STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JANET T. MILLS
GOVERNOR

MELANIE LOYZIM
ACTING COMMISSIONER

December 18, 2020

Mr. Greg McCrum
Pineland Farms Potato Company, Inc.
P.O. Box 390
Mars Hill, ME 04758-0390
greg.mccrum@michaelfoods.com

Sent via electronic mail
Delivery confirmation requested

RE: ICIS Number / MEPDES Permit #MEU507949
Maine Waste Discharge License (WDL) W007949-5P-H-R
Proposed Draft MEPDES Permit Renewal

Dear Mr. McCrum:

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

By copy of this letter, the Department is requesting comments on the proposed draft permit from various state and federal agencies and from any other parties who have notified the Department of their interest in this matter.

The comment period begins on December 18, 2020 and ends on January 18, 2021. All comments on the proposed draft permit must be received in the Department of Environmental Protection office on or before the close of business Monday, January 18, 2021. Failure to submit comments in a timely fashion will result in the proposed draft/license permit document being issued as drafted.

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

Maine Department of Environmental
Protection Bureau of Water Quality
Division of Water Quality Management
17 State House Station
Augusta, ME 04333-0017

If you have any questions regarding the matter, please feel free to contact me.

Sincerely,

Aaron Dumont
Division of Water Quality Management
Bureau of Water Quality
ph: 207-287-1939

Enc.

cc:
Sean Bernard, MEDEP
Pam Parker, MEDEP
Lori Mitchell, MEDEP
John Hopeck, MEDEP
Nathan Chien, MEDEP
Alex Rosenberg, USEPA
Richard Carvlho, USEPA
Shelley Puleo, USEPA
Fred Corey, Aroostook Band of Micmac Indians

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

PINELAND FARMS POTATO COMPANY, INC.)	PROTECTION AND IMPROVEMENT
MARS HILL, AROOSTOOK COUNTY, ME)	OF WATERS
SURFACE WASTEWATER DISPOSAL)	WASTE DISCHARGE LICENSE
MEU507949)	
W007949-5P-H-R)	**RENEWAL**

Pursuant to *Conditions of licenses*, 38 M.R.S. § 414-A, and applicable regulations, the Department of Environmental Protection (Department) has considered the application of PINELAND FARMS POTATO COMPANY, INC. (Pineland Farms) with its supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

On September 27, 2019 Pineland Farms submitted a timely and complete application to the Department for the renewal of Waste Discharge License (WDL) #W007949-5P-F-R which was issued on December 1, 2014 for a five-year term. The 12/1/14 WDL authorized the disposal of treated vegetable processing wastewater onto the surface of the ground via a surface wastewater disposal system (spray irrigation) during the summer months and snowmaking system during the winter months. The processing plant, the wastewater treatment system, and current disposal systems are all located on a 176-acre spray site in Mars Hill, Maine.

Since issuing the 12/1/2014 renewal the Department issued one modification. The modification was issued on December 2, 2016 and authorized a 7.1-acre snowmaking site designated as SM#2. SM#2 was sized to allow for the disposal of 46 million gallons of snow melt water over a 22-week season (November 1- March 30).

LICENSE SUMMARY

This WDL is carrying forward all the terms and conditions of the previous licensing action except that it is;

1. This WDL is carrying forward all the terms and conditions of the previous licensing action except that it is;

2. Extend snow making season for SM#1 and SM#2 from November 1–March 30 to November 1–April 15;

3. Requiring that testing for metals take place in October on the 4th year of the permit term;

4. Establishing a reporting requirement for daily maximum and monthly average flow for influent to the wastewater lagoons; and

CONCLUSIONS

Based on the findings summarized in the attached Fact Sheet dated December 18, 2020, 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. § 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 water of the State constitutes an outstanding natural resource, that water quality will be maintained and protected;

   (c) The standards of classification of the receiving waterbody are met or, where the standards of classification of the receiving waterbody are not met, the discharge will not cause or contribute to the failure of the waterbody to meet the standards of classification;

   (d) Where the actual quality of any classified receiving waterbody 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 waterbody, the Department has made the finding, following opportunity for public participation, that this action is necessary to achieve important economic or social benefits to the State.

4. The discharges will be subject to effluent limitations that require application of best practicable treatment as defined in 38 M.R.S. § 414-A(1)(D).

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ACTION

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

1. *Maine Pollutant Discharge Elimination System Permit Standard Conditions Applicable To All Permits*, revised July 1, 2002, copy attached.

2. The attached Special Conditions, including any 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. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (amended June 9, 2018)]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

DONE AND DATED AT AUGUSTA, MAINE, THIS ____ DAY OF _____ 2020.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:_____
MELANIE LOYZIM, Acting Commissioner

Date filed with Board of Environmental Protection:_____

Date of initial receipt of application: September 27, 2019
Date of application acceptance: September 30, 2019

This Order prepared by Aaron Dumont, BUREAU OF WATER QUALITY

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

1. The licensee is authorized to operate a surface wastewater treatment and disposal system. The storage lagoon effluent **(OUTFALL #001)** must be limited and monitored as specified below(1).

Effluent Characteristics	Discharge Limitations		Minimum Monitoring Requirements	
Parameter	**Monthly Average** as specified	**Daily Maximum** as specified	**Measurement Frequency** as specified	**Sample Type** as specified
Flow *[50050]*	Report Gallons *[07]*	Report Gallons *[07]*	1/Month(2) *[01/30]*	Calculate *[CA]*
Biochemical Oxygen Demand *[00310]*	---	Report mg/L *[19]*	1/Month(2) *[01/30]*	Grab *[GR]*
Total Suspended Solids *[00530]*	---	Report mg/L *[19]*	1/Month(2) *[01/30]*	Grab *[GR]*
Nitrate-Nitrogen *[00620]*	---	Report mg/L *[19]*	1/Month(2) *[01/30]*	Grab *[GR]*
pH (Standard Units) *[00400]*	---	Report S.U. *[12]*	1/Month(2) *[01/30]*	Grab *[GR]*
Metals (Total): Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Nickel and Zinc *[01002, 01027, 01034, 01042, 01051, 71900, 01067, 01092]*	---	Report ug/L(9) *[28]*	1/5 Years(3) *[01/5Y]*	Grab *[GR]*

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.

