



STATE OF MAINE
Department of Environmental Protection

Paul R. LePage
GOVERNOR

James Brooks
ACTING COMMISSIONER

June 21, 2011

Mr. Daniel Bowker
Environmental Coordinator
Maine Wild Blueberry Company
Park Street, Cherryfield, ME. 04622

RE: Permit Compliance System Tracking Number # MEU508253
Maine Waste Discharge License (WDL) Application # W008253-5P-B-M
Final License Modification

Dear Mr. Bowker:

Enclosed, please find a copy of the **final** Maine WDL **modification** for the Machias facility, which was approved by the Department of Environmental Protection. Please read the license and its attached conditions carefully. You must follow the conditions in the order to satisfy the requirements of law. Any discharge not receiving adequate treatment is in violation of State law and is subject to enforcement action.

Any interested person aggrieved by a Department determination made pursuant to applicable regulations, may appeal the decision following the procedures described in the attached DEP FACT SHEET entitled "*Appealing a Commissioner's Licensing Decision.*"

If you have any questions regarding the matter, please feel free to call me at 287-7693 or send me an e-mail at gregg.wood@maine.gov.

Sincerely,

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

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

Enc.

cc: Clarissa Trasko, DEP/EMRO
Sandy Mojica, USEPA



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

DEPARTMENT ORDER

IN THE MATTER OF

MAINE WILD BLUEBERRY COMPANY)	PROTECTION AND IMPROVEMENT
MACHIAS, WASHINGTON COUNTY, MAINE)	OF WATERS
SURFACE WASTE WATER DISPOSAL SYSTEM)	
PCS TRACKING MEU508253)	WASTE DISCHARGE LICENSE
WDL W008253-5P-B-M)	MODIFICATION
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 the MAINE WILD BLUEBERRY COMPANY, (MWB/licensee hereinafter) with supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

APPLICATION SUMMARY

MWB has submitted an application to the Department to modify Waste Discharge License (WDL) #W008253-5P-A-N, issued by the Department on July 1, 2010. The 7/1/10 WDL authorized the licensee to seasonally dispose of blueberry processing and wash down waste water generated at a rate of up to a maximum of 100,000 gallons per day via a surface waste water disposal system on a 10-acre parcel of forested land off of the Stackpole Road in the Town of Machias. MWB is requesting the Department modify the 7/1/10 WDL to authorize disposal on an additional 6 acres to the south of the existing 10-acre spray application area and increase the spray rate from 27,152 gallons/week to 81,457 gallons/week on 0.75 acres in spray field SF-C. As a result, the licensee is seeking a total increase in the daily maximum disposal rate to 121,200 gallons per day.

LICENSE SUMMARY

This license modification authorizes the licensee to increase the total spray application area by 6 acres for a total area of 16 acres and increase the application rate from 27,152 gallons/week to 81,457 gallons/week on 0.75 acres in spray field SF-C.

CONCLUSIONS

BASED on the findings in the attached Fact Sheet dated May 13, 2011, and subject to the Conditions listed below, the Department makes the following conclusions:

1. The discharge, either by itself or in combination with other discharges, will not lower the quality of any classified body of water below such classification.
2. The discharge, either by itself or in combination with other discharges, will not lower the quality of any unclassified body of water below the classification which the Department expects to adopt in accordance with state law.
3. The provisions of the State's antidegradation policy, 38 MRSA Section 464(4)(F), will be met, in that:
 - (a) Existing water uses and the level of water quality necessary to protect and maintain those existing uses will be maintained and protected;
 - (b) Where high quality waters of the State constitute an outstanding national resource, that water quality will be maintained and protected;
 - (c) The standards of classification of the receiving water body are met or, where the standards of classification of the receiving water body are not met, the discharge will not cause or contribute to the failure of the water body to meet the standards of classification;
 - (d) Where the actual quality of any classified receiving water body exceeds the minimum standards of the next highest classification, that higher water quality will be maintained and protected; and
 - (e) Where a discharge will result in lowering the existing 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 THE MAINE WILD BLUEBERRY COMPANY, to operate a surface waste water disposal system to dispose of up to 848,000 gallons per week, SUBJECT TO THE FOLLOWING CONDITIONS, and all applicable standards and regulations including:

