

70-A-5

54 St. John St.

Site Plan

Barber foods

on Spreadsheet



Odor Science & Engineering, Inc.

1350 Blue Hills Avenue, Bloomfield, CT 06002

(860) 243-9380 Fax: (860) 243-9431

February 7, 2001

Mr. Roger McRae
Barber Foods
70 St. John Street
Portland, ME 04102

FAX: (207) 772-3938

RE: Odor Evaluation of Fryer Emissions
OS&E Project No. 1108-M-00

Dear Roger:

This letter presents the results of the recent odor sampling and analysis conducted by Odor Science & Engineering, Inc. (OS&E) for Barber Foods. Odor emission sampling was conducted by OS&E at the request of Barber Foods to determine the effectiveness of a Rotoclone air cleaning unit that has recently been installed on the Fryer 2 emission stack.

OS&E collected a total of five (5) odor emission samples from the fryer stacks on February 1, 2001. Simultaneous samples were collected at locations before and after the Rotoclone unit on Fryer 2. Two additional samples were collected from the Fryer 2 exhaust after the Rotoclone both with and without an odor neutralizer spray being applied upstream of the Rotoclone. The fifth sample was collected from the exhaust of Fryer No. 1 which currently does not have a Rotoclone unit.

Samples were collected into Tedlar sampling bags using the evacuated drum technique. Following sample collection, the bags were returned to OS&E's Olfactory Laboratory in Bloomfield, CT for sensory evaluation. Upon arrival the samples were analyzed by dynamic dilution olfactometry using a trained and screened odor panel of 8 members. The odor panelists were chosen from OS&E's pool of panelists from the Greater Hartford area who actively participate in ongoing olfactory research and represent an average to above average sensitivity when compared to a large population. The samples were quantified in terms of dilution-to-threshold (D/T) ratio and odor intensity in accordance with ASTM Methods E-679-91 and E-544-99, respectively. The odor panelists were also asked to describe the odor character of the samples at varying dilution levels. The odor measurement methodology is further described in Attachment A.

The results of the odor panel tests are summarized in Table 1. The results indicate that the Rotoclone unit is effective in reducing the odor concentration of the Fryer 2 emissions. An odor reduction of 60% was seen based on the results of the samples collected simultaneously from before and after the Rotoclone. The results indicate that a further reduction (in this case approximately 35%) was due to the application of the odor

neutralizer spray upstream of the Rotoclone. Although limited to this one test, it certainly appears that the installation of the Rotoclones will be effective in reducing odor emission from the fryer stacks. Additional odor reduction may be achieved with an odor neutralizer being applied upstream of the Rotoclone.

I am not sure what accounts for the odor level of Fryer 2 being approximately 60% higher than that Fryer 1. Is this typical due to the different fryer designs – or was it due to a difference in process operating parameters, oil sources, product runs, etc.

We appreciate the opportunity to be of service to Barber Foods. Please feel free to call me if you have any questions concerning these results.

Sincerely,
ODOR SCIENCE & ENGINEERING, INC.



Martha O'Brien
Principal



Table 1. Results of olfactometric analysis

**Barber Foods
OS&E Project No. 1108-M-00**

Sample		Odor Conc. D/T(1)	Odor Character
Date	Time ID		
2/1/01	11:55 Fryer No. 1 exhaust	4,545	fat/lard/grease, cooking oil, grass, paint, plastic, paint remover
2/1/01	11:25 Fryer No. 2 exhaust inlet to rotoclone	11,295 10,706 repeat	oily/lard, old frying grease, cooking oil, bacon cooking, rancid oil, chalk, paint remover, woody
2/1/01	11:25 Fryer No. 2 exhaust after rotoclone	4,539	cooking oil, grease, plastic, woody
2/1/01	11:40 Fryer #2 exhaust after rotoclone w/o neutralizer	3,519	cooking oil, grease, spicy, woody, plastic
2/1/01	11:45 Fryer #2 exhaust after rotoclone w/neutralizer spray	2,295	frying grease, cooking oil

1) D/T = dilutions to threshold

ATTACHMENT A

Measurement of Odor Levels by Dynamic Dilution Olfactometry

Odor concentration is defined as the dilution of an odor sample with odor-free air, at which only a specified percent of an odor panel, typically 50%, will detect the odor. This point represents odor threshold and is expressed in terms of "dilutions-to-threshold" (D/T).

Odor concentration was determined by means of OS&E's forced choice dynamic dilution olfactometer. The members of the panel who had been screened for their olfactory sensitivity and their ability to match odor intensities, have participated in on-going olfactory research at OS&E for a number of years.

In olfactometry, known dilutions of the odor sample were prepared by mixing a stream of odor-free air with a stream of the odor sample. The odor-free air is generated in-situ by passing the air from a compressor pump through a bed of activated charcoal and a potassium permanganate medium for purification. A portion of the odor free air is diverted into two sniff ports for direct presentation to a panelist who compares them with the diluted odor sample.

Another portion of the odor-free air is mixed in a known ratio with the odor from the sample bag and is then introduced into the third sniff port. A panelist is thus presented with three identical sniff ports, two of which provide a stream of odor-free air and the third one a known dilution of the odor sample. Unaware of which is which, the panelist is asked to identify the sniff port which is different from the other two, i.e., which contains the odor.

The analysis starts at high odor dilutions. Odor concentration in each subsequent evaluation is increased by a factor of 2. Initially a panelist is unlikely to correctly identify the sniff port which contains an odor. As the concentration increases, the likelihood of error is reduced and at one point the response at every subsequently higher concentration becomes consistently correct. The lowest odor concentration at which this consistency is first noticed, represents the **detection odor threshold** for that panelist.

As the odor concentration is increased further in the subsequent steps, the panelist becomes aware of the odor character, i.e. becomes able to differentiate the analyzed odor from other odors. The lowest odor concentration at which odor differentiation first becomes possible, represent the **recognition odor threshold** for the panelist. Essentially all of OS&E's work is done with recognition odor threshold. By definition the threshold odor is equal to 1 D/T (i.e. the volume of odorous air after dilution divided by the volume before dilution equals one).

The panelists typically arrive at threshold values at different concentrations. To interpret the data statistically, the geometric mean of the individual panelist's thresholds is calculated.

The olfactometer and the odor presentation procedure meet the recommendations of ASTM Standard Practice for Determination of Odor and Taste Thresholds by a Forced-Choice Ascending Concentration Series of Limits (ASTM E679-91). The analysis was carried out in the OS&E Olfactory Laboratory in Bloomfield, Connecticut.



Odor Intensity

Odor intensity is determined using reference sample method with n-butanol as the reference compound. The now widely used n-butanol odor intensity scale is based on n-butanol vapor as odorant at eight concentrations. The concentration increases by a factor of two at each intensity step, starting with approximately 15 ppm at step 1 and ending at approximately 2,000 ppm at step 8.

Odors of widely different types can be compared on that scale just like the intensities of the lights of different colors can be compared to the intensity of standard, e.g. white light. Odor character and hedonic tone are ignored in that comparison. The OS&E odor scientists use the n-butanol scale in their work daily, both in the field and in the laboratory. In the process they have memorized the scale which makes its use quite convenient in the field.

Odor intensities are also routinely measured as part of the dynamic dilution olfactometry measurements. The n-butanol vapor samples are presented to the panelists in closed jars containing the standard solutions of n-butanol in distilled water. The vapor pressure above the butanol solutions corresponds to the steps on the n-butanol scale. To observe the odor intensity, a panelist opens the jar and sniffs the air above the liquid. The panelist then closes the jar so that the equilibrium vapor pressure of butanol can be re-established before the next panelist uses the jar. The odor in the jar is compared with unknown odor present at the olfactometer sniff port.

The relationship between odor concentration and intensity can be expressed as a psychophysical power function also known as Steven's law. The function is of the form:

$$I = aC^b$$

where:

I = odor intensity on the butanol scale

C = the odor level in dilution-to-threshold ratio (D/T)

a,b = constants specific for each odor

The major significance of the psychophysical function in odor control work is that it determines the rate at which odor intensity decreases as the odor concentration is reduced (either by atmospheric dispersion or by an odor control device). The function can therefore be used in predicting the reduction in odor concentration which is required to bring the odor intensity down to a desired level, judged not objectionable.



WESTERN PROMENADE NEIGHBORHOOD ASSOCIATION

February 27, 2001

Portland Planning Board
City of Portland
389 Congress Street
Portland, ME 04101

RE: Barber Foods Expansion

Dear Ladies and Gentlemen:

I am writing to brief the Planning Board on recent discussions between Barber Foods and representatives of the Western Promenade Neighborhood Association regarding the status of efforts to alleviate the on-going odor problem and to discuss Barber's planned expansion.

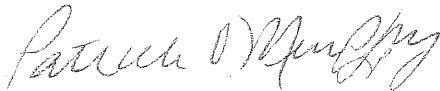
As you are generally aware, there have been concerns for several years about the intensity of odor present in the neighborhood on fairly regular basis. Rather than prompt an enforcement action under the existing odor ordinance, we have chosen to work with Barber to find a solution to the problem.

In order to address DEP-regulated emissions, Barber has recently installed RotoClone devices, modified to improve their efficiency, on two of the three existing stacks. A third RotoClone has been ordered and will be installed within the next month or so. While the existing units are in a shake-down phase, we are all hopeful that, in addition to bringing particulate emissions into compliance with state regulations, the Rot-Clones will have a substantial effect on the odor intensity experienced in our neighborhood. We understand that, when all three units are up and running as planned, Martha O'Brien of Odor Science & Engineering will visit Portland and make an assessment.

Barber hosted a meeting last week to discuss the RotoClone operation and to introduce the expansion and its projected effects on the efficiency of their production. Those present from the neighborhood were impressed by the open, collaborative attitude of Steve Barber and his engineer, Roger McRae. While we were assured that the proposed automation of the production line would not generate more odor, there was some concern that the increased production efficiency has the potential to create more odor, as would additional production volume or equipment expansion, which while not currently planned could develop over time. We were assured that if the RotoClones do not resolve the odor problem, as hoped, Mr. McRae has been and will continue to explore other steps to address the issue. We were impressed with his dedication to finding a solution and with Steve Barber's support for his efforts.