FOOTNOTES: See Pages 9 and 10 of this license for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

2. **SPRAY IRRIGATION FIELDS SF#1-SF#4** are active and must be limited (May 1st – November 30th) and monitored as specified below:

SF#1 – (Field 1 – 64 acres) Abuts east side of Route #1 (opposite Miller Rd)
SF#2 – (Field 2 – 38 acres) Abuts east side of Route #1 (opposite Miller Rd)
SF#3 – (Field 3 – 11 acres) East side of Route #1 abuts west side of Houlton/Presque Isle Multi-Use Trail

Effluent Characteristics	**Discharge Limitations**			**Minimum Monitoring Requirements**	
Parameter	**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] *[8B]*	---	1/Week *[01/07]*	Calculate *[CA]*
Flow - Total Gallons *[51500]*	Report (Gallons) *[80]*	---	---	1/Month *[01/30]*	Calculate *[CA]*

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.

SPRAY IRRIGATION FIELDS SF#41-SF#46 have been approved by the Department but have not been constructed. Prior to developing the following spray fields the licenses must give the Department 90-day notification. See table A6 for additional conditions:

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

FOOTNOTES: See Pages 9 and 10 of this license for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

3. The **SNOWMAKING FIELDS** must be limited (**November 1 – April 15)** and monitored as specified below:

SM#1 – 5.0-acre area located in the approximate center of the existing 100-acre spray irrigation system.

Parameter	**Monthly Total** as specified	**Weekly Average** as specified	**Daily Maximum** as specified	**Measurement Frequency** as specified	**Sample Type** as specified
Application Rate *[51128]*	16 million gallons[(6)] *[57]*	---	---	1/Season *[01/SN]*	Calculate *[CA]*

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.

FOOTNOTES: See Pages 9 and 10 of this license for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

4. The SNOWMAKING FIELD must be limited (November 1−April 15) and monitored as specified below:

SM#2−5.0-acre area located in the approximate center of the existing 90−acre spray irrigation field SF#1 and located between the aerated lagoon and 5−acre snowmaking area SM#1.

Parameter	**Monthly Total** as specified	**Weekly Average** as specified	**Daily Maximum** as specified	**Measurement Frequency** as specified	**Sample Type** as specified
Application Rate *[51128]*	16 million gallons(6) *[57]*	---	---	1/Season *[01/SN]*	Calculate *[CA]*

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.

FOOTNOTES: See Pages 9 and 10 of this license for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

5. The SNOWMAKING FIELD must be limited (November 1−April 15) and monitored as specified below:

SM#3−5.0-acre area located in the approximate center of the existing 90−acre spray irrigation field SF#1 and located to the east of the 5−acre snowmaking area SM#1.

Parameter	**Monthly Total** as specified	**Weekly Average** as specified	**Daily Maximum** as specified	**Measurement Frequency** as specified	**Sample Type** as specified
Application Rate *[51128]*	16 million gallons[(6)] *[57]*	---	---	1/Season *[01/SN]*	Calculate *[CA]*

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.

FOOTNOTES: See Pages 9 and 10 of this license for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

6. **GROUND WATER MONITORING WELLS MW3, MW4, MW 5, MW6, MW7, MW8, MW9, MW10** must be monitored as specified below.

Effluent Characteristics	**Daily Maximum** as specified	**Measurement Frequency** as specified	**Sample Type** as specified
Depth to Water Level Below Landsurface *[72019]*	Report (feet)[7] *[27]*	2/Year[8] *[02/YR]*	Measure *[MS]*
Nitrate-Nitrogen *[00620]*	10 mg/L *[19]*	2/Year[8] *[02/YR]*	Grab *[GR]*
Specific Conductance *[00095]*	Report (umhos/cm)[9] *[11]*	2/Year[8] *[02/YR]*	Grab *[GR]*
Temperature (°F) *[00011]*	Report (°F)[9] *[15]*	2/Year[8] *[02/YR]*	Grab *[GR]*
pH (Standard Units) *[00400]*	Report (S.U.)[9] *[12]*	2/Year[8] *[02/YR]*	Grab *[GR]*
Total Suspended Solids *[00530]*	Report (mg/L) *[19]*	2/Year[8] *[02/YR]*	Grab *[GR]*
Metals (Total): Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Nickel and Zinc *[01002, 01027, 01034, 01042, 01051, 71900, 01067, 01092]*	Report ug/L *[28]*	1/5 Years[3] *[01/5Y]*	Grab *[GR]*

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.

Development and sampling of monitoring wells MW11, MW12, MW13, MW14, MW15, MW16, MW17, MW18, MW19 & MW20 must sampled prior to spray irrigation field development in order to determine background/baseline ground water quality. See above listed table A6 for list of parameters that must be sampled. Prior to installation of any new wells the Department must be notified 90-days in advance.

FOOTNOTES: See Pages 9 and 10 of this license for applicable footnotes.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

Footnotes – [Special Condition A(1), A(2), A(3) A(4), and A(5)]

1. **Sampling** – Storage lagoon effluent must be sampled at a point in the operations building prior to being pumped to the spray field(s) or snowmaking field and must be representative of what is applied to the fields. Any change in sampling location must be approved by the Department in writing. The licensee must conduct sampling and analysis 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 must be analyzed by a laboratory certified by the State of Maine's Department of Health and Human Services for wastewater. Samples that are sent to a publicly owned treatment works (POTW) pursuant to *Waste discharge licenses*, 38 M.R.S. § 413 are subject to the provisions and restrictions of *Maine Comprehensive and Limited Environmental Laboratory Certification Rules*, 10-144 CMR 263 (effective December 19, 2018). Laboratory facilities that analyze compliance samples in-house are subject to the provisions and restrictions of 10−144 CMR 263. If the licensee monitors any pollutant more frequently than required by the license using test procedures approved under 40 CFR Part 136 or as specified in this license, the results of this monitoring must be included in the calculation and reporting of the data submitted in the discharge monitoring report (DMR).