1. *Standard Conditions of Industrial Waste Discharge Licenses*” revised August 14, 1996, copy attached to WDL #W008253-5P-A-N, dated July 1, 2010.
2. The attached Special Conditions, including effluent limitations and monitoring requirements.
3. All terms and conditions of WDL #W008253-5P-A-N, dated July 1, 2010, not modified by this license modification remain in effect and enforceable.
4. This license modification expires on July 1, 2015, concurrent with WDL #W008253-5P-A-N dated July 1, 2010. . If a renewal application is timely submitted and accepted as complete for processing prior to the expiration of the this permit, the terms and conditions of the this permit and all subsequent modifications and minor revisions thereto remain in effect until a final Department decision on the renewal application becomes effective. [*Maine Administrative Procedure Act*, 5 M.R.S.A. § 10002 and *Rules Concerning the Processing of Applications and Other Administrative Matters*, 06-096 CMR 2(21)(A) (effective April 1, 2003)]

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: March 17, 2011

Date of application acceptance: March 23, 2011

This Order prepared by Gregg Wood, BUREAU OF LAND & WATER QUALITY

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

2. Beginning the effective date of the license modification, application of waste water to the land via a spray irrigation system shall be limited to the time period **April 15th to November 15th of each calendar year**. The five **SPRAY-IRRIGATION FIELDS**, (SF-N, SF-C, SF-S, SF-SE and SF-SW – See **Attachment A** of the Fact Sheet) shall be limited and monitored as specified below.

Parameter	Monthly <u>Total</u>	Weekly Average ⁽⁴⁾	Measurement <u>Frequency</u>	Sample <u>Type</u>
<u>Application Rate (Weekly)</u> ⁽³⁾				
SF-N	---	393,704 gal/week	1/Week	Calculate
SF-C	---	162,912 gal/week	1/Week	Calculate
SF-S	---	108,608 gal/week	1/Week	Calculate
SF-SE	---	116,482 gal/week	1/Week	Calculate
SF-SW	---	66,183 gal/week	1/Week	Calculate
[51125]		[8G]	[01/07]	[CA]
<u>Flow – Total Gallons</u> ⁽³⁾				
SF-N	Report (Gallons)	---	1/Month	Calculate
SF-C	Report (Gallons)	---	1/Month	Calculate
SF-S	Report (Gallons)	---	1/Month	Calculate
SF-SE	Report (Gallons)	---	1/Month	Calculate
SF-SW	Report (Gallons)	---	1/Month	Calculate
[82220]	[80]		[01/30]	[CA]

Footnotes: - Please refer to pages 7 and 8 in WDL #W008253-5P-A-N dated July 1, 2010.

SPECIAL CONDITIONS

A. LIMITATIONS AND MONITORING REQUIREMENTS

3. Beginning the effective date of the license modification, **GROUND WATER MONITORING WELLS (MW-009A, MW-009B, MW-009C, MW-009D, MW-009E AND MW-009F– See Attachment A of the Fact Sheet)** shall be limited and monitored as specified below.

Monitoring Parameters	Daily <u>Maximum</u> as specified	Measurement <u>Frequency</u> as specified	Sample <u>Type</u> as specified
Nitrate-Nitrogen [00620]	10 mg/L [19]	2/Year ⁽⁷⁾ [02/YR]	Grab [GR]
Depth to Water Level Below Landsurface [72019]	Report (feet) ⁽⁵⁾ [27]	3/Year ⁽⁶⁾ [03/YR]	Measure [MS]
Specific Conductance [00095]	Report (umhos/cm) [11]	2/Year ⁽⁷⁾ [02/YR]	Grab [GR]
Temperature [00011]	Report (Farhenheit) [15]	2/Year ⁽⁷⁾ [02/YR]	Grab [GR]
PH (Standard Units) [00400]	Report (S.U.) [12]	2/Year ⁽⁷⁾ [02/YR]	Grab [GR]
Pesticides ⁽⁸⁾ [74053]	Report (ug/L) [28]	1/Month ⁽²⁾ [01/30]	Grab [GR]
Total Suspended Solids [00530]	Report (mg/L) [19]	2/Year ⁽⁷⁾ [02/YR]	Grab [GR]

Footnotes: Please refer to pages 7 and 8 in WDL #W008253-5P-A-N dated July 1, 2010.