While we understand that Barber Foods is a food processor and that odor cannot be eliminated, we look forward to a noticeable reduction, hopefully to Level II or below, in the intensity of odor we have been experiencing. We support the proposed expansion and automation, with the understanding that Barber will continue to address our concerns.

Very truly yours,



Patrick O. Murphy
President

From: <Zareh_Derhagopian@barberfoods.com>
To: Portland.gwgwia("Oldmayor@aol.com")
Date: Mon, Feb 12, 2001 1:41 PM
Subject: Odor control

Anne;

Thanks for the feedback re; the odors that were detected recently. I have the following information to report - that I think helps explain what has happened, and continues to support our efforts.

You had forwarded information that noted odors on the following days;

Thur Feb 8th - sometime during the night
Fri Feb 9th - 7pm
Mon Feb 12th - 8:15

After checking our production schedule, I can report the following;

On both Thurs and Fri - the Rotoclone system on line #2 was up and running as designed.

On both of those days, we were ALSO running "Italian" type breaded/fried items on our line #3 (this is the line that will have a rotoclone installed on the weekend of 2/17).

Today, at 8:15 - the Rotoclone system was NOT operating. At start up this morning, we discovered that the severe wind and arctic temperatures over the weekend had caused some damage to the fresh water lines that are critical to the successful operation of this system. Our maintenance department was in the process of repairing the lines, and the system was back up and operating as designed by 10am. A long term solution to the freezing problem will be implemented this coming weekend, when we install the 2nd rotoclone unit.

Again, thanks for the timely feedback. I apologize for some of the start up problems that we have been having. There is no question that a January/February installation has made things just a little more difficult.

Despite the initial start up problems, we remain very confident that the Rotoclones will resolve the odor problems.

Thanks, Zareh

CC: Portland.CityHall(LDU,AQJ,SH,JEG),Portland.gwgwia(...

From: <Roger_McRae@barberfoods.com>
To: Portland.gwgwia("howard3@MAINE.RR.COM")
Date: Tue, Feb 20, 2001 9:02 AM
Subject: Re: odor control

The plant has been shut down for the long Holiday along with most other companies. At startup the exhaust stacks were very cold and the rotoclones (2 now installed) were operating. as the stacks heat up the efficiency of the unit will increase.

We are monitoring the systems hourly and there should be some noticable changes by around noon when everything is at peak performance.

CC: Portland.gwgwia("Oldmayor@aol.com","pmurphy@maine....

From: <Oldmayor@aol.com>
To: Portland.gwgwia("Zareh_Derhagopian@barberfoods.com...
Date: Tue, Feb 20, 2001 9:11 AM
Subject: Re: odor control

Gentlemen-

I haven't been out today, so I cannot testify to the intensity of the odor.
To respond to Roger's response - should there be an operating protocol for startup of the Rotoclones? Will we be subject to intense odor every time they are shut down? How often will they be shut down? What time of day will they be reactivated? Sounds like an issue to be addressed.

Anne

CC: Portland.CityHall(LDU,AQJ,SH,JEG),Portland.gwgwia(...

From: <MObrien911@aol.com>
To: Portland.CityHall(SH)
Date: Thu, Feb 15, 2001 12:32 PM
Subject: Re: Barber Foods

Unfortunately, it's not that simple.....there's the whole aspect of meteorological dispersion that enters in between! Generally speaking, if a source's odor emission rate is reduced by 60%, the predicted downwind impacts would be reduced by approximately the same amount (in terms of odor concentration) - but the resultant intensity of the odors depends on specific characteristics of the odorous emissions.

I think all we can say is that based on the 1st testing - the Rotoclone is a good thing in that along with the particulate reduction it also is reducing the odor emissions - Whether this will be enough of a reduction to substantially reduce the intensity of the off-site impacts is yet to be determined. This will have to be determined with ambient odor monitoring (or community reaction) once all 3 Rotoclones are installed.
MARTHA

From: <Zareh_Derhagopian@barberfoods.com>
To: Portland.gwgwia("Oldmayor@aol.com")
Date: Mon, Feb 12, 2001 1:41 PM
Subject: Odor control

Anne;

Thanks for the feedback re; the odors that were detected recently. I have the following information to report - that I think helps explain what has happened, and continues to support our efforts.

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Despite the initial start up problems, we remain very confident that the Rotoclones will resolve the odor problems.

Thanks, Zareh

CC: Portland.CityHall(LDU,AQJ,SH,JEG),Portland.gwgwia(...

From: <Oldmayor@aol.com>
To: Portland.CityHall(LDU,AQJ,SH,JEG),Portland.gwgwia(...
Date: Mon, Feb 12, 2001 9:50 AM
Subject: Fwd: Odor

Team-

I am forwarding copies of several emails reporting odor problems in the last few days, since our meeting at City Hall. In addition to these reports, I was on the Prom this morning with Councilors Geragthy and Smith, and we all noted a strong odor at 8:15AM.

Steve, can you check with Roger and Zara regarding whether there is an operational answer for these odors? That is, were chicken fingers being run on a line without the RotoClone or other reasons?

I certainly hope this is not an indication that the RotoClone is not working as we all hope...

Anne

CC: Portland.gwgwia("council2@maine.rr.com")

From: Alex Jaegerman
To: "Oldmayor@aol.com"@Portland.gwgewia; Lee Urban; L...
Date: Mon, Jan 29, 2001 4:01 PM
Subject: Re: Barber Foods

I've now read subsequent messages and suggest a Thursday meeting. I am open until 3:30 and Joe is available after 9:30, so good likelihood of a possible time. I am out of town Friday, and I have some information to contribute, as summarized below.

Lori, can you set up and confirm the meeting, as Lee suggested?

I have checked with Martha about her opinion about Barber's compliance level. It is my recollection that she believes they will likely exceed the odor level of 3 in the residential zone. If necessary, we can begin odor monitoring. Up to now, we are operating under the consensus that there is an odor problem and that Barber is working with the City and neighborhood cooperatively to address it. Everyone hopes the roto-cone will improve odor emissions. It is designed to take out particulates, not odors, but common sense would suggest the particulate problem contributes significantly to the odor problem. No one knows how much, hence the pre roto-cone and post roto-cone odor testing to document the extent of improvement to odors.

If this does not adequately resolve the issue to city and neighborhood satisfaction, then the next line of technology is quite a bit more expensive to install and maintain. At that point, we will probably have to make a definitive test of odor levels in the neighborhood, by having certified testers on call for episodes of odor complaints, and the neighborhood will have to start calling in specific complaints. If at that time we conclude that the odor levels are less than 3 in residential zone, then we debate the adequacy of that limit. My expectation and Martha's is that the odors in the neighborhood likely do exceed 3 on a bad day, with wind bringing the stack emission up into the neighborhood. She observed 3 plus downwind at Barber, which was not a violation because the wind was blowing away from the residential neighborhood. If the wind was blowing the other way, it could have been a violation.

On the timing issue, I have indicated that Feb 13 and March 13 are the best dates they can shoot for, and that the item will be reviewed by the Planning Board. Barber was hoping for an administrative approval, but I have spoken to Jamie Caron, the Planning Board chair

>>> <Oldmayor@aol.com> 01/26 5:11 PM >>>
Sarah and Lee-

I spent almost two hours with Steve this afternoon reviewing his plans and talking through the timing and strategic issues.

First, I was astounded by the magnitude of the project in terms of capital cost. Sarah had alerted me to a minor addition, which is the case with the building, but the capital investment is major.

Staff and Planning Board have appropriately flagged that odor will be an issue which is to be addressed as this goes forward for approval. I understand that there will be a workshop on 2/13 and that a public hearing will then follow (he is hoping to get a commitment that they would be 2/27). He was planning to place an order for equipment next week, which requires a deposit of 30-40%, which is major money. We readily agreed that that was major money at risk, given the likelihood that the neighborhood will turn out and demand that the project be approved only on the condition that the odor problem be "solved". Therein lies the problem.

He says that he understands from Martha's testing that they are in compliance with the ordinance. I said I was not sure about that. Even if that is the case, I would submit that neighbors will then want to go after the ordinance.

Lee, when it was adopted, the Council adopted a higher threshold than Martha recommended and that is probably the level at which Barber is operating, if not at the margin above it. If they are in the realm, I would have to say that the threshold is too high.

If he chooses to go ahead on the basis that he is in compliance, I would think they would be at substantial risk that the neighborhood would petition the Council to change the ordinance and block the project. If he goes ahead, he would be at substantial risk... Clearly the Council does not want to get into this kind of mess with a neighborhood in the middle of the referendum campaign....

Here is where we are for now. The first RotoClone is going up this weekend and he has asked his engineering guy to accelerate getting the other one up by next weekend. This would give us several weeks to assess whether the RotoClone is substantially reducing the odor, which they expect that it will (by 50-75%). They say that Martha also feels it will reduce the odor substantially, which is not my understanding of her position. IF it does, GREAT! If it doesn't, then we have a real problem, as the neighborhood will definitely want a better solution, which will be far most costly. At this point, we have our fingers crossed - both at Barber and in the neighborhood.

I look forward to your thoughts on this. Let's get together ASAP to talk this through.

Anne

CC: "council2@maine.rr.com"@Portland.gwgwia; Joe Gray...

From: <Roger_McRae@barberfoods.com>
To: Portland.gwgwia("Oldmayor@AOL.COM")
Date: Tue, Feb 20, 2001 9:27 AM
Subject: Re: odor control

The shut down this weekend was so we could do preventive maintenance to all systems. This also allowed us to install the second rotoclone. There is a start up protocol for the equipment but there is no way to preheat the stacks which had to be shut down to do the installation.

You should not experience this type of cold stack shut down but twice a year and we will try to do a more gradual heat up of the stacks, now knowing that it could cause Odor problem with them cold.

I did go up on the prom this morning to check for odor and did not find the smell to be that intense, I would have rated it at a 4 during the first few minutes but, rapidly changing to less than a 3 and head down to a 2. I am not sure why it was so strong at Howards house.

*still looking for summary report from storage tanks
financial corp*

City of Portland, Maine
Memorandum

To: Sarah Hopkins, Development Review Services Manager
From: Larry Ash, Traffic Engineer
Date: February 20, 2001
Subject: Barber Foods

The proposed parking lot adjacent to the abandoned Texaco building needs further modification. As proposed, there is no way for a vehicle at the inside end to turn around which would result in vehicles having to back out onto St. John Street. The parking lot needs to provide a turnaround area.