2. **Lagoon Effluent Sampling**−Storage lagoon sampling must 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**−Metals testing must be performed in the last quarter of the 4th year of the license. Groundwater metals testing must be performed in October of the 4th year of the license.

4. **Weekly Maximum for Spray Irrigation**−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 must measure the flow of wastewater to the irrigation area by the use of a flow measuring device that is checked for calibration at least once per calendar year.

5. **Discharge Monitoring Report (DMR)**−The licensee must 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. **Discharge Monitoring Report (DMR) Snowmaking**−For DMR reporting purposes, the licensee must report the total gallons of wastewater applied to SM#1, SM#2, and SM#3 during the period November 1st – April 15th on the April DMR of each year.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS (cont'd)

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

7. **Depth to Water Level**−Depth to water level below the land surface must be conducted in the months of **May and October** of each calendar year and measured to the nearest one tenth ($1/10^{th}$) of a foot as referenced from the surface of the ground at the base of the monitoring well.

8. **Groundwater Monitoring Period**−Ground water sampling must be conducted the months of **May and October** of each year. Sampling, handling and preservation must be conducted in accordance with federally approved methods.

9 **Field Measurements**−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 wastewater was disposed of via the spray-irrigation system or not.

B. NARRATIVE EFFLUENT LIMITATIONS

1. The effluent must 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, Grade II Biological** (or Registered Maine Professional Engineer) pursuant to Title 32 M.R.S. §4171- 4182 *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 licensee may engage the services of the contract operator.

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SPECIAL CONDITIONS

D. NOTIFICATION REQUIREMENT

In accordance with Standard Condition D, the licensee must notify the Department of the following:

1. Any substantial change in the volume or character of pollutants being introduced into the wastewater collection and treatment system by a source introducing pollutants to the system at the time of license issuance.

2. For the purposes of this section, notice regarding substantial change must include information on:

   a. the quality and quantity of wastewater introduced to the wastewater collection and treatment system; and

   b. any anticipated impact caused by the change in the quantity or quality of the wastewater to be discharged from the treatment system.

E. AUTHORIZED DISCHARGES

The licensee is authorized to discharge only in accordance with: 1) the licensee's General Application for Waste Discharge License, accepted for processing on September 30, 2019; 2) the terms and conditions of this license; and 3) only to the existing spray-irrigation fields (Fields #1−#4) and snowmaking field (SM#1) and from those sources as indicated in the accepted Waste Discharge License Application dated 9/27/2019. Discharges of wastewater from any other point source(s) are not authorized under this license, and must be reported in accordance with Standard Condition D(1)(F), *Twenty-four-hour reporting*, of this license.

F. GENERAL OPERATIONAL CONTRAINTS

1. All wastewater must receive biological treatment through a properly designed, operated and maintained lagoon system prior to disposal.

2. The surface wastewater disposal facilities must 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 wastewater disposal system must 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 22 M.R.S. § 2601.

SPECIAL CONDITIONS

F. GENERAL OPERATIONAL CONTRAINTS (cont'd)

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 must maintain a file on the location of all system components and relevant features. Each component must 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 must be identified and referenced by a unique system identifier in all logs and reports.

G. SPRAY IRRIGATION OPERATIONAL CONSTRAINTS

1. Suitable vegetative cover must be maintained. Wastewater 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 must be present prior to spray irrigation.

3. No wastewater may be applied to the site following a rainfall accumulation exceeding 1.0 inch within the previous 8-hour period. A rain gauge must be located on site to monitor daily precipitation. The licensee must also manage application rates by taking into consideration the forecast for rain events in the 48-hour period in the future.

4. No wastewater may be applied where there is more than 0.5 inches of snow present on the surface of the ground.

5. No wastewater may 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 must be allowed in the spray-irrigation field except where installation occurs or where normal operations and maintenance are performed.

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SPECIAL CONDITIONS

H. SNOWMAKING OPERATIONAL CONSTRAINTS

1. Snow from effluent must 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 must 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 must be shut down immediately and the necessary repairs or replacements made prior to startup.

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

1. Prior to the commencement of spray irrigation for the season, the licensee must notify the Department's compliance inspector that site conditions are appropriate (frozen ground, soil moisture, etc.) for spray irrigation.

2. The licensee must 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 must at all times maintain in good working order and operate at maximum efficiency all wastewater 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 must cease irrigation if runoff is observed outside the designated boundaries of the spray field(s).

4. **The licensee must 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 must 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 must 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 must 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.

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SPECIAL CONDITIONS

J. LAGOON MAINTENANCE

1. The banks of the lagoon must be inspected periodically during the operating season and properly maintained at all times. There must be no overflow through or over the banks. Any signs of leaks, destructive animal activity or soil erosion of the banks must be repaired immediately.

2. The banks of the lagoon must 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 must be kept free of all vegetation (i.e. grasses, reeds, cattails, etc) that hinders the operation of the lagoon.

4. The licensee must maintain the lagoon freeboard at design levels or at least two (2) feet whichever is greater. The storage lagoon must be operated in such a way as to balance the disposal of wastewater, including the necessary storage capacity for precipitation, to ensure that design freeboard levels are maintained.

5. The treatment and storage lagoons must be dredged as necessary to maintain the proper operating depths in both lagoons that will provide best practicable treatment of the wastewater. All material removed from the lagoon(s) must be properly disposed of in accordance with all applicable State and Federal rules and regulations.

K. INSPECTIONS AND MAINTENANCE

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

L. GROUNDWATER MONITORING WELLS

All monitoring wells must be equipped and maintained with a cap and lock to limit access and must be maintained in a secured state at all times. The integrity of the monitoring wells must also be verified annually by checking for the following: access and visibility, condition of locks and protective caps, presence of cracks, subsurface bentonite seal condition (unusual water quality, i.e., turbidity), condition of well screens and filter packs (changes in well performance, i.e., drop in yield), and evidence of vandalism or frost heaving.

The Department reserves the right to require increasing the depth and/or relocating any of the groundwater monitoring wells if the well is perennially dry or is determined to not provide data representative of groundwater conditions.

