E-mail: gregg.wood@maine.gov

11. RESPONSE TO COMMENTS

During the period of October 28, 2014, through the issuance date of the license, the Department solicited comments on the proposed draft license to be issued for the operation of the licensee's facility. The Department did not receive comments from the licensee, state or federal agencies or interested parties that resulted in any substantive change(s) in the terms and conditions of the license. Therefore, the Department has not prepared a Response to Comments.

ATTACHMENT A

68°00'00"
68.0000°

PRESQUE ISLE 2

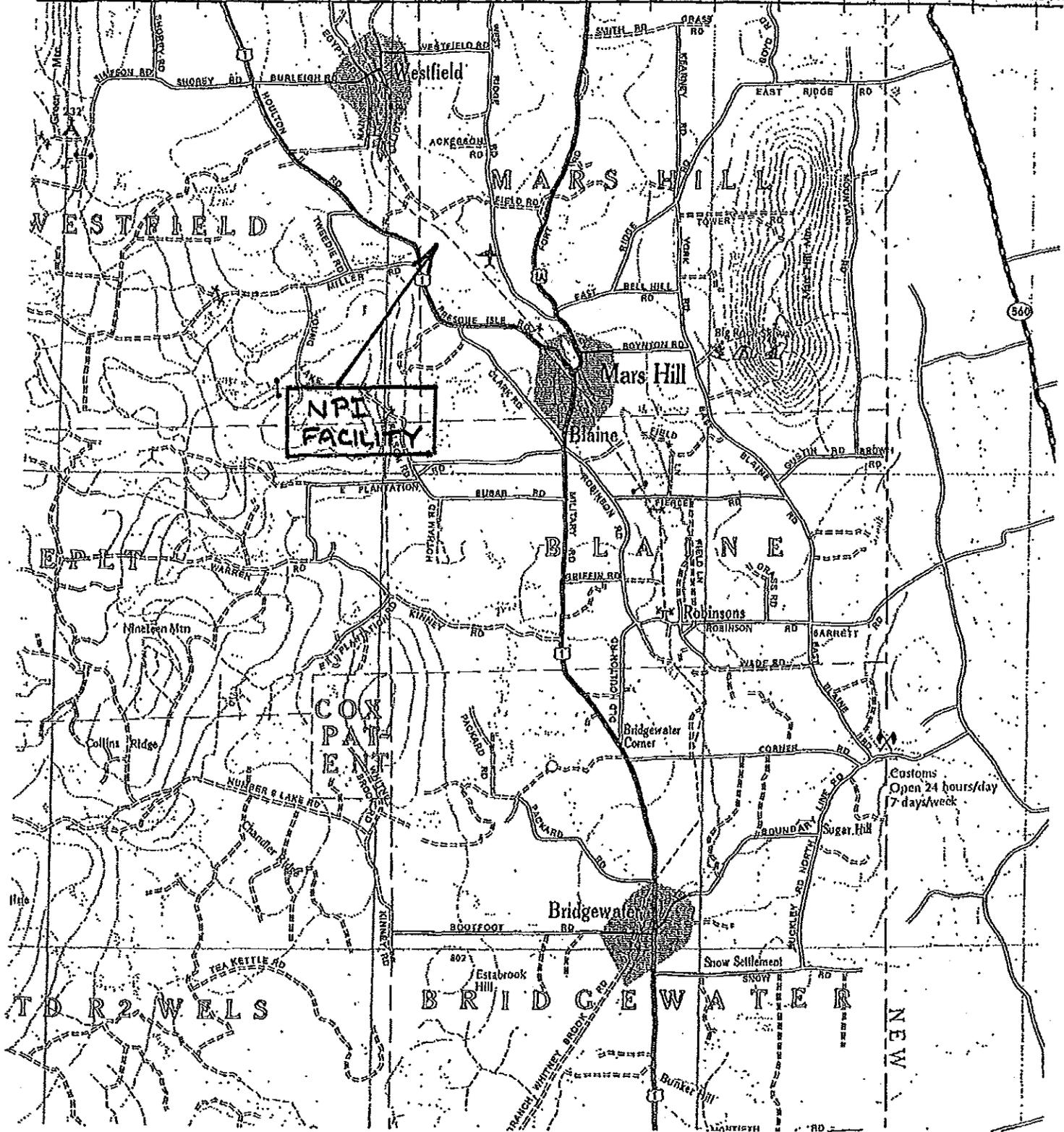
Continue on Map 65

3

67°60'00"
67.8333°

4

GRAND FA



**NRI
FACILITY**

Customs
Open 24 hours/day
17 days/week

ATTACHMENT B

Mars Hill & Westfield, Maine

Maine Map
Inset

Naturally
Potatoes

Future
Spray
Areas

Snowmaking
Site

Lagoon
Site

Processing
Plant

Spray Area
#1 (83 ac)