Curb cuts, as proposed, are acceptable.

Also, I recommend approval of the waiver of the parking requirement to allow for double stacked parking. Barber Foods has been using stacked parking successfully through the years.

From: "stephen bushey" <bbushey@maine.rr.com>
To: Portland.CityHall(SH)
Date: Fri, Feb 23, 2001 10:37 AM
Subject: barber foods

Sarah,

I have reviewed the latest plans for the Barber Foods project. My latest package did not contain any supporting discussion or narratives therefore I am not sure if the applicant has addressed all my earlier comments. I offer the following comments on the current plans:

1. The plans remain incomplete as to the design for grading, drainage, lighting and other measures for the parking on the Texaco lot. The applicant should provide revised plans showing these details. You will note that the proposed parking on the texaco lot is very close to the property line and grading etc may be problematic. Without any contours etc. on the plan it is difficult to tell.
2. The plans should be revised to include the appropriate grading of the access drive from the new loading area to St. John st. next to Century Tire. The current plan grading is incorrect or misdrawn.
3. My earlier comments regarding Public Works review of the sewer issues, sampling MH relocation, and work within existing easements still apply. Steve Harris of the PWD should be in contact with you to discuss.
4. I remain concerned that there is not adequate maneuvering area near the west addition for semitrailer trucks to pass if cars are parked in the current plan formation. Has The fire Dept. signed off for emergency vehicle access?
5. The applicant should provide plans stamped by a Professional Engineer licensed in the State of Maine.

At this time I recommend any conditions of approval include the items discussed in the first memo as well as this memo. I will leave it up to staff to determine if the plans as currently presented are satisfactory for approval.

If you have any questions please call.

Steve Bushey Technical Reviewer

CC: Portland.CityHall(AWL)

From: Gaylen McDougall
To: Sarah Hopkins
Date: Wed, Feb 21, 2001 7:07 AM
Subject: Barber Foods

I have reviewed the plans for the above property. The plans meet the fire departments site plan requirements.

Mac

Zoning Division
Marge Schmuckal
Zoning Administrator

Department of Urban Development
Joseph E. Gray, Jr.
Director



CITY OF PORTLAND

February 15, 2001

TO: Sarah Hopkins, Planning Division
FROM: Marge Schmuckal, Zoning Administrator
SUBJECT: Barber Foods processing addition -54 Saint John Street - 070-A-005- I-Mb zone

This property is located in the I-Mb, moderate industrial zone. The use is a permitted use. There is no minimum lot size requirement. The impervious ratio is 100 %. The maximum building height is 75 feet. The proposed additions are well under this height requirement at approximately 38 feet. This property does not abut a residential zone. There are no building setback requirements in the I-Mb zone. The minimum sixty foot street frontage is more than being met with well over 500 foot of street frontage. There is a requirement that pavement be setback at least 10 feet from boundary lines. My submitted plans do not show that any new pavement is being added. Currently there is pavement that is legally non conforming as to this pavement setback requirement. If there is any new pavement to be added that is not indicated on the current plans, it shall be required to meet the requirements of the 10 foot setback from boundary lines.

A review of the parking as submitted by the applicant, shows that 120 parking spaces are required. The submitted plans show that over 200 parking spaces are to be provided. Some of the parking spaces are shown to be on a Portland Water District easement. It is my suggestion that we confirm that the Portland Water District has allowed this parking on their easement. It is also my understanding that the Planning Authority will review and approve the stacking of the vehicles.

Of course all other performance standards of the I-Mb zone shall also be met. It is also one of my conditions that the illegal, temporary, mobile sign be permanently removed from the premises.

From: Anthony Lombardo
To: Sarah Hopkins
Date: Tue, Feb 6, 2001 3:53 PM
Subject: Barber Foods Expansion

Sarah,

I've reviewed the preliminary submittal and offer the following comments:

1. The only portion of this project that impacts public facilities is the outfall of the Vortech Stormwater treatment device. The applicant proposes the installation of a new drain manhole within the City's utility right of way. As a result, the next submittal of plans should provide a detail of a drain manhole and the plans should also clearly specify more detailed information related to pipe sizes, inverts, rims, etc. within the this right of way (both existing and proposed).
2. The applicant should also contact Carol Merrit, Public Works Street Openings Clerk to determine if there are required fees for working within the City's utility right of way.



CITY OF PORTLAND

June 7, 1999

Mr. Ben Palaima
Barber Foods
P. O. Box 4821 DTS
Portland ME 04112

RE: INDUSTRIAL DISCHARGE PERMIT

Dear Mr. Palaima:

Thank you for submitting your Industrial Discharge Permit Issuance Request. We have reviewed your application for a Discharge Permit and it has been approved. Enclosed please find your Discharge Permit which is valid for the period from May 1, 1999 to May 1, 2002 for your discharge from 70 St. John Street, Maine.

This permit is being issued subject to the testing of the wastewater from your facilities on a semi-annual basis for the following parameters:

The permittee shall provide the City with results of the analysis for concentrations of **BOD, TSS, pH, pH, and Oil & Grease** found in the industrial discharge as may be required by the monitoring schedule, [Section IV(A) specified herein] or by the Director of the Department of Public Works.

(See limits of these parameters in this permit).

Please note in the permit that pH is to be taken both as a 24 hr. composite sample and a grab sample. Also, any pH result over 8.3 requires submittal of a caustic (hydroxide) alkalinity report on the same sample. The Oil & Grease Limit will be changing this summer. Barber Foods will receive revised Special Conditions to reflect the changes when the new limits are in effect.

This permit is conditional upon submittal of a written Chemical Management Plan. This plan must specify the nature and quantity of chemicals used or stored at your facility, the method of disposal used instead of dumping into the sewer, and procedures for assuring these chemicals do not spill or leak into the wastewater. Your plan must include Material Safety Data Sheets and the following statement:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for total toxic organics, I certify that, to the best of my knowledge and belief, no dumping of concentrated toxic organics in the wastewater has occurred. I further certify that this facility has implemented its Chemical Management Plan and submitted it to its control authority".

Barber Foods did submit its chemical management plan in May 1999, therefore the above condition has been met. However, the certification statement quoted above must be submitted with your discharge monitoring report on a semi-annual basis. If you revise any of your chemical procedures or chemicals themselves, you are required to inform us as soon as possible.

Please refer to your copy of the "Sewers" section of the Portland City Code of Ordinances, Rules and Regulations and Enforcement Response Plan to familiarize yourself with our sewer user regulations and requirements. You will find Prohibited Wastes under Sections 24-47 & 24-48 of City Code of Ordinances. Regulated pollutants are listed in section 2 and schedule "A" of the Rules and Regulations. Please be aware that all dischargers are required to comply with these limits, regardless of whether you are required to monitor for them.

Please feel free to contact me at 874-8843, by Fax at 874-8852, or via the Internet at SKH@CI.PORTLAND.ME.US if you have any questions or require further information.

Sincerely,
CITY OF PORTLAND

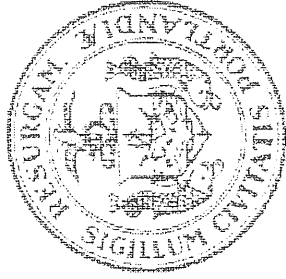


Stephen K. Harris
Assistant Engineer

SKH

pc: Bradley A. Roland, P.E., Project Engineer
Thomas Wiley, Portland Water District
Enclosures

CITY OF PORTLAND



DEPARTMENT OF PUBLIC WORKS

AUTHORIZATION TO DISCHARGE INDUSTRIAL WASTEWATER TO THE CITY OF PORTLAND TREATMENT FACILITIES

Company Name: **Barber Foods**
Mailing Address: **P. O. Box 4821 DTS**
Portland ME 04112

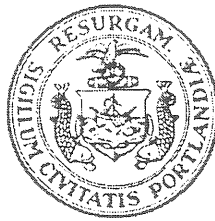
Effective Date: **May 1, 1999**
Expiration Date: **May 1, 2002**

Barber Foods is hereby authorized by the City of Portland to discharge wastewater from 70 St. John Street into the City of Portland wastewater collection and treatment facilities subject to the general and specific conditions attached hereto, Section 24 of the City's Code of Ordinances and the Rules & Regulations for the Use of the Wastewater System., and applicable Federal and State laws.

Date: May 7, 1999

Approved by: 
William J. Bray, P.E., Director
Department of Public Works

CITY OF PORTLAND



INDUSTRIAL WASTEWATER DISCHARGE PERMIT

Barber Foods

GENERAL CONDITIONS

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I. DEFINITIONS

Unless the context clearly indicates otherwise, the meaning of terms or abbreviations used in this discharge permit shall be as defined in the City of Portland Rules and Regulations for use of the Wastewater System and Section 24 of the City's Code of Ordinances or as defined below.

FOR THE PURPOSE OF THIS PERMIT, THE FOLLOWING DEFINITIONS SHALL APPLY:

1. **Grab Sample**: An individual sample collected in a period of less than 15 minutes.
2. **Composite Sample**: A sample consisting of a minimum of eight grab samples collected at regular intervals over a normal operating day (unless otherwise specified) and combined proportional to flow, or a sample continuously collected proportional to flow over a normal operating day.
3. **Daily Maximum**: The maximum value not to be exceeded during any 24 hour period.
4. **Daily Average**: The value of a composite sample or the mean value of the analysis of the specified number of samples collected at regular intervals over a normal operating day.
5. **Average**: The arithmetic average.
6. **Continuous**: Continuous monitoring of the characteristic in question.
7. **30 Day Average**: Average of all daily values obtained from samples taken within thirty (30) consecutive days.
8. **Caustic Alkalinity**: A specified portion of the total alkalinity; Commonly referred to as hydroxide alkalinity in the literature.
9. **Organic Scan**: Testing for all toxic organic compounds listed on the latest EPA priority pollutant list; including pesticides and PCBs.
10. **BOD**: 5-day biochemical oxygen demand.
11. **COD**: Chemical oxygen demand.
12. **TSS**: Total suspended solids.
13. **Mg/L**: Milligrams per liter.
14. **µg/L**: Micrograms per liter.
15. **GPM**: Gallons per minute.
16. **MGD**: Million gallons per day.