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SPECIAL CONDITIONS

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

The licensee must maintain a current written comprehensive Operation & Maintenance (O & M) Plan. The plan must provide a systematic approach by which the licensee must 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 must 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 must 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 wastewater treatment facility, the licensee must submit the updated O & M Plan to their Department inspector for review and comment.

N. 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.

O. 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 must remain in full force and effect, and must 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						
15						
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28						
29						
30						
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 _____

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

DATE: **DECEMBER 18, 2020**

INTERGRATED COMPLIANCE INFORMATION SYSTEM: **MEU507949**

LICENSE NUMBER: #**W007949-5P-H-R**

NAME AND MAILING ADDRESS OF APPLICANT:

PINELAND FARMS POTATO COMPANY INC.
115 PRESQUE ISLE ROAD
MARS HILL, MAINE 04758

COUNTY: **AROOSTOOK**

NAME AND ADDRESS OF FACILITY:

PINELAND FARMS POTATO COMPANY INC.
U.S. ROUTE #1
MARS HILL, ME 04758

RECEIVING WATER/ CLASSIFICATION: **GROUND WATER/CLASS GW-A**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER: **GREGG MCCRUM**
207-227-2434
UTILITY MANAGER
greg.mccrum@michaelfoods.com

1. APPLICATION SUMMARY

On September 27, 2019 Pineland Farms Potato Company, Inc. (Pineland Farms) submitted a timely and complete application to the Department of Environmental Protection (Department) for the renewal of Waste Discharge License (WDL) #W007949-5P-F-R which was issued on December 1, 2014 for a five-year term. The 12/1/14 WDL authorized the disposal of treated vegetable processing wastewater onto the surface of the ground via a surface wastewater disposal system (spray irrigation) during the summer months and snowmaking system during the winter months. The processing plant, the wastewater treatment system and current disposal systems are all located on a 176-acre spray site in Mars Hill, Maine.

Since issuing the 12/1/2014 renewal the Department issued one modification. The modification was issued on December 2, 2016 and authorized a 7.1-acre snowmaking site designated as SM#2. SM#2 was sized to allow for the disposal of 46 million gallons of snow melt water over a 22-week season (November 1- March 30).

2. LICENSE SUMMARY

1. This WDL is carrying forward all the terms and conditions of the previous licensing action except that it is;

2. Extend snow making season for SM#1 and SM#2 from November 1–March 30 to November 1–April 15;

3. Requiring that testing for metals take place in October on the 4th year of the permit term;

4. Establishing a reporting requirement for daily maximum and monthly average flow for influent to the wastewater lagoons; and

a. History: Recent Department licensing actions 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 issued WDL renewal #W007949-5P-B-R for a five-year term in the name of Naturally Potatoes Inc.

December 22, 2009 – The Department issued 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 wastewater and air emissions licenses from Naturally Potatoes a Basic American Foods Division, LLC to Pineland Farms Potato Company LLC.

December 1, 2014 – The Department issued Integrated Compliance Information System (ICIS)/WDL renewal MEU507949/#W007949-5P-F-R to Pineland Farms Potato Company Inc. for a five-year term.

September 27, 2019 – Pineland Farms Potato Company, Inc. submitted a timely and complete application to the Department. The application was approved for processing on September 30, 2019 and assigned ICIS/WDL MEU507949/W007949-5P-H-R.

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.

2. LICENSE SUMMARY (cont'd)

Sources of wastewater 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 wastewater generated at the facility are conveyed to the municipal wastewater treatment facility which is also permitted/licensed by this Department.

c. Wastewater Treatment (Lagoon Infiltration): 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, there have not 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 wastewater from the processing facility at full production loading levels.

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, wastewater from the aerated lagoon is currently conveyed to four existing spray fields SF#1 (64 acres), SF#2 (38 acres), and SF#3 (11 acres). All three spray fields total approximately 113 acres. See **Attachment B** of this Fact Sheet. Wastewater 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 wastewater in a circular pattern measuring 150 feet in diameter.

2. LICENSE SUMMARY (cont'd)

Snowmaking: Between November 1st and March 30th of each year, wastewater from the storage lagoon is converted to snow via compressed air and stored in piles on a parcel of land currently used for spray irrigation. There are three spray fields located to the north of center of spay field #1. Each field encompasses approximately 5.0 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 5-acre parcels. 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 16 million gallons of snow melting water over a period of 22 weeks on 5.0 acres is 0.6 inches/week or 0.73 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 wastewater disposal. See **Attachment A** of the Fact Sheet of this license for a location map for the facility.

3. CONDITIONS OF THE LICENSE

Pollution Control 38 M.R.S. §414-A(1)(D), requires that the effluent limitations prescribed for discharges require application of best practicable treatment (BPT) and ensure that the receiving water attain the State water quality standards as described in Maine's groundwater classification system.

4. RECEIVING WATER QUALITY STANDARDS

Classification of ground water, 38 M.R.S. § 470 indicates the groundwater at the point of discharge is classified as Class GW-A receiving water. 38 M.R.S. §465-C (1) describes the standards for Class GW-A water as the highest classification of groundwater that must be of such quality that it can be used for public water supplies. This water must be free of radioactive matter or any matter that imparts color, turbidity, taste, or odor which would impair the use of the water, 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 wastewater. 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.

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

a. Monitoring Parameters

Biochemical Oxygen Demand (BOD_5) − Monitoring for BOD yields an indication the condition of the wastewater 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 wastewater. 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 BOD_5, 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 wastewater 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.

d. Spray Irrigation/Snowmaking Application Rates – The previous licensing actions established an application rate of 2.0 inches/week that is being carried forward in this licensing action for all the active spray sites SF#1, SF#2, SF#3, SF#4 and snowmaking site SM#1. The application rate of 2.0 inches/week also applies to future spray fields SF #41, SF #42, SF #44, SF#45 and SF #46 that have yet to be constructed.

Regardless of the calculated rate, the system operator must monitor each wastewater application site to verify adequate infiltration. Spray irrigation or snowmaking must be stopped if runoff outside of the designated sprayfields or snowmaking site is observed.