SPECIAL CONDITIONS

C. AUTHORIZED DISCHARGES

The licensee is authorized to discharge treated waste water only in accordance with the terms and conditions of this license modification and only to the existing spray-irrigation fields (**SF-N, SF-C and SF-S, SF-SE and SF-SW**) and from those sources as indicated in the Waste Discharge License applications dated May 13, 2010 and March 17, 2011.

Discharge of waste water from any other location or from sources other than those indicated on said application requires formal modification of this license.

MAINE WASTE DISCHARGE LICENSE

FACT SHEET

Date: **May 13, 2011**

COMPLIANCE TRACKING NUMBER: **MEU508253**

LICENSE NUMBER: **#W008253-5P-B-M**

NAME AND MAILING ADDRESS OF APPLICANT:

MAINE WILD BLUEBERRY COMPANY

**Park Street, P.O. Box 128
Cherryfield, Maine 04622**

COUNTY: **Washington County**

NAME AND ADDRESS OF FACILITY:

**Stackpole Road
Machias, Maine 04654**

RECEIVING WATER/ CLASSIFICATION: **Groundwater/Class GW-A**

COGNIZANT OFFICIAL AND TELEPHONE NUMBER:

**Mr. Daniel Bowker
Environmental Coordinator
(207) 546-1780
e-mail: dbowker@cherryfieldfoods.com**

1. APPLICATION SUMMARY:

- a. Application. MWB has submitted an application to the Department to modify Waste Discharge License (WDL) #W008253-5P-A-N, issued by the Department on July 1, 2010. The 7/1/10 WDL authorized the licensee to seasonally dispose of blueberry processing and wash down waste water generated at a rate of up to a maximum of 100,000 gallons per day via a surface waste water disposal system on a 10-acre parcel of forested land off of the Stackpole Road in the Town of Machias. MWB is requesting the Department modify the 7/1/10 WDL to authorize disposal on an additional 6 acres to the south of the existing 10-acre spray application area and increase the spray rate from 27,152 gallons/week to 81,457 gallons/week on 0.75 acres in spray field SF-C. As a result, the licensee is seeking a total increase in the daily maximum disposal rate to 121,200 gallons per day.

1. APPLICATION SUMMARY (cont'd)

- b. Source Description: See the Fact Sheet of WDL #W008253-5P-A-N dated July 1, 2010.
- c. Waste Water Treatment: See the Fact Sheet of WDL #W008253-5P-A-N dated July 1, 2010.

The additional 6-acres of spray irrigation area requested by the licensee will be located to the south of the existing spray area SF-S and will be sub-divided into two areas referred to as SF-SE and SF-SW. See **Attachment A** of this Fact Sheet for a series of map depicting the new spray area. Area SF-SE is estimated to contain 3.57 acres and will contain 44 spray heads, each with a radius of 30 feet. Area SF-SW is estimated to contain 2.12 acres and will contain 25 spray heads each with a radius of 30 feet.

A Class B high intensity soil survey was conducted in December of 2010 indicating the soils in the expanded spray irrigation area have been identified as Nicholville, Roundabout series that are moderately well drained in the upland areas and poorly drained in areas abutting the forested wetlands. The licensee's contract soil scientist has made a best professional determination that the soils should be able to accommodate up to 1.5 inches of precipitation per week. This equates to 40,728 gallons/acre/week.

In addition to seeking approval for the additional 6-acre parcel, the licensee has requested the Department increase the application rate from 27,152 gallons/week to 81,457 gallons/week on 0.75 acres in spray field SF-C. The request is based on field observation during the summer of 2010 in which it was observed that the 0.75 acre area was capable of accepting more water than was previously thought.