II. DUTY TO COMPLY

- A. All discharges authorized herein shall comply with the the City of Portland Rules and Regulations for use of the Wastewater System and the City of Portland's Sewer Use Ordinance (Section 24 of the City's Code of Ordinances) and with the terms and conditions of this permit. The discharge of any pollutant more frequently than, or at a level in excess of, that identified and authorized by this permit, the Sewer Use Ordinance and the Rules and Regulations for use of the Wastewater System shall constitute a violation of the terms and conditions of this permit. Such a violation may result in the imposition of penalties as provided for in the City of Portland Sewer Use Ordinance and the Rules and Regulations for use of the Wastewater System, and/or Federal Clean Water Act (PL 92-500 and its amendments).
- B. In addition, all permittees must comply with the Federal Pretreatment standards found in Title 40 of the Code of Federal Regulations, Part 403 (typically referred to as 40 CFR Part 403). If the permittee is defined as a Categorical user, they must also comply with the applicable Federal Categorical Pretreatment standards.

III. FACILITY MODIFICATION

Modifications, additions, expansions and/or closures that cause a substantial change in the volume and/or character of wastewater discharged to the treatment works must be reported to the Director of the Department of Public Works, in care of the Pretreatment Coordinator, City of Portland, in writing, *at least forty-five (45) days prior to the proposed modification*. This permit may then be modified or reissued to reflect such changes. No change in the permittee's discharge may be made unless reported to and approved by the Director. In no case shall new connections, increased flows, or significant changes in effluent quantity and/or quality be permitted if such will cause violation of the effluent limits specified herein.

IV. PERMIT MODIFICATION

- A. After notice and opportunity for a hearing as provided by Section 24-57 of the City's Code of Ordinances and/or Section 5.4 of the City of Portland Rules and Regulations for use of the Wastewater System, this permit may be modified, suspended, or revoked in whole or in part during its term for causes including the following:
1. Violation of any terms or conditions of this permit.
 2. Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts.
 3. A change in conditions or the existence of a condition which requires either a temporary or permanent reduction or elimination of the authorized discharge.
 4. Promulgation of a more stringent pretreatment standard by State or Federal agencies having jurisdiction over receiving waters. Permits modified under this section may include implementation schedules, self-monitoring requirements, revised effluent limitations and other provisions necessary to assure compliance.
- B. **Revisions** - The Director of the Department of Public Works reserves the right to make appropriate revisions to this permit in order to establish any appropriate effluent limitations, schedule or compliance, or other provisions which may be authorized under Federal, State or City acts in order to bring all such discharges into compliance with these acts.

V. STATEMENT OF NON-TRANSFERABILITY

This permit may not be transferred to the permittee's successor or assigns. In the event of any change in control or ownership of the facility which is the source of the permitted discharge, the new owner shall be required to apply for a new permit for the discharge *at least sixty (60) days prior to the transfer*. This permit, upon such transfer, shall be void.

VI. RE-APPLICATION

If the permittee desires to continue to discharge after the expiration of this permit, it shall reapply on the application forms then in use *at least sixty (60) days before this permit expires. Under no circumstances shall the permittee continue to discharge after the expiration of the permit.*

VII. ACCESSIBILITY

The permittee shall permit the Director of the Department of Public Works and/or other duly authorized Department of Public Works personnel upon the presentation of proper credentials:

1. To have access to all points of user's facility and grounds;
2. To have access to and copy any records required to be kept under the terms and conditions of this permit;
3. To inspect any monitoring equipment or monitoring method required by this permit; or,
4. To measure and/or sample any intake, wastewater facility, or effluent so covered under the terms and conditions of this permit.

VIII. OTHER REGULATORY REQUIREMENTS

This permit does not preclude obtaining any other required Federal, State, or Local permits.

IX. SEVERABILITY CLAUSE

The provisions of this permit are severable, and the validity of any condition or subdivision thereof shall not make void any other condition or subdivision thereof.

X. RELIEF FROM PENALTIES

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance, whether or not noncompliance is due to accident, equipment breakdown, labor dispute, or natural disasters.

XI. DISCHARGE LIMITATIONS

- A. The discharge from Categorical users must conform to the limitations established by the applicable Federal Categorical Pretreatment standard(s); except as may be otherwise authorized or limited by this permit. See "Special Conditions, Section I" for details.
- B. The permittee is authorized to discharge wastewater whose effluent characteristics shall not exceed the values listed in Section 24-47 of the City's Sewer Use Ordinance and / or Schedule "A" of the City of Portland Rules and Regulations for use of the Wastewater System as may be specified herein.
- C. All limitations are conditional and may be revised should the concentrations prove detrimental to the proper operation and maintenance of the Treatment Facilities. Upon notification to reduce the specified concentrations, the permittee shall be responsible for all costs incurred at the Treatment Facilities, resulting from excessive discharge concentrations.

XII. PROHIBITED DISCHARGES

- A. The permittee shall not discharge any prohibited waste identified in section 24-47(a) of the City's Sewer Use Ordinance and / or Section 2.2 of the City of Portland Rules and Regulations for use of the Wastewater System.
- B. Slug discharges are prohibited. A slug discharge is defined as any discharge of a non-routine, episodic nature, including, but not limited, to an accidental spill or a non-customary batch discharge. For the purpose of this permit, any discharge of wastewaters whose characteristics are identified in Section 24-47 (a) of the City's Code of Ordinances and / or Section 2.2 of the City of Portland Rules and Regulations for use of the Wastewater System shall be considered a slug discharge and require immediate notification of the Pretreatment Coordinator. (see Section XVIII for notification requirements.)

C. General Prohibitions:

An Industrial User may not introduce into the Publicly Owned Treatment Works (POTW) any pollutants which cause Pass Through or Interference.

1. **Pass Through** is defined as a discharge which exits the POTW into waters of the United States 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 National Pollutant Discharge Elimination System (NPDES) permit (including an increase in the magnitude or duration of a violation).
2. **Interference** is defined as a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
 - (a) Inhibits or disrupts the POTW treatment processes or operations, or its sludge processes, use, or disposal; and
 - (b) therefore is a cause of a violation of any requirement of the POTW 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.

D. Specific Prohibitions:

In addition, the following pollutants shall not be introduced into the POTW:

- (1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
- (2) Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with pH lower than 5.0 standard units;
- (3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference;
- (4) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.
- (5) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 degrees C (104 degrees F).
- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

XIII. MONITORING AND REPORTING STATEMENT

This permit shall be subject to such monitoring requirements as may be reasonably required by the City of Portland, including the installation, use, and maintenance of monitoring equipment or methods, including, when appropriate, biological monitoring methods. The permittee shall provide the City of Portland with periodic monitoring reports as required in the special conditions section of this permit.

XIV. MONITORING/SAMPLING REQUIREMENTS

- A. At each connection between the permittee's sewer system and the City's collection system, the permittee, if required by the Director of the Department of Public Works, shall install a flow meter(s), sampling station, or other device(s) that shall measure, sample and record the quantity/quality of wastewater flow from the industry at the times required by the monitoring schedule. All monitoring devices and sampling stations must be approved by the Director of the Department of Public Works. The permittee shall accept the estimates of quantities of wastewater flow as established by the Director of the Department of Public Works during all periods in which the meters fail to measure the wastewater flow correctly.
- B. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at regular intervals to ensure accuracy of measurement.
- C. The permittee shall provide the above records and shall demonstrate the accuracy of the monitoring devices upon request of the Director of the Department of Public Works.
- D. Monitoring and sampling shall be conducted as follows:
1. Samples and measurements taken as required herein shall be representative of the typical volume and nature of the monitored discharge.
 2. The sampling, preservation, handling and analytical methods used shall conform to the requirements of 40 CFR 136.
 3. The results of the above monitoring requirements shall be reported at the frequencies stated in the Special Conditions section of this permit.
 4. Any reports or records of monitoring activities and results shall include for all samples:
 - (a) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
 - (b) The dates analyses were performed;
 - (c) Who performed the analyses;
 - (d) The analytical techniques/methods used, including sampling, handling, and preservation techniques; and
 - (e) The results of such analyses.
 5. All correspondence regarding monitoring facilities should be directed to:
Director of the Department of Public Works
In care of the Pretreatment Coordinator
City of Portland
55 Portland Street
Portland, Maine 04101
(207) 874-8843
 6. Results of any effluent monitoring for any pollutant more frequently than required by this permit shall be submitted to the City of Portland's Director of the Department of Public Works, in care of the Pretreatment Coordinator.
 7. Information and data provided to the City of Portland, unless otherwise specified, shall be available to the public without restriction.

XV. PRETREATMENT FACILITIES OPERATION

All pretreatment facilities shall be operated in a manner consistent with the City of Portland Sewer Use Ordinance, the Rules and Regulations for use of the Wastewater System and any applicable Federal, State, or local regulations and guidelines. The permittee shall at all times maintain in good working order and operate as efficiently as possible any facilities or systems of control installed or utilized to achieve compliance with the terms and conditions of this permit.

XVI. SIGNATORY AUTHORIZATION

A. All reports shall be signed:

1. By a responsible corporate officer, if the permittee submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means
 - (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs a similar policy or decision-making function for the corporation, or
 - (ii) the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1997 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. By a general partner or proprietor if the permittee submitting the reports is a partnership or sole proprietorship respectively.
3. By a duly authorized representative of the individual designated in paragraph 1 or 2 of this section if:
 - (i) The authorization is made in writing by the individual described in paragraph 1 or 2;
 - (ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - (iii) the written authorization is submitted to the City's Pretreatment Coordinator.
4. If an authorization under paragraph 3 of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph 3 of this section must be submitted to the City's Pretreatment Coordinator prior to or together with any reports to be signed by an authorized representative.

B. Approved signatory authorization forms must be on file with the City's Pretreatment Coordinator.

XVII. RECORDS RETENTION

All records and information resulting from any effluent monitoring activities, including all records of analyses performed, and calibration and maintenance of instrumentation and recordings from continuous monitoring and instrumentation shall be retained for a minimum of three (3) years.