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

e. Ground Water Monitoring

This licensing action is carrying forward the 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

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

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 wastewater.

Monitoring parameters for all monitoring wells include depth to the water level below the land surface, nitrate-nitrogen, specific conductance, temperature, pH, TSS. Groundwater sampling must 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. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

For the period December 2014 – October 2019 the following data was reported for the lagoon effluent and groundwater monitoring, and spray application rates.

a. Lagoon Effluent

BOD (DMRs = 53)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	Report	70 – 2,200	623

TSS (DMRs = 53)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	Report	260 – 3,600	1660

pH (DMRs = 53)

Value	Limit (s.u.)	Range (s.u.)
Daily Maximum	Report	6.90 – 8.10

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

Nitrate-Nitrogen (DMRs = 52)

Value	Limit (mg/L)	Range (mg/L)	Mean (mg/L)
Daily Maximum	Report	0.05 – 45	5.16

b. Spray application rates

Monthly totals applied (gallons)

Field Name	Limit (gal)	Range (gal)	Average (gal/mon)
SF-1 (DMRs = 30)	Report	811,475 – 45,557,999	6,078,729
SF-2 (DMRs = 17)	Report	71,000 – 2,498,990	1,152,625
SF-3 (DMRs = 15)	Report	10,600 − 761,400	405,304
SF-4 (DMRs = 10)	Report	219,360 – 895,450	397,542

c. Snowmaking

SM-1 (n=5)

Year	Limit (gal/season)	Gallons/season
Spring 15	24,000,000	5,607,514
Spring 16	24,000,000	5,568,300
Spring 17	24,000,000	6,449,860
Spring 18	24,000,000	19,213,835
Spring 19	24,000,000	16,821,290

SM-2 (n=13)

Limit (gal/month)	Range (gal)	Average (gal/mon)
46,000,000	1,188,120 – 25,722,270	10,246,476

d. Groundwater

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

Parameter	Temp. (°F)	Conductance (uhmos/cm)	pH (s.u.)	TSS (mg/L)	Nitrate-Nitrogen (mg/L)	Depth to GW (ft)
MW-1	N/A	617	6.8	N/A	N/A	15.0
MW-3	49	592	7.3	4.7	9.90*	4.5
MW-4	44	407	7.5	4.7	1.43	12
MW-6	41	634	7.0	4.7	9.90*	15
MW-7	45	504	7.0	4.7	0.14	7.4
MW-8	41	611	6.7	6.0	2.17	10.9
MW-9	45	861	7.0	4.7	3.30	2.7

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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

This licensing action does not establish numeric limitations or parameter specific monitoring requirements due to the nature of the treatment system. The license does prohibit the discharge to any surface waterbody and or to the surface of the ground outside the perimeter of the infiltration lagoon/sedimentation pond and relies on best management practices to protect ground water and surface water.

9. PUBLIC COMMENTS

Public notice of this application was made in the Star Herald newspaper on or about August 28, 2019. 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 must have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to *Application Processing Procedures for Waste Discharge Licenses*, 06-096 CMR 522 (effective January 12, 2001).

10. DEPARTMENT CONTACTS

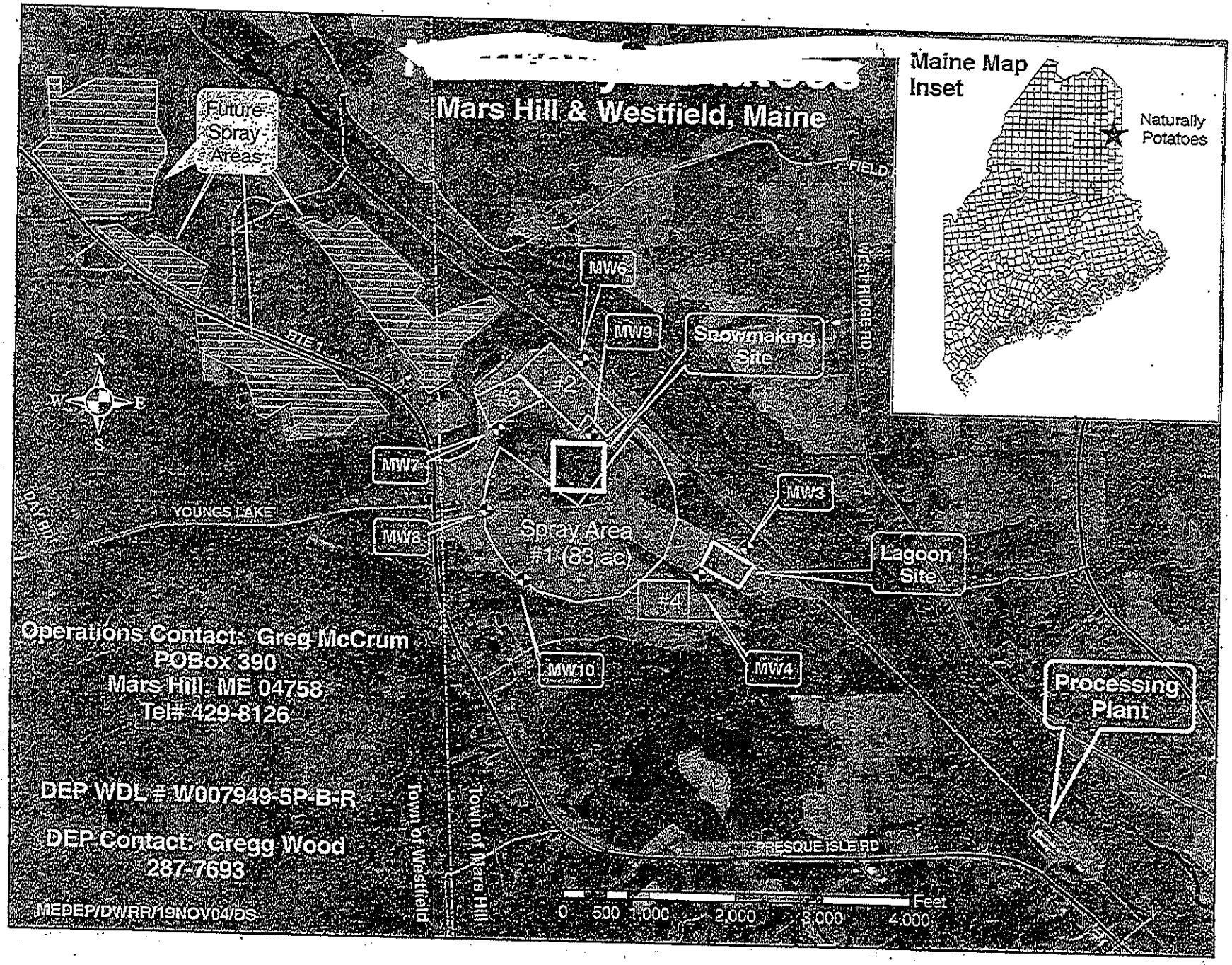
Additional information concerning this licensing action may be obtained from, and written comments sent to:

Aaron Dumont
Bureau of Water Quality
Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017 Telephone: (207) 287-1939
e-mail: Aaron.A.Dumont@maine.gov

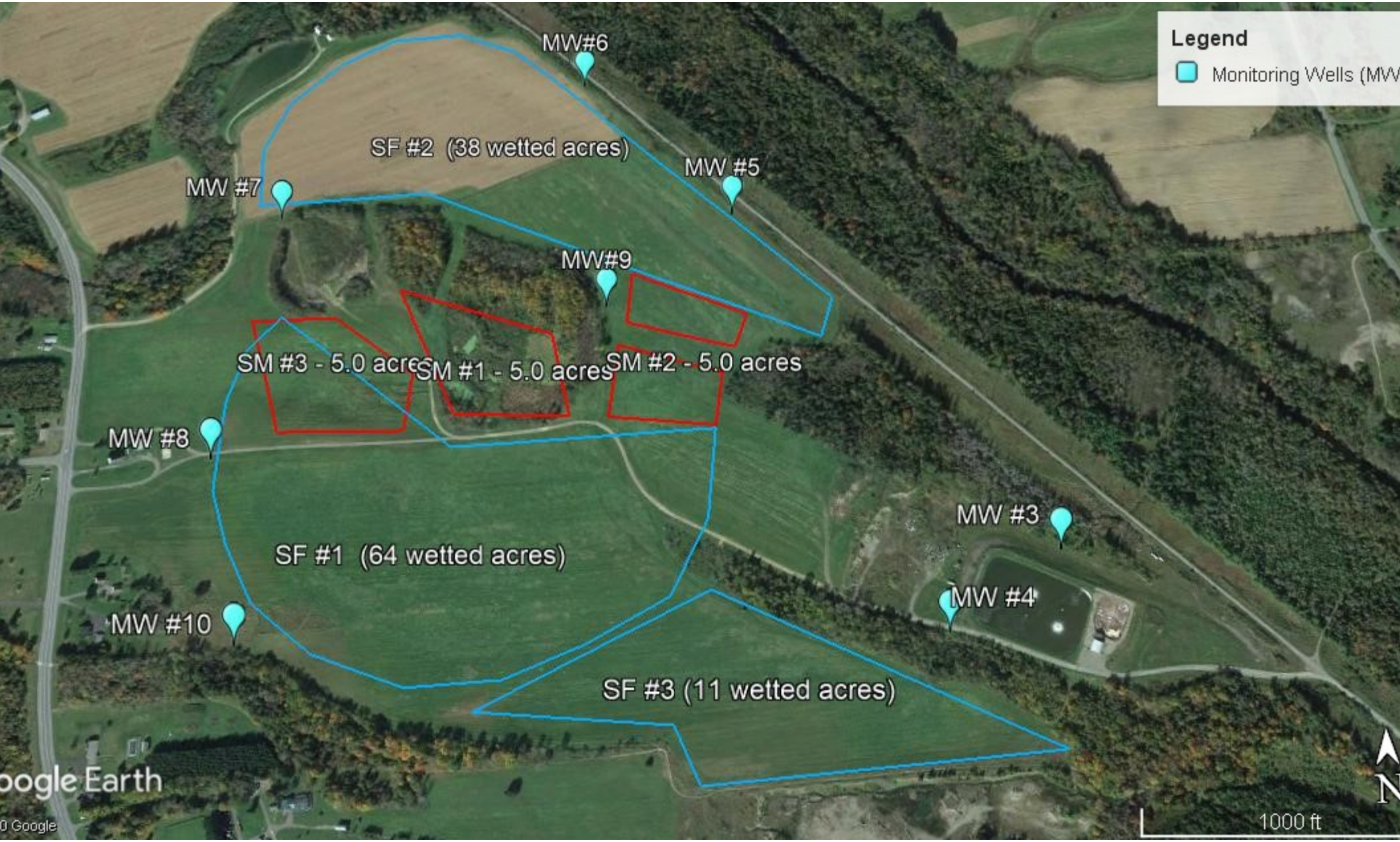
11. RESPONSE TO COMMENTS

Reserved until the close of the formal 30-day public comment period.

ATTACHMENT A


Mars Hill & Westfield, Maine
Maine Map Inset
Naturally Potatoes
Future Spray Areas
RTE 1
FIELD
WEST RIDGE RD
MW6
MW9
Snowmaking Site
#2
#3
MW7
MW8
YOUNGS LAKE
Spray Area #1 (83 ac)
MW3
Lagoon Site
#4
MW10
MW4
Processing Plant
PRESQUE ISLE RD
Operations Contact: Greg McCrum
POBox 390
Mars Hill, ME 04758
Tel# 429-8126
DEP WDL # W007949-5P-B-R
DEP Contact: Gregg Wood
287-7693
MEDEP/DWRR/19NOV04/DS
Town of Westfield
Town of Mars Hill
0 500 1,000 2,000 3,000 4,000
Feet

ATTACHMENT B


Legend
Monitoring Wells (MW
MW#6
SF #2 (38 wetted acres)
MW #7
MW #5
MW#9
SM #3 - 5.0 acres
SM #1 - 5.0 acres
SM #2 - 5.0 acres
MW #8
MW #3
SF #1 (64 wetted acres)
MW #4
MW #10
SF #3 (11 wetted acres)
oogle Earth
0 Google
1000 ft
N


Legend
MW#9
snow making fields (SM
MW#9
SM #2 - 5.0 acres
SM #1 - 5.0 acres
SM #3 - 5.0 acres
oogle Earth
0 Google
500 ft
N

CONTENTS

A. GENERAL PROVISIONS

1. **General compliance**. All discharges shall be consistent with the terms and conditions of this permit; 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 permit; it shall be a violation of the terms and conditions of this permit 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 permit.