MW6

MW9

MW3

MW7

MW8

MW10

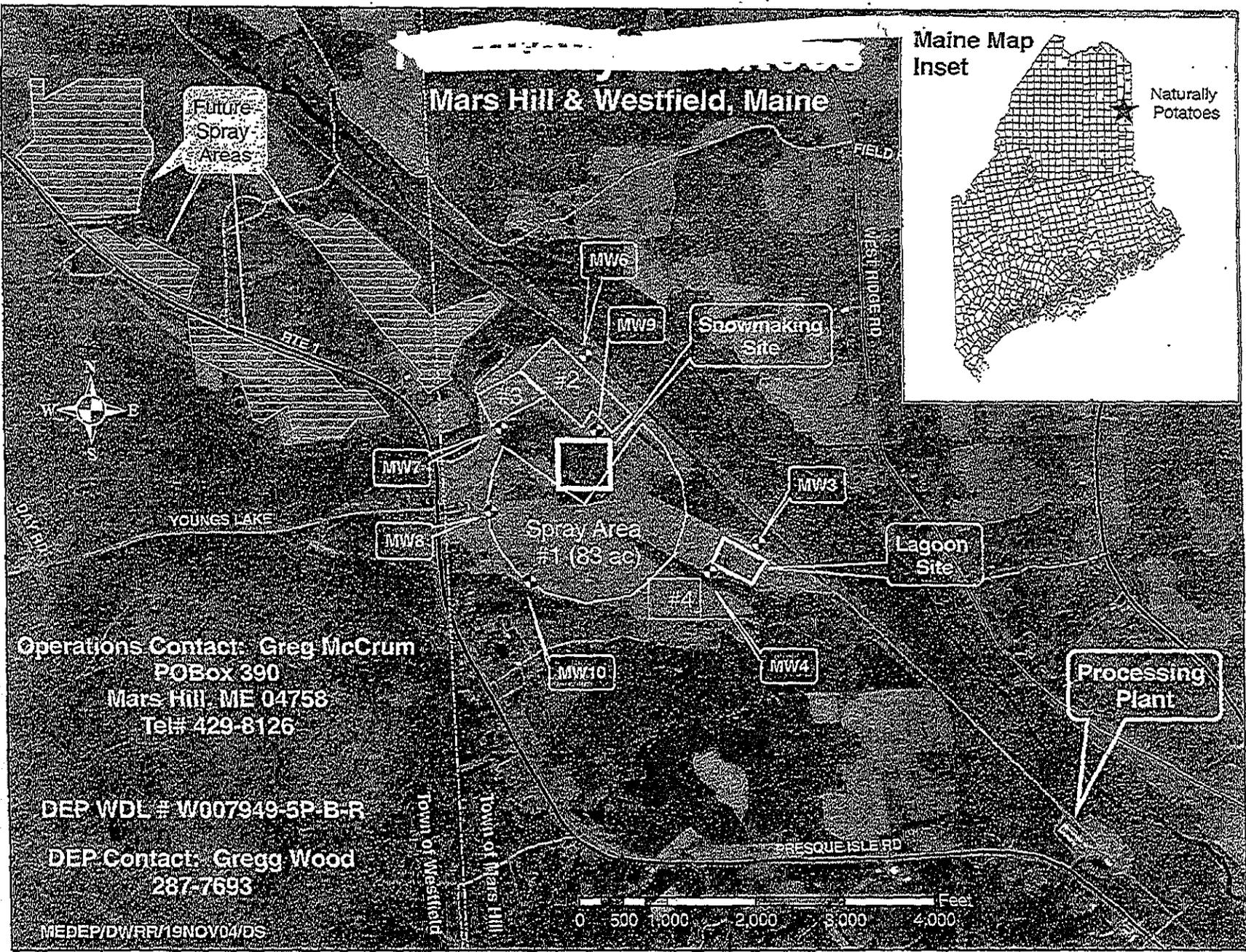
MW4



Operations Contact: Greg McCrum
PO Box 390
Mars Hill, ME 04758
Tel# 429-8126

DEP WDL # W007949-SP-B-R
DEP Contact: Gregg Wood
287-7693

MEDEP/DWRR/19NOV04/DS





DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012

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. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board 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 the Board's 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 a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of 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

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of 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 on the appeal 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, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that 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 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.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, 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.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder 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 receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested persons are notified in advance of the 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 or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

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.