2. LICENSE SUMMARY

This license modification authorizes the licensee to increase the total spray application area by 6 acres for a total area of 16 acres and increase the application rate from 27,152 gallons/week to 81,457 gallons/week on 0.75 acres in spray field SF-C.

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 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

- a. Application rates – Slow rate land irrigation treatment is an environmentally sound and appropriate technology for best practicable treatment and disposal of waste water. The theory behind surface waste water disposal systems is to utilize the top 10-12 inches of organic matter and in-situ soils to attenuate the pollutant loadings in the applied waste waters. The soils and vegetation within the spray field area will provide adequate filtration and absorption to preserve the integrity of the soil, and both surface and ground water quality in the area.

This licensing action establishes a weekly average hydraulic loading rate for each individual spray field based on a weighted average of two different spray rates based on in-situ soil characteristics. On the well drained to moderately well drained soils, the licensee is proposing to distribute 3 inches per acre per week or 81,456 gallons per acre per week. For the moderately well drained to somewhat poorly drained soils the licensee is proposing to evenly distribute 1 inch per acre per week or 27,152 gallons per acre per week or 1.5 inches per acre per week or 40,728 gallons per acre per week

The weighted weekly average application rates were derived as follows:

SF-N

Each spray head has a radius of 60 feet resulting in an area of 0.25 acres/spray head. The licensee proposed to place 16 spray heads in the well drained soils and 10 spray heads in the somewhat poorly drained soils. The total weekly average hydraulic loading rate can be calculated as follows:

$$(0.25 \text{ acres/spray head})(16 \text{ spray heads})(81,456 \text{ gal/acre/week}) = 325,844 \text{ gallons}$$

$$(0.25 \text{ acres/spray head})(10 \text{ spray heads})(27,152 \text{ gal/acre/week}) = \underline{67,880 \text{ gallons}}$$

$$\Sigma = 393,704 \text{ gallons}$$

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

SF-C

Each spray head has a radius of 60 feet resulting in an area of 0.25 acres/spray head. The licensee proposed to place 3 spray heads in the well drained soils and 7 spray heads in the somewhat poorly drained soils. The total weekly average hydraulic loading rate can be calculated as follows:

$$(0.25 \text{ acres/spray head})(7 \text{ spray heads})(81,456 \text{ gal/acre/week}) = 142,548 \text{ gallons}$$

$$(0.25 \text{ acres/spray head})(3 \text{ spray heads})(27,152 \text{ gal/acre/week}) = \underline{20,364 \text{ gallons}}$$

$$\Sigma = 162,912 \text{ gallons}$$

SF-S

Each spray head has a radius of 60 feet resulting in an area of 0.25 acres/spray head. The licensee proposed to place 5 spray heads in the well drained soils and 1 spray heads in the somewhat poorly drained soils. The total weekly average hydraulic loading rate can be calculated as follows:

$$(0.25 \text{ acres/spray head})(5 \text{ spray heads})(81,456 \text{ gal/acre/week}) = 101,820 \text{ gallons}$$

$$(0.25 \text{ acres/spray head})(1 \text{ spray heads})(27,152 \text{ gal/acre/week}) = \underline{6,788 \text{ gallons}}$$

$$\Sigma = 108,608 \text{ gallons}$$

SF-SE

Each spray head has a radius of 30 feet resulting in an area of 0.065 acres/spray head. The licensee proposes to place 44 spray heads in the moderately to poorly drained soils. The total weekly average hydraulic loading rate can be calculated as follows:

$$(0.065 \text{ acres/spray head})(44 \text{ spray heads})(40,728 \text{ gal/acre/week}) = 116,482 \text{ gallons}$$

SF-SW

Each spray head has a radius of 30 feet resulting in an area of 0.065 acres/spray head. The licensee proposes to place 25 spray heads in the moderately to poorly drained soils. The total weekly average hydraulic loading rate can be calculated as follows:

$$(0.065 \text{ acres/spray head})(25 \text{ spray heads})(40,728 \text{ gal/acre/week}) = 66,183 \text{ gallons}$$

$$\text{Total for 16-acre site} = 393,704 \text{ gal.} + 162,912 \text{ gal.} + 108,608 + 116,482 \text{ gal} + 66,183 \text{ gal} = 847,889 \text{ gallons}$$