2. 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

(i) 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
(ii) Known to be hazardous or toxic by the licensee.

(b) The discharge of such materials will not violate applicable water quality standards.

3. Duty to comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of State law and the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

(a) The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act, and 38 MRSA, §420 or Chapter 530.5 for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
(b) Any person who violates any provision of the laws administered by the Department, including without limitation, a violation of the terms of any order, rule license, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

4. Duty to provide information. The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish to the Department upon request, copies of records required to be kept by this permit.

5. Permit actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

6. Reopener clause. The Department reserves the right to make appropriate revisions to this permit in order to establish any appropriate effluent limitations, schedule of compliance or other provisions which may be authorized under 38 MRSA, §414-A(5).

7. Oil and hazardous substances. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject under section 311 of the Federal Clean Water Act; section 106 of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; or 38 MRSA §§ 1301, et. seq.

8. Property rights. This permit does not convey any property rights of any sort, or any exclusive privilege.

9. Confidentiality of records. 38 MRSA §414(6) reads as follows. "Any records, reports or information obtained under this subchapter is available to the public, except that upon a showing satisfactory to the department by any person that any records, reports or information, or particular part or any record, report or information, other than the names and addresses of applicants, license applications, licenses, and effluent data, to which the department has access under this subchapter would, if made public, divulge methods or processes that are entitled to protection as trade secrets, these records, reports or information must be confidential and not available for public inspection or examination. Any records, reports or information may be disclosed to employees or authorized representatives of the State or the United States concerned with carrying out this subchapter or any applicable federal law, and to any party to a hearing held under this section on terms the commissioner may prescribe in order to protect these confidential records, reports and information, as long as this disclosure is material and relevant to any issue under consideration by the department."

10. Duty to reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

11. Other laws. The issuance of this permit does not authorize any injury to persons or property or invasion of other property rights, nor does it relieve the permittee if its obligation to comply with other applicable Federal, State or local laws and regulations.

12. Inspection and entry. The permittee shall allow the Department, or an authorized representative (including an authorized contractor acting as a representative of the EPA Administrator), upon presentation of credentials and other documents as may be required by law, to:

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
(d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

B. OPERATION AND MAINTENACE OF FACILITIES

1. General facility requirements.

(a) The permittee shall collect all waste flows designated by the Department 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 permittee 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 wastewaters.

(d) Final plans and specifications must be submitted to the Department for review prior to the construction or modification of any treatment facilities.

(e) The permittee shall install flow measuring facilities of a design approved by the Department.

(f) The permittee must provide an outfall of a design approved by the Department which is placed in the receiving waters in such a manner that the maximum mixing and dispersion of the wastewaters will be achieved as rapidly as possible.

2. Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

3. Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

4. Duty to mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. Bypasses.

(a) Definitions.

(i) Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

(ii) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c) and (d) of this section.

(c) Notice.

(i) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(ii) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in paragraph D(1)(f), below. (24-hour notice).

(d) Prohibition of bypass.

(i) Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
(C) The permittee submitted notices as required under paragraph (c) of this section.

(ii) The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three conditions listed above in paragraph (d)(i) of this section.

6. Upsets.

(a) Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph (c) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and that the permittee can identify the cause(s) of the upset;
(ii) The permitted facility was at the time being properly operated; and
(iii) The permittee submitted notice of the upset as required in paragraph D(1)(f) , below. (24 hour notice).
(iv) The permittee complied with any remedial measures required under paragraph B(4).

(d) Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

C. MONITORING AND RECORDS

1. General Requirements. This permit shall be subject to such monitoring requirements as may be reasonably required by the Department including the installation, use and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). The permittee shall provide the Department with periodic reports on the proper Department reporting form of monitoring results obtained pursuant to the monitoring requirements contained herein.

2. 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 permittee 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.

3. Monitoring and records.

(a) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(b) Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years, the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Department at any time.

(c) Records of monitoring information shall include:

(i) The date, exact place, and time of sampling or measurements;
(ii) The individual(s) who performed the sampling or measurements;
(iii) The date(s) analyses were performed;
(iv) The individual(s) who performed the analyses;
(v) The analytical techniques or methods used; and
(vi) The results of such analyses.

(d) Monitoring results must be conducted according to test procedures approved under 40 CFR part 136, unless other test procedures have been specified in the permit.

(e) State law provides that any person who tampers with or renders inaccurate any monitoring devices or method required by any provision of law, or any order, rule license, permit approval or decision is subject to the penalties set forth in 38 MRSA, §349.

D. REPORTING REQUIREMENTS

1. Reporting requirements.

(a) Planned changes. The permittee shall give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

(i) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or

(ii) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Section D(4).

(iii) The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan;

(b) Anticipated noncompliance. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(c) Transfers. This permit is not transferable to any person except upon application to and approval of the Department pursuant to 38 MRSA, § 344 and Chapters 2 and 522.

(d) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.

(i) Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Department for reporting results of monitoring of sludge use or disposal practices.

(ii) If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Department.

(iii) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Department in the permit.

(e) Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

(f) Twenty-four hour reporting.

(i) The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance

has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(ii) The following shall be included as information which must be reported within 24 hours under this paragraph.

(A) Any unanticipated bypass which exceeds any effluent limitation in the permit.
(B) Any upset which exceeds any effluent limitation in the permit.
(C) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within 24 hours.

(iii) The Department may waive the written report on a case-by-case basis for reports under paragraph (f)(ii) of this section if the oral report has been received within 24 hours.