XVIII. NONCOMPLIANCE REQUIREMENTS

The permittee shall immediately notify the City of Portland's Pretreatment Coordinator if they are unable to comply with any of the conditions of this permit. The telephone number is 874-8843. Oral notification must be received within twenty-four (24) hours of knowledge of the violation. Within five (5) days of such noncompliance and oral notification, the permittee shall provide the City of Portland's Director of the Department of Public Works in care of the Pretreatment Coordinator a detailed written report specifying (at a minimum) the following information:

1. The nature of the violation;
2. When and how the permittee became aware of the violation and the cause of noncompliance;
3. Anticipated time the condition of noncompliance is expected to continue, or if such conditions have been corrected, the duration of the period of noncompliance;
4. Steps taken by the permittee to reduce and eliminate the noncomplying discharge; and
5. Steps to be taken by the permittee to prevent recurrence of the condition of noncompliance.

Failure to make such notification may result in penalties; see Section XXII of this permit.

XIX. UNSPECIFIED DISCHARGE

Other materials ordinarily produced or used in operation of this facility which have not been specifically identified may be discharged provided

1. They are not
 - (a) Designated as toxic or hazardous under the provisions of Sections 307 and 311 respectively of the Federal Water Pollution Act, Title 38, Section 420 Maine Revised Statutes, or other applicable State Laws; or as identified in Section 24-47 (a) of the City's Code of Ordinances and / or Section 2.2 of the City of Portland Rules and Regulations for use of the Wastewater System
 - (b) In violation of Federal standards or requirements.
 - (c) Known to be hazardous or toxic by the permittee.
2. The discharge of such materials shall not interfere with the operation of the treatment facilities of the City of Portland or their ability to treat such materials to the extent covered by the City's permit to discharge. (See Section XII for more detail.)

XX. SPILL NOTIFICATION

*The permittee shall notify the City of Portland's Pretreatment Coordinator immediately upon the occurrence of an accidental discharge of substances prohibited by Section 24-47 (a) of the City's Code of Ordinances and / or Section 2.2 of the City of Portland Rules and Regulations for use of the Wastewater System or any slug discharges or spills that may enter the public sewer. **The telephone number is 874-8843. Notification must occur within twenty-four (24) hours of knowledge of the spill.** The notification shall include the location of discharge, volume, and corrective action taken. The permittee's notification of accidental releases in accordance with this section does not relieve if of other reporting requirements that arise under local, State, or Federal Laws, or from liability for costs to the City associated with corrective actions.*

Within five (5) days following an accidental discharge, the permittee shall submit to the City of Portland's Director of the Department of Public Works, in care of the Pretreatment Coordinator a detailed written report. The report shall specify:

1. Description of the upset, slug load or accidental discharge, the cause thereof, and the impact on the permittee's compliance status. The description should also include location of discharge, type, concentration and volume of waste.
2. Duration of noncompliance, including exact dates and time of noncompliance and, if the noncompliance is continuing, the time by which compliance is reasonably expected to occur.
3. All steps taken or to be taken to reduce, eliminate, and/or prevent recurrence of such an upset, slug load, accidental discharge, or other conditions of noncompliance.

Failure to make such notification may result in penalties; see Section XXII of this permit.

XXI. CONFIDENTIALITY

Records or information submitted to the City of Portland may be claimed to be confidential by the submitter. All such claims of confidentiality shall be handled in accordance with 40 CFR 403.14, to the extent permitted by Maine law.

XXII. PENALTIES FOR VIOLATION

- A. From Section 24-56 of the City's Sewer Use Ordinance and / or Section 5.2 of the City of Portland Rules and Regulations for use of the Wastewater System

"Any person failing to comply with or violating any provision of this article shall be served by the public works authority with written notice stating the nature of the failure or violation and providing a reasonable time limit for the satisfactory correction thereof. Such person shall, within the period of time stated in such notice, permanently cease or correct all such failures or violations. Any person who shall continue any failure or violation beyond the time limit required for compliance in any notice given pursuant to this section shall be guilty of an offense. Any person violating any of the provisions of this article shall be liable to the city and shall be assessed a civil penalty of a minimum of one thousand dollars (\$1,000.00) per day for each violation of industrial pretreatment standards and requirements, and in addition, shall be liable for any expense, loss or damage occasioned by the city by reason of such violation. The city may seek injunctive relief for the purposes of enforcing this article."

- B. In addition, violations of discharge limits, and/or reporting due dates as established in this permit may cause the permittee to be placed in significant non-compliance with the Portland Water District and City of Portland's Pretreatment Program.
- C. At least annually the City must provide public notification in the largest daily newspaper of all industrial discharge permittees who were classified as being in significant non-compliance during the previous twelve months. Publication costs to meet this requirement shall be reimbursed to the city as part of the permit issuancy fee as provided in Section 24-50 of the City's Sewer Use Ordinance.

XXIII. COST REIMBURSEMENT

The permittee shall reimburse the Portland Water District, the City of Portland and their agents for expenditures incurred for the special handling, monitoring, treatment or disposal of the wastewater from their facility. This includes, but is not limited to, additional costs for maintaining the treatment plant, additional costs for disposal of sewage sludge and costs of additional wastewater monitoring and analyses as long as these costs are attributable to the wastewater discharge of the permittee.

I. PERMITTEE CLASSIFICATION

The permittee is a **SIGNIFICANT** industrial user as defined by Federal regulations and the City of Portland, and must comply with the Federal pretreatment standards found in 40 CFR Part 403.

II. MONITORING REQUIREMENTS

The permittee shall provide the City with results of the analysis for concentrations of BOD, TSS, pH, pH, and Oil & Grease found in the industrial discharge as may be required by the monitoring schedule, (Section IV specified herein) or by the Director of the Department of Public Works.

III. SAMPLE POINT(S) LOCATION

- A. Sampling of the wastewater discharge shall be done at approved locations only. A sketch and description of this (these) location(s) shall be submitted with each permit application, and shall be attached to this permit.
- B. Revisions to this (these) sample point location(s) as necessary, shall be first approved by the Director of the Department of Public Works. Any samples taken from different location(s) shall be duly documented.

IV. MONITORING SCHEDULE

The permittee shall have samples of the industrial wastewater discharge collected and analyzed from the approved sample points in accordance with the following schedule:

<u>Parameter</u>	<u>Frequency of Monitoring</u>	<u>Type of Sample</u>	<u>DISCHARGE LIMITS (mg/l)</u>
			Daily <u>Max.</u>
BOD	semi-annual	24 Hr Composite	10000
TSS	semi-annual	24 Hr Composite	5000
pH	semi-annual	24 Hr Composite	*
pH	semi-annual	Grab	*
Oil & Grease	semi-annual	Grab	100

* pH of less than 5.0 standard units is prohibited; any pH result of over 8.3 S.U. must be accompanied by a result for caustic (hydroxide) alkalinity from the same sample. Caustic alkalinity over 1000 mg/l is prohibited.

V. REPORTING DUE DATES

- A. Results of the required analyses shall be reported to the City of Portland's Director of the Department of Public Works, in care of the Pretreatment Coordinator on a semi-annual basis, at a minimum. These **REPORTS SHALL BE DUE MARCH 1 AND SEPTEMBER 1 OF EACH YEAR COVERED BY THIS PERMIT.**
- B. Reports shall include, at a minimum, complete and signed discharge monitoring report forms (available from the Pretreatment Coordinator), actual approved laboratory analysis reports from all laboratories involved, wastewater flow information, properly completed chain(s) of custody, and a certification statement regarding total toxic organics and chemical management.

CITY OF PORTLAND



INDUSTRIAL WASTEWATER DISCHARGE PERMIT
Barber Foods
SPECIAL CONDITIONS
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VI. NOTIFICATION OF VIOLATION / RESAMPLING REQUIREMENTS

- A. If the results of any analyses performed for (or by) the permittee indicates a violation of a discharge limit noted in this permit or the City's Code of Ordinances, the permittee shall notify the City's Pretreatment Coordinator *within twenty-four (24) hours* of becoming aware of the potential violation. The telephone number is (207) 874-8843.
- B. *The permittee must resample immediately* and submit the repeat analysis results to the Director of the Department of Public Works, in care of the Pretreatment Coordinator *within thirty (30) days* of becoming aware of any discharge violation. Please note that a regularly scheduled monitoring report will not generally be accepted as a resampling report. Resampling is required to help determine if the original violation represents a pattern, or a one-time excursion. Therefore resampling must occur as soon as possible after a violation has been noted.

VII. COMPLIANCE MONITORING REPORTS

Each report submitted by the permittee shall indicate the precise nature and concentrations of the regulated pollutants in its discharge to the Portland sewer system, the average and maximum daily flow rates from each industrial process discharge, methods used to sample and analyze the data, and a certification that these methods conform with 40 CFR Part 136 or equivalent methods approved by EPA.

All private laboratory reports submitted to the City of Portland shall include chain of custody information documenting each person involved in the possession of the sample(s) from the person who collected the sample(s) to the person who analyzed the sample(s) in the laboratory.

All compliance discharge reports shall be signed by a responsible official, either an owner, corporate manager or department manager who supervises more than 250 employees. One of these may also appoint any other company representative to be authorized to sign the reports, but must do so with written notice to the City of Portland

VIII. PERMIT TERMS ACCEPTANCE CLAUSE

Barber Foods shall be deemed to agree to all of the terms of this permit upon its acceptance of this permit.

IX. IMPLEMENTATION SCHEDULE FOR COMPLIANCE (NOT APPLICABLE)

- A. If pretreatment or other facilities are required by Federal or State laws, or by the Director of the Department of Public Works, then an implementation schedule for compliance acceptable to the Director of the Department of Public Works shall be developed.
- B. *No later than 14 calendar days* following each scheduled completion date identified in the following schedule of compliance, the permittee shall submit a written report of progress and notice of compliance or non-compliance. If non-compliance is reported, the report must include the cause of non-compliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.
- C. The permittee shall achieve compliance with the final effluent limitations as specified in Section 24-47 of the City's Sewer Use Ordinance in accordance with the following schedule:

<u>SCHEDULED INCREMENT OF PROGRESS</u>	<u>SCHEDULED COMMENCEMENT DATE</u>	<u>COMPLETION DATE</u>
1. Select Engineer	_____	_____
2. Engineering Investigation of Plant Conditions (Industrial Process Review Wastewater Characteristics)	_____	_____
3. Select Monitoring Equipment, Treatment Process & Design Criteria (Treatability Studies)	_____	_____
4. Detailed Design of Treatment System (Plans & Specifications)	_____	_____
5. Preparation of Operations Manual	_____	_____
6. Select Contractor For Construction	_____	_____
7. Commence Construction	_____	_____
8. Pretreatment System Start Up	_____	_____

- D. *Within ninety (90) days* following the scheduled completion date of the pretreatment system start up as noted in the above schedule, the permittee shall submit a report showing full compliance with all applicable discharge limits as established in this permit.