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

c. Groundwater Monitoring Wells

The 7/1/10 WDL required the licensee to monitor five ground water monitoring wells. The monitoring wells were identified as follows:

Monitoring Wells	Location
MW-009A	Easterly of SF-N
MW-009B	Southeasterly of SF-N
MW-009C	Between and easterly of SF-C and SF-S
MW-009D	Southerly of SF-S
MW-009E	Southerly of MW-009D – Serves as background well.

To monitor compliance with the additional 6-acre parcel, the licensee proposes to change the status of MW-009E from a background (control) well to an active monitoring well that is located to the south of spray area SF-SW. The licensee proposes to install a new ground water monitoring well referred to as MW-009F that will be located in the right-of-way of the access road north of all spray irrigation fields.

6. 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.

7. PUBLIC COMMENTS

Public notice of this application was made in the Bangor Daily News newspaper, a newspaper with general circulation in the area of the licensee's operations on or about March 21, 2011. The Department receives public comments on an application until the date a final agency action is taken on that application. Those persons receiving copies of draft permits shall have at least 30 days in which to submit comments on the draft or to request a public hearing, pursuant to Chapter 522 of the Department's rules.

8. 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

9. RESPONSE TO COMMENTS

During the period of May 13, 2011, through the issuance date of the license modification, the Department solicited comments on the proposed draft license modification to be issued for the discharge(s) from 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 permit. Therefore, the Department has not prepared a Response to Comments.