(g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under paragraphs (d), (e), and (f) of this section, at the time monitoring reports are submitted. The reports shall contain the information listed in paragraph (f) of this section.

(h) Other information. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

2. Signatory requirement. All applications, reports, or information submitted to the Department shall be signed and certified as required by Chapter 521, Section 5 of the Department's rules. State law provides that any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained by any order, rule, permit, approval or decision of the Board or Commissioner is subject to the penalties set forth in 38 MRSA, §349.

3. Availability of reports. Except for data determined to be confidential under A(9), above, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. As required by State law, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal sanctions as provided by law.

4. Existing manufacturing, commercial, mining, and silvicultural dischargers. In addition to the reporting requirements under this Section, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Department as soon as they know or have reason to believe:

(a) That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(i) One hundred micrograms per liter (100 ug/l);
(ii) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
(iii) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
(iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

(b) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following ``notification levels'':

(i) Five hundred micrograms per liter (500 ug/l);
(ii) One milligram per liter (1 mg/l) for antimony;
(iii) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with Chapter 521 Section 4(g)(7); or
(iv) The level established by the Department in accordance with Chapter 523 Section 5(f).

5. Publicly owned treatment works.

(a) All POTWs must provide adequate notice to the Department of the following:

(i) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA or Chapter 528 if it were directly discharging those pollutants.
(ii) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
(iii) For purposes of this paragraph, adequate notice shall include information on (A) the quality and quantity of effluent introduced into the POTW, and (B) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

(b) When the effluent discharged by a POTW for a period of three consecutive months exceeds 80 percent of the permitted flow, the permittee shall submit to the Department a projection of loadings up to the time when the design capacity of the treatment facility will be reached, and a program for maintaining satisfactory treatment levels consistent with approved water quality management plans.

E. OTHER REQUIREMENTS

1. Emergency action - power failure. Within thirty days after the effective date of this permit, the permittee shall notify the Department of facilities and plans to be used in the event the primary source of power to its wastewater pumping and treatment facilities fails as follows.

(a) For municipal sources. During power failure, all wastewaters 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 wastewater facilities.

(b) For industrial and commercial sources. The permittee shall either maintain an alternative power source sufficient to operate the wastewater pumping and treatment facilities or halt, reduce or otherwise control production and or all discharges upon reduction or loss of power to the wastewater pumping or treatment facilities.

2. Spill prevention. (applicable only to industrial sources) Within six months of the effective date of this permit, the permittee shall submit to the Department for review and approval, with or without conditions, a spill prevention plan. The plan shall delineate methods and measures to be taken to prevent and or contain any spills of pulp, chemicals, oils or other contaminates and shall specify means of disposal and or treatment to be used.

3. **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.

4. **Connection to municipal sewer.** (applicable only to industrial and commercial sources) All wastewaters designated by the Department as treatable in a municipal treatment system will be cosigned to that system when it is available. This permit will expire 90 days after the municipal treatment facility becomes available, unless this time is extended by the Department in writing.

F. DEFINITIONS. For the purposes of this permit, the following definitions shall apply. Other definitions applicable to this permit may be found in Chapters 520 through 529 of the Department's rules

Average means the arithmetic mean of values taken at the frequency required for each parameter over the specified period. For bacteria, the average shall be the geometric mean.

Average monthly discharge limitation means the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. Except, however, bacteriological tests may be calculated as a geometric mean.

Average weekly discharge limitation means the highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

Best management practices ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Composite sample means a sample consisting of a minimum of eight grab samples collected at equal intervals during a 24 hour period (or a lesser period as specified in the section on monitoring and reporting) and combined proportional to the flow over that same time period.

Continuous discharge means a discharge which occurs without interruption throughout the operating hours of the facility, except for infrequent shutdowns for maintenance, process changes, or other similar activities.

Daily discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day.

Discharge Monitoring Report ("DMR") means the EPA uniform national form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by permittees. DMRs must be used by approved States as well as by EPA. EPA will supply DMRs to any approved State upon request. The EPA national forms may be modified to substitute the State Agency name, address, logo, and other similar information, as appropriate, in place of EPA's.

Flow weighted composite sample means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

Grab sample means an individual sample collected in a period of less than 15 minutes.

Interference means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
(2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Maximum daily discharge limitation means the highest allowable daily discharge.

New source means any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

(a) After promulgation of standards of performance under section 306 of CWA which are applicable to such source, or
(b) After proposal of standards of performance in accordance with section 306 of CWA which are applicable to such source, but only if the standards are promulgated in accordance with section 306 within 120 days of their proposal.

Pass through means a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

Permit means an authorization, license, or equivalent control document issued by EPA or an approved State to implement the requirements of 40 CFR parts 122, 123 and 124. Permit includes an NPDES general permit (Chapter 529). Permit does not include any permit which has not yet been the subject of final agency action, such as a draft permit or a proposed permit.

Person means an individual, firm, corporation, municipality, quasi-municipal corporation, state agency, federal agency or other legal entity.

Point source means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.

Pollutant means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or byproducts, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

Process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Publicly owned treatment works ("POTW") means any facility for the treatment of pollutants owned by the State or any political subdivision thereof, any municipality, district, quasi-municipal corporation or other public entity.

Septage means, for the purposes of this permit, any waste, refuse, effluent sludge or other material removed from a septic tank, cesspool, vault privy or similar source which concentrates wastes or to which chemicals have been added. Septage does not include wastes from a holding tank.

Time weighted composite means a composite sample consisting of a mixture of equal volume aliquots collected over a constant time interval.

Toxic pollutant includes any pollutant listed as toxic under section 307(a)(1) or, in the case of sludge use or disposal practices, any pollutant identified in regulations implementing section 405(d) of the CWA. Toxic pollutant also includes those substances or combination of substances, including disease causing agents, which after discharge or upon exposure, ingestion, inhalation or assimilation into any organism, including humans either directly through the environment or indirectly through ingestion through food chains, will, on the basis of information available to the board either alone or in combination with other substances already in the receiving waters or the discharge, cause death, disease, abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in such organism or their offspring.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Whole effluent toxicity means the aggregate toxic effect of an effluent measured directly by a toxicity test.