KEYBANK NATIONAL ASSOCIATION
 ONE CANAL PLAZA
 PORTLAND, MAINE 04101

DATE: MARCH 29, 2001

IRREVOCABLE STANDBY LETTER OF CREDIT NO. NSL193359

BENEFICIARY
 CITY OF PORTLAND
 389 CONGRESS STREET
 PORTLAND, ME 04101
 ATTN: JOSEPH E. GRAY, JR., DIRECTOR
 PLANNING & URBAN DEVELOPMENT

APPLICANT
 BARBER FOODS
 207 LARRABEE ROAD
 WESTBROOK, ME 04092

LADIES AND GENTLEMEN:

WE HEREBY ESTABLISH OUR IRREVOCABLE STANDBY LETTER OF CREDIT NO. NSL193359 IN YOUR FAVOR FOR THE ACCOUNT OF BARBER FOODS UP TO AN AGGREGATE AMOUNT NOT TO EXCEED US\$103,200.00 (ONE HUNDRED THREE THOUSAND TWO HUNDRED AND 00/100 U.S.DOLLARS).

THE CITY, THROUGH ITS DIRECTOR OF PLANNING AND URBAN DEVELOPMENT, MAY DRAW ON THIS LETTER OF CREDIT BY PRESENTATION OF A SIGHT DRAFT MARKED "DRAWN UNDER KEYBANK NATIONAL ASSOCIATION, PORTLAND, MAINE L/C NO. NSL193359 DATED 03/29/01" AND THE ORIGINAL LETTER OF CREDIT AND ALL AMENDMENTS THERETO, AT KEYBANK'S OFFICES AT 66 SOUTH PEARL STREET, ALBANY, NEW YORK 12207-1501 ALONG WITH A STATEMENT, PURPORTEDLY SIGNED BY THE DIRECTOR OF PLANNING AND URBAN DEVELOPMENT STATING THAT:

1. THE DEVELOPER HAS FAILED TO SATISFACTORILY COMPLETE BY OCTOBER 29, 2002 THE WORK ON THE IMPROVEMENTS CONTAINED WITHIN THE SITE PLAN C-1 APPROVAL, DATED JANUARY 27, 2001; OR
2. THE DEVELOPER HAS FAILED TO DELIVER TO THE CITY A DEED CONTAINING THE METES AND BOUNDS DESCRIPTION OF ANY STREETS, EASEMENTS OR OTHER IMPROVEMENTS REQUIRED TO BE DEEDED TO THE CITY; OR
3. THE DEVELOPER HAS FAILED TO POST THE TEN PERCENT (10%) DEFECT GUARANTEE REQUIRED BY THE PORTLAND CODE OF ORDINANCES SECTIONS 14-501 AND 14-525; OR
4. THE DEVELOPER HAS FAILED TO NOTIFY THE CITY FOR INSPECTIONS.

IN THE EVENT OF KEYBANK NATIONAL ASSOCIATION'S DISHONOR OF THE CITY OF PORTLAND'S SIGHT DRAFT, KEYBANK NATIONAL ASSOCIATION SHALL INFORM THE CITY OF PORTLAND IN WRITING OF THE REASON OR REASONS THEREFOR WITHIN THREE (3) WORKING DAYS OF THE DISHONOR.

AFTER ALL UNDERGROUND WORK HAS BEEN COMPLETED AND INSPECTED TO THE SATISFACTION OF THE DEPARTMENT OF PUBLIC WORKS AND PLANNING, INCLUDING BUT NOT LIMITED TO SANITARY SEWERS, STORM DRAINS, CATCH BASINS, MANHOLES, ELECTRICAL CONDUITS, AND OTHER REQUIRED IMPROVEMENTS CONSTRUCTED CHIEFLY BELOW GRADE, THE CITY OF PORTLAND DIRECTOR PLANNING AND URBAN DEVELOPMENT OR THE CITY OF PORTLAND DIRECTOR OF FINANCE AS PROVIDED IN SECTION 14-501 OF THE PORTLAND CODE OF ORDINANCES, MAY AUTHORIZE KEYBANK NATIONAL ASSOCIATION, BY WRITTEN CERTIFICATION, TO REDUCE THE AVAILABLE AMOUNT OF THIS LETTER OF CREDIT BY A SPECIFIED AMOUNT.



PAGE 2 AND FORMING AN INTEGRAL PART OF IRREVOCABLE STANDBY L/C NO. NSL193359

IT IS A CONDITION OF THIS CREDIT THAT IT SHALL BE DEEMED AUTOMATICALLY EXTENDED WITHOUT AMENDMENT FOR PERIOD(S) OF ONE YEAR EACH FROM THE CURRENT EXPIRATION DATE HEREOF, OR ANY FUTURE EXPIRATION DATE, UNLESS AT LEAST SIXTY (60) DAYS PRIOR TO ANY EXPIRATION DATE, KEYBANK NATIONAL ASSOCIATION NOTIFIES THE DIRECTOR OF PLANNING AND URBAN DEVELOPMENT BY REGISTERED/COURIER/EXPRESS MAIL AT THE ABOVE LISTED ADDRESS THAT KEYBANK NATIONAL ASSOCIATION ELECTS NOT TO CONSIDER THIS LETTER OF CREDIT RENEWED FOR ANY SUCH ADDITIONAL PERIOD.

IN THE EVENT OF SUCH NOTICE, THE CITY MAY DRAW HEREUNDER BY PRESENTATION OF A SIGHT DRAFT DRAWN ON THE BANK, ACCOMPANIED BY THE ORIGINAL LETTER OF CREDIT AND ALL AMENDMENTS THERETO, AND A STATEMENT PURPORTEDLY SIGNED BY THE DIRECTOR OF PLANNING AND URBAN DEVELOPMENT STATING THAT:

1. THIS DRAWING RESULTS FROM NOTIFICATION THAT KEYBANK NATIONAL ASSOCIATION HAS ELECTED NOT TO RENEW IS LETTER OF CREDIT NO. NSL193359; OR
2. THE DEVELOPER HAS FAILED TO SATISFACTORILY COMPLETE BY OCTOBER 29, 2002 THE WORK ON THE IMPROVEMENTS CONTAINED WITHIN THE SITE PLAN C-1 APPROVAL DATED JANUARY 27, 2001; OR
3. THE DEVELOPER HAS FAILED TO DELIVER TO THE CITY A DEED CONTAINING THE METES AND BOUNDS DESCRIPTION OF ANY STREET, EASEMENTS OR OTHER IMPROVEMENTS REQUIRED TO BE DEEDED TO THE CITY; OR
4. THIS DRAWING RESULTS FROM THE DEVELOPER'S FAILURE POST A TEN PERCENT (10%) DEFECT GURARANTEE AS PROVIDED IN SECTION 14-501 AND 14-525 OF THE PORTLAND CODE OF ORDINANCES; OR
5. THIS DRAWING RESULTS FROM THE DEVELOPER'S FAILURE TO NOTIFY THE CITY FOR INSPECTIONS.

THIS LETTER OF CREDIT WILL AUTOMATICALLY EXPIRE UPON THE EARLIER OF:

1. KEYBANK NATIONAL ASSOCIATION'S RECEIPT OF A WRITTEN NOTIFICATION FROM THE CITY OF PORTLAND THAT SAID WORK CONTAINED WITHIN THE SITE PLAN C-1 APPROVAL AND AS REQUIRED BY PORTLAND CODE OF ORDINANCES SECTION 14-499.5 AND 14-525 AND SECTION 25-46 AND 25-65 HAS BEEN COMPLETED IN ACCORDANCE WITH THE CITY OF PORTLAND SPECIFICATIONS AND KEYBANK NATIONAL ASSOCIATION'S LETTER OF CREDIT NO. NSL193359 MAY BE CANCELLED; OR
2. THE EXPIRATION DATE OF OCTOBER 29, 2002 OR ANY AUTOMATICALLY EXTENDED DATE AS SPECIFIED HEREIN.

PARTIAL DRAWINGS ARE PERMITTED.

THIS LETTER OF CREDIT SETS FORTH IN FULL THE TERMS OF OUR UNDERTAKING AND SUCH AN UNDERTAKING SHALL NOT IN ANY WAY BE MODIFIED, AMENDED OR AMPLIFIED BY REFERENCE TO ANY DOCUMENTS, INSTRUMENTS OR AGREEMENTS REFERRED TO HEREIN, OR IN WHICH THIS LETTER OF CREDIT IS REFERRED TO OR TO WHICH THIS LETTER OF CREDIT RELATES AND ANY SUCH REFERENCE SHALL NOT BE DEEMED TO INCORPORATE HEREIN BY REFERENCE ANY SUCH DOCUMENTS, INSTRUMENTS OR AGREEMENTS.

CONTINUED ON PAGE 3



PAGE 3 AND FORMING AN INTEGRAL PART OF IRREVOCABLE STANDBY L/C NO. NSL193359

EXCEPT SO FAR AS OTHERWISE EXPRESSLY STATED, THIS STANDBY LETTER OF CREDIT IS SUBJECT TO THE "UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS" (1993 REVISION) INTERNATIONAL CHAMBER OF COMMERCE, PUBLICATION NO. 500.


WE HEREBY ENGAGE WITH YOU THAT ALL DRAFTS AND DOCUMENTS DRAWN UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS CREDIT WILL BE DULY HONORED BY US ON DELIVERY OF DOCUMENTS, AS SPECIFIED, IF PRESENTED TO: KEYBANK NATIONAL ASSOCIATION, 66 SOUTH PEARL STREET, ALBANY, NEW YORK, 12207-1501 SPECIFICALLY MARKED ATTENTION: INTERNATIONAL DIVISION, LETTER OF CREDIT DEPT. NY-31-66-0416 ON OR BEFORE THE EXPIRATION DATE OF OCTOBER 29, 2002 OR ANY AUTOMATICALLY EXTENDED DATE AS HEREINBEFORE SET FORTH.