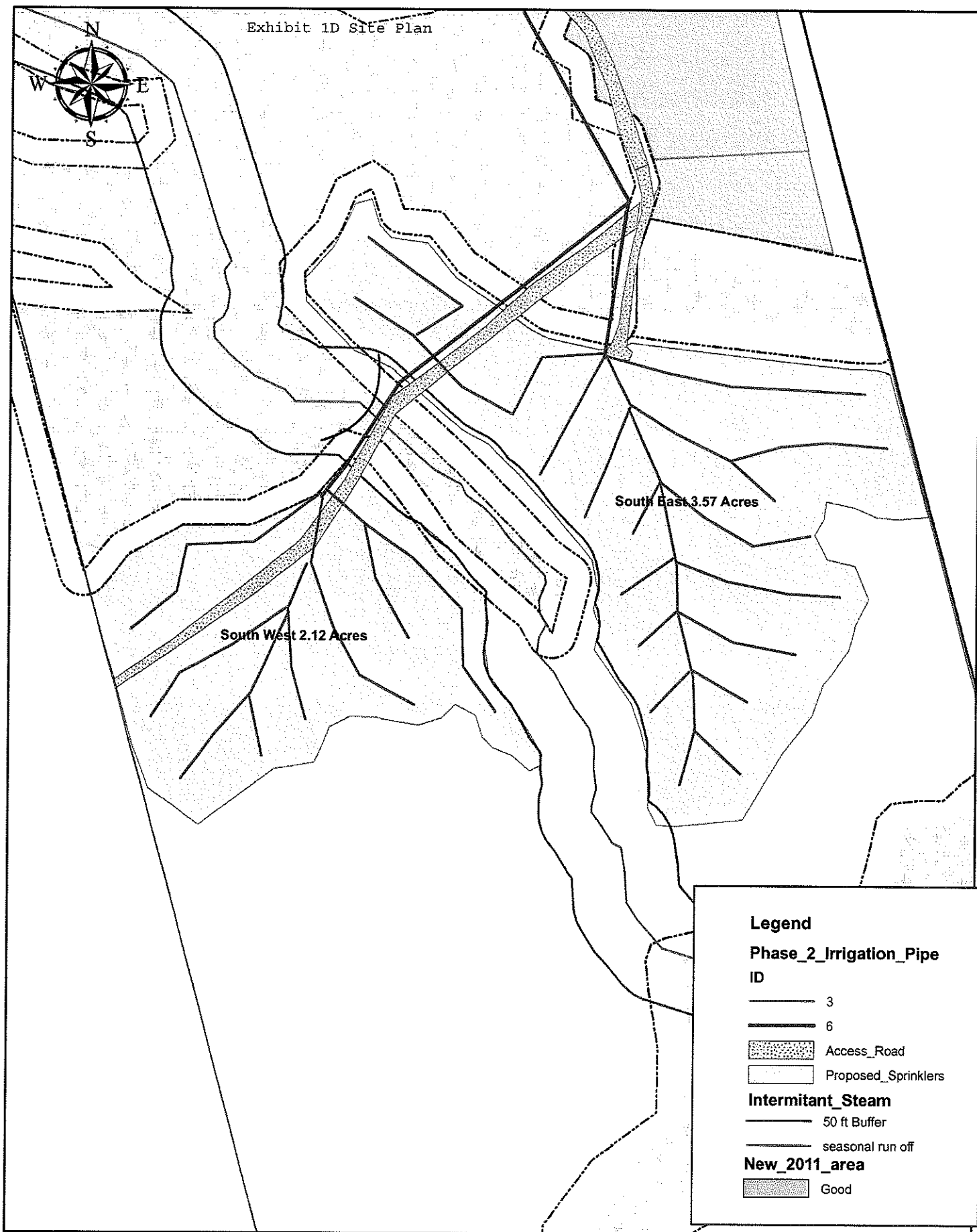
ATTACHMENT A



1:4,800

0 150 300 600 900 Feet

Maine Wild Blueberry Co.
Permit Modification of MEU508253

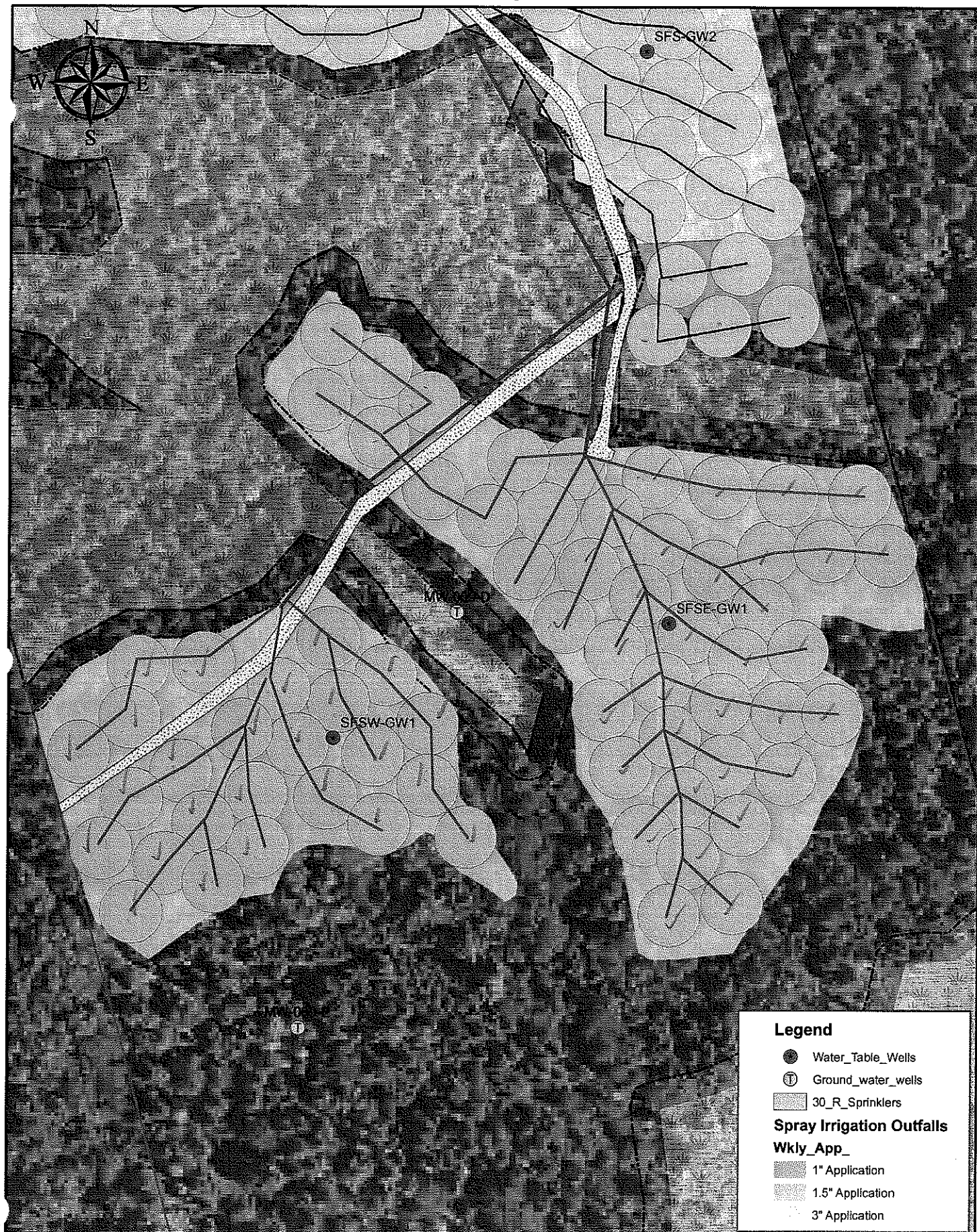


1:1,500

0 50 100 200 300 400 Feet

Maine Wild Blueberry Co.
Permit Modification of MEU508253

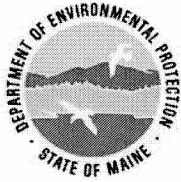
Exhibit 2A: Land Treatment System/Observation Well Locations



1:1,400

0 150 300 Feet

Maine Wild Blueberry Co.
Permit Modification of MEU508253



DEP INFORMATION SHEET

Appealing a Commissioner's Licensing Decision

Dated: May 2004

Contact: (207) 287-2811

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner: (1) in an administrative process before the Board of Environmental Protection (Board); or (2) in a judicial process before Maine's Superior Court. This INFORMATION SHEET, in conjunction with consulting statutory and regulatory provisions referred to herein, can help aggrieved persons with understanding their rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

DEP's *General Laws*, 38 M.R.S.A. § 341-D(4), and its *Rules Concerning the Processing of Applications and Other Administrative Matters* (Chapter 2), 06-096 CMR 2.24 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written notice of appeal within 30 calendar days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner and the applicant a copy of the documents. All the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

The materials constituting an appeal must contain the following information at the time submitted:

1. *Aggrieved Status.* Standing to maintain an appeal requires the appellant to show they are particularly injured by the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.

5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence as part of an appeal only when the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or show that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2, Section 24(B)(5).

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license file is public information made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* An applicant proceeding with a project pending the outcome of an appeal runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge initiation of the appeals procedure, including the name of the DEP project manager assigned to the specific appeal, within 15 days of receiving a timely filing. The notice of appeal, all materials accepted by the Board Chair as additional evidence, and any materials submitted in response to the appeal will be sent to Board members along with a briefing and recommendation from DEP staff. Parties filing appeals and interested persons are notified in advance of the final date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision. The Board will notify parties to an appeal and interested persons of its decision.

II. APPEALS TO MAINE SUPERIOR COURT

Maine law allows aggrieved persons to appeal final Commissioner licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2.26; 5 M.R.S.A. § 11001; & MRCivP 80C. Parties to the licensing decision must file a petition for review within 30 days after receipt of notice of the Commissioner's written decision. A petition for review by any other person aggrieved must be filed within 40-days from the date the written decision is rendered. The laws cited in this paragraph and other legal procedures govern the contents and processing of a Superior Court appeal.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, contact the DEP's Director of Procedures and Enforcement at (207) 287-2811.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.