ALL COMMUNICATIONS WITH RESPECT TO THIS LETTER OF CREDIT SHALL BE IN WRITING AND SHALL BE ADDRESSED TO: KEYBANK NATIONAL ASSOCIATION, 66 SOUTH PEARL STREET, ALBANY, NEW YORK 12207-1501 ATTENTION: INTERNATIONAL DIVISION, LETTER OF CREDIT DEPT. NY-31-66-0416 SPECIFICALLY REFERRING TO THE NUMBER OF THIS LETTER OF CREDIT.

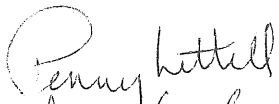
YOURS FAITHFULLY,
KEYBANK NATIONAL ASSOCIATION



AUTHORIZED SIGNATURE



AUTHORIZED SIGNATURE


Assoc Counsel 4/23/01



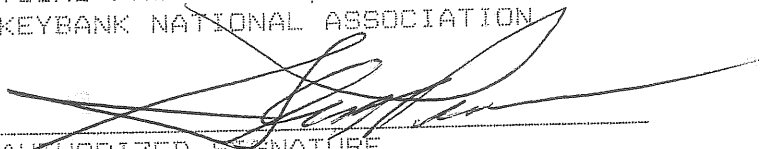
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YOURS FAITHFULLY,
KEYBANK NATIONAL ASSOCIATION



AUTHORIZED SIGNATURE



AUTHORIZED SIGNATURE

Penny Hittell
Assoc Corp Counsel 4/23/01

6. SITE LIGHTING	N/A	_____	_____	_____	_____	_____	_____
7. EROSION CONTROL							
Silt Fence		_____	_____	_____	LS		\$500
Check Dams		_____	_____	_____			
Ripe Inlet/Outlet Protection		_____	_____	_____			
Level Lip Spreader		_____	_____	_____			
Slope Stabilization		_____	_____	_____	500 SY	\$1.00	\$500
Geotextile		_____	_____	_____	1100 SY	\$2.00	\$2,200
Hay Bale Barriers		_____	_____	_____	1 Each		\$500
Catch Basin Inlet Protection		_____	_____	_____			
8. RECREATION AND OPEN SPACE AMENITIES	N/A	_____	_____	_____			
9. LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)		_____	_____	_____	1 Street Tree Seeding	LS	\$500 \$1,000
10. MISCELLANEOUS		_____	_____	_____			
TOTAL:		_____	_____	_____			
GRAND TOTAL:				\$2,600			\$100,600

INSPECTION FEE (to be filled out by the City)

	<u>PUBLIC</u>	<u>PRIVATE</u>	<u>TOTAL</u>
A: 2.0% of totals:	<u>\$52</u>	<u>\$2012</u>	<u>\$2064 \$2064</u>
or			
B: Alternative Assessment:	_____	_____	_____
Assessed by:	<u>T. Lombardo</u> (name)	<u>S. Bushey</u> (name)	_____

Spear & Associates, LLC

March 8, 2001

FAX LETTER
(207) 756-8268

Mrs. Sarah Greene Hopkins
City of Portland
389 Congress Street
Portland, Maine 04101

Subject: Barber Foods
Portland, Maine

Dear Sarah:

This is a follow up of the Planning Board meeting of February 27, 2001. Referring to the Board motion for conditional approval at the meeting:

1. We have revised the site plan to add a turning area and additional paving at the Texaco parking lot.
2. We have revised the site plan to reflect the grading of the Texaco parking lot.
3. We have revised the plan to reflect the actual grades of access drive between the Texaco property and the Century Tire property.
4. I will mail seven copies of the signed and sealed site plan to you today.
5. Barber Foods has already or will shortly send you a copy of the title to the Texaco Property.

As you know, the Board approved the waiver to permit stacked parking on the existing Barber Foods property and the Texaco property. Also, the surveyor has promised to have the boundary survey to you shortly.

Sarah, I believe that we have complied with all of the conditions of approval. Please let me know if there is any other information that you need. Thanks again for your assistance.

Sincerely,



John A. Spear, PE

CC: Zareh DerHagopian, John Severin

Spear & Associates, LLC

February 16, 2001

FAX LETTER
(207) 756-8268

Mrs. Sarah Greene Hopkins
City of Portland
389 Congress Street
Portland, Maine 04101

Subject: Barber Foods
Portland, Maine

Dear Sarah:

This is in response to your e-mail letter of February 14, 2001 regarding the Planning Board meeting of February 13. The items listed match those in your letter.

1. I have asked the surveyor, Associated Design partners Inc. to send you a copy of their boundary plan of the entire property which they recently completed.
2. Because of the size and shape of the property we were not able to make the scale any larger and still be able to get it on the plans. I have asked that the plan not be produced in color when it is sent to you so it will be easier to read this time.
3. Barber Foods owns their site and the Texaco outright. They have an agreement of sale for the Century Tire site, so they are the equitable owner of that property as well. I have asked Zareh to send you a copy of the agreement for your files.
4. We have revised the plan to show the existing truck driveway near the Texaco property.
5. We have added one tree along the site at the tree well that is empty. There is already one existing tree to the north of the new tree. If this is not satisfactory or if the existing tree does not survive, we will plant a second tree.
6. The underground tanks have been removed. I have asked Zareh to provide a letter to this effect.
7. Zareh will provide a letter regarding the financial viability of the project.
8. We have added details for the manhole, curbing, retaining wall and Vortech device on a second sheet. Copies will be sent with the revised Site Development Plan.
9. I have addressed Steve Bushey's comments below.
10. We will bring a sample of the panel to the meeting on February 27.
11. We will send you 11 X 17 copies of the drawing with the full-size copies.

I am responding to Steve Bushey's comments as follows:

1. We understand that we do not fall under this provision because of the dates of construction of the facility.

P.O. Box 95 • 130 Bank Street
Landisville, PA 17538
E-Mail: spear@redrose.net

SPEAR and Associates, LLC
Landisville, Pennsylvania

2. We have no plans for any construction on the Texaco site. We will merely re-stripe the parking lot for the new parking arrangement. We have been in contact with Larry Ash and have revised the curbs on the plan as he requested.
3. We have verified in the field that the construction will not be a problem. There is also enough space for equipment to maintain any storm drainage piping in the right-of-way.
Regarding the intrusion into the south right-of-way, this was an oversight on our part. We have moved the new manhole out of the right-of-way.
4. Current Barber Foods personnel are not aware of any proposals to change the location of the sampling manholes. This may have been suggested by someone who is no longer at Barber Foods, but there are no plans for this now. We would obtain the permission of the City before any changes like this would be made.
Regarding the sanitary sewers flowing into the storm sewers, we have revised the plans to reflect the actual condition.
5. We have been advised that the Fire Department has no problem with the plan.
6. We agree with Steve and have revised the plans to include a trench drain instead of the inlets.
7. We have included a section showing the concrete retaining wall on the plans.
8. We revised the plans per Larry Ash's directions as noted above.
9. Barber Foods has been working closely with Steve Harris at the City regarding the sewage flows to the City's system. In fact, we fully expect that the planned addition will reduce the sewage flow from the Barber Foods plant. In any event, the only impact on the present sewage connection to the City system from this expansion will be a positive one.
10. Our new structure will miss the existing tanks and temporary offices. We will likewise make no changes to the dumpster at the east side of the existing south truck dock.
11. I have enclosed a copy of a letter from Vortech stating that their Model 7000 that we have specified will meet the City's requirements.
12. The site contractor will provide this prior to has starting work on the project. We ask for conditional approval until this is received by the City.

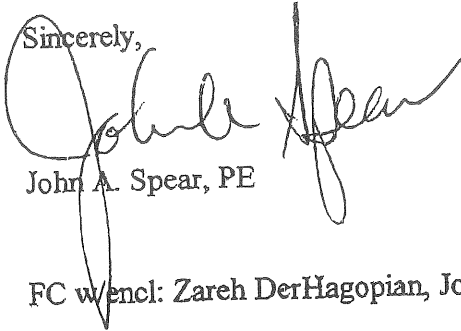
Regarding the comments from Tony Lombardo, we respond as follows:

1. Details of the Vortech facility have been added to the plans.
2. I have been in contact with Carol Merrit and have estimated that the fee will be \$842.00. Barber Foods will send a check in this amount to the City.

SPEAR and Associates, LLC
Landisville, Pennsylvania

Sarah, please let me know if there is any other information that you need. Thanks again for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Spear". The signature is written in a cursive style with a large initial "J".

John A. Spear, PE

FC w/encl: Zareh DerHagopian, John Severin

Spear & Associates, LLC

February 16, 2001

FAX LETTER

Ms. Carol Merritt
 City of Portland
 389 Congress Street
 Portland, Maine 04101

Subject: Barber Foods
 Curbing Permit
 Portland, Maine

Dear Carol:

Thanks for your assistance today regarding the fees for disturbances to paving within the City rights of way. As you directed I have estimated the fee as follows:

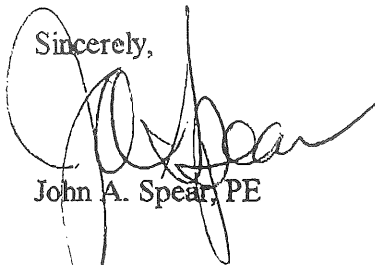
Paving restoration: 45' new curb and curb removal X 3 1/2' wide = 17.5 SY

17.5 SY X \$40/SY=	\$700.00
Permit	<u>142.00</u>
Total fee	\$842.00

I will see that a check is sent to you in the amount of \$842.00.

Thanks again for your assistance.

Sincerely,



John A. Spear, PE

FC: Sarah Hopkins, Zareh DerHagopian, John Severin

Post-It® Fax Note	7671	Date	02/16/01	# of pages	1
To	SARAH HOPKINS		From	JOHN SPEAR	
Co./Dept.			Co.		
Phone #			Phone #		
Fax #	(207) 796-8258		Fax #		

Spear & Associates, LLC

February 15, 2001

FAX LETTER

Mrs. Sarah Greene Hopkins
City of Portland
389 Congress Street
Portland, Maine 04101

Subject: Barber Foods
Parking
Portland, Maine

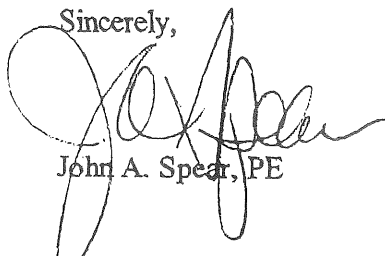
Dear Sarah:

You had mentioned during one of our conversations that the double-stacked parking presently on the site and anticipated for the Texaco property technically does not meet the City's standards. You had suggested that we request a variance for this in order to be within code compliance.

Accordingly, I am requesting on behalf of Barber Foods that they be given a waiver for the use of the existing and proposed double-stacked parking. You had indicated that this should not be a problem.

Thanks again for your assistance.

Sincerely,



John A. Spear, PE

PC: Zareh DerHagopian, John Severin

Spear & Associates, LLC

February 12, 2001

FAX LETTER

Mrs. Sarah Greene Hopkins
 City of Portland
 389 Congress Street
 Portland, Maine 04101

Subject: Barber Foods
 Portland, Maine

Dear Sarah:

I have been in contact with Marge Schmuckal as you suggested regarding the parking requirements on the site. She was kind enough to send me the Portland requirements.

According to those requirements we are required to have one parking space for each 1,000 square feet of manufacturing area and one parking space for each 400 square feet of office space. A breakdown of the spaces in the Barber Foods portion of the site is listed below. For convenience, we have not included the area of the Century Tire building because it is still being used for that purpose. It would not materially effect the parking requirements for the Barber Foods site, however, because the Century Tire site itself would have more than enough spaces to meet the requirements. We also did not include the floor area of the Texaco site because of the small size of the building and the fact that it will no longer be permanently used.

The parking requirements for the Barber Foods site are as follows:

Manufacturing Area

Existing First Floor	29,049 SF	
Existing Second Floor	56,294 SF	
New First Floor	4,460 SF	
New Second Floor	<u>9,833 SF</u>	
Total	99,636 SF	@ 1,000 SF/Parking Space = 100 Spaces

Office Area

Existing Space	2,760 SF @ 400 SF/Parking Space =	7 Spaces
Temporary Office Trailers	4,924 SF @ 400SF/Parking Space =	<u>13 Spaces</u>
	Total Requirements	120 Spaces

SPEAR and Associates, LLC
Landisville, Pennsylvania
February 12, 2001

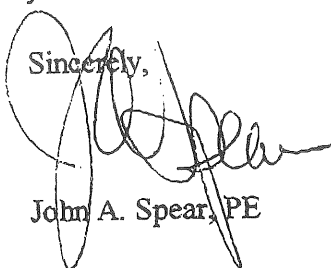
This compares as follows to the parking space information on the Site Development Plan submitted earlier to you:

Existing Barber Foods parking spaces	220 Spaces
Lost by building expansion	<u>53 Spaces</u>
Net Barber Foods Proposed	167 Spaces
Additional Texaco Spaces	<u>37 Spaces</u>
Total Spaces	204 Spaces

This, of course is far in excess of the above requirement of 120 spaces.

Sarah, please let me know if there is any other information that you need. Thanks again for your assistance.

Sincerely,



John A. Spear, PE

FC: Zareh DerHagopian, John Severin

Spear & Associates, LLC

February 12, 2001

FAX LETTER

Mrs. Sarah Greene Hopkins
 City of Portland
 389 Congress Street
 Portland, Maine 04101

Subject: Barber Foods
 Portland, Maine

Dear Sarah:

I have been in contact with Marge Schmuckal as you suggested regarding the parking requirements on the site. She was kind enough to send me the Portland requirements.

According to those requirements we are required to have one parking space for each 1,000 square feet of manufacturing area and one parking space for each 400 square feet of office space. A breakdown of the spaces in the Barber Foods portion of the site is listed below. For convenience, we have not included the area of the Century Tire building because it is still being used for that purpose. It would not materially effect the parking requirements for the Barber Foods site, however, because the Century Tire site itself would have more than enough spaces to meet the requirements. We also did not include the floor area of the Texaco site because of the small size of the building and the fact that it will no longer be permanently used.

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SPEAR and Associates, LLC
Landisville, Pennsylvania
February 12, 2001

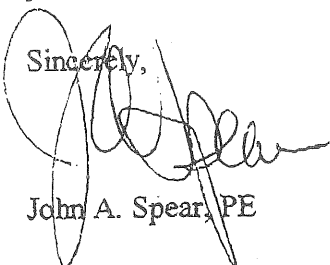
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Additional Texaco Spaces	<u>37 Spaces</u>
Total Spaces	204 Spaces

This, of course is far in excess of the above requirement of 120 spaces.

Sarah, please let me know if there is any other information that you need. Thanks again for your assistance.

Sincerely,



John A. Spear, PE

FC: Zareh DerHagopian, John Severin

Spear & Associates, LLC

January 29, 2001

Mrs. Sarah Greene Hopkins
City of Portland
389 Congress Street
Portland, Maine 04101

Subject: Barber Foods
Portland, Maine

Dear Sarah:

Enclosed please find an application and 10 copies of the site plan for your review of the proposed Barber Foods expansion. I am also enclosing 10 copies of the elevation drawing of the three areas of expansion.

I am responding to Section 14-525(c) of the City of Portland Code of Ordinances as follows:

Barber Foods owns all of the property involved or has agreements of sale for the properties. We assume that the cost of development referred to in the ordinance is for new developments only. The financing of this project is addressed in item (9) below.

I have combined the existing Barber Foods property and the recently purchased Century Tire and Texaco properties on the plan and in my responses to Section 14-525(c) below.

- (1) The proposed uses on the Barber Foods site will remain the same as now, that is the receipt and further processing of chicken products for consumer purchasing. Barber Foods plans to automate its present process lines in order to provide a more efficient method of production. This automation requires the use of new equipment that is larger than the existing equipment and requires the additional upper floor processing space.

The finished product from the upper floor will be conveyed to the lower floor below the northernmost expansion to a new shipping dock. Barber Foods plans for nearly all of its shipping to be from this new dock. This will greatly relieve the traffic problems at the existing dock on St. John Street.

- (2) The total land area of the existing property is as follows

Barber Foods property	3.22 Acres
Century Tire property	0.89 Acres
Texaco property	<u>0.34 Acres</u>
Total property	4.45 Acres

The total building coverage of the properties is as follows:

Barber Foods existing	59,054 Square Feet
Century Tire existing	20,927 Square Feet
Texaco existing	<u>1,294 Square Feet</u>
Total existing	81,275 Square Feet
Barber Foods proposed	<u>9,833 Square Feet</u>
New Total	91,108 Square feet

- (3) There are no new easements on the properties. The existing easements are shown on the site plan.
- (4) The solid wastes to be generated on the site are the same as now: cardboard and other dry wastes, and some process wastes. These will be handled in the same manner and by the same people as is presently being done. The existing dumpsters will be used. The quantities will increase only slightly.
- (5) The proposed expansions will connect to the same utilities that handle the present operations.
- (6) We will have no additional runoff from the expansions because they are located on surfaces that are already impervious. The new roof areas will flow to existing on-site drains. We have included a stormwater treatment facility at the lower end of the existing storm drain to meet the City's requirements for the on-site treatment of stormwater runoff.
- (7) Barber Foods plans to start construction of the additions in March 2001. Completion is expected by the end of August 2001.
- (8) To the best of our knowledge, there are no state and federal approvals required.
- (9) Barber Foods has made arrangements for the financing of the project and will respond to this matter in a separate letter.
- (10) Barber Foods has clear title to their present property and has an agreement of sale for the Century Tire and Texaco properties. We will produce evidence of this if required.
- (11) To the best of our knowledge there are no natural areas, wildlife or fishery habitats, or archeological areas on the properties.

SPEAR and Associates, LLC
Landisville, Pennsylvania

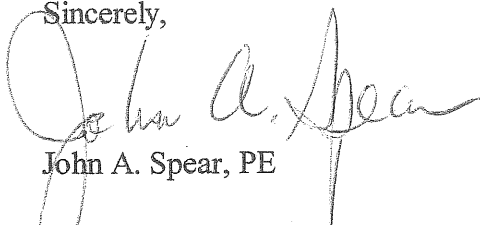
(12) We will submit electronic copies of the site plan and any other plans to the City as soon as we have the plans in their final form.

(13) Not applicable since this is not a new development.

Regarding parking, please note that there will be a loss of 38 parking places along the west side of the existing Century Tire building for the construction of the North Addition. We will also lose 15 parking spaces along the west side of the Barber Foods facility to permit truck traffic to pass along the West Addition. These will be replaced in part by the additional 37 parking spaces on the Texaco site. Although this is a net loss of 16 parking spaces, the reduction in personnel as a result of the proposed automation of the production lines will more than offset this loss.

Sarah, please let me know if there is any other information that you need. Thanks again for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "John A. Spear". The signature is written in dark ink and is positioned above the printed name.

John A. Spear, PE

CC w/Encl.: Zareh DerHagopian, John Severin

Spear & Associates, LLC

January 22, 2001

FAX LETTER

Mrs. Sarah Greene Hopkins
City of Portland
389 Congress Street
Portland, Maine 04101

Subject: Barber Foods
Portland, Maine

Dear Sarah:

Thanks again for your help last week in reviewing the planning requirements of the City of Portland for the proposed Barber Foods expansion. You indicated that the planning process starts with an administrative review of the application and narrative for a project. The project could then be reviewed by the planning staff and approved at that level. This is only if there is less than three acres of impervious surfaces on the site. It also assumes that the Planning Department is satisfied that the project is not controversial.

If either of these conditions is not present, you said that the project would go to a public workshop for review, followed by a public hearing.

I also spoke to Steve Bushey at DeLuca Hoffman as you suggested. He indicated that the three-acre requirement is only for activities that have occurred since 1975. I checked with long term employees at Barber Foods to find out what has been added over the years and found that the total impervious surface that has been added since 1975 including the proposed development is 2.87 acres.

Based on this, I am requesting that we be permitted to apply for this project as a minor development with only the administrative review. I understand that the City is working with Barber Foods to resolve some administrative concerns about odors from the plant. I understand also that there is a tentative agreement on how to handle this. I am asking that our expansion project be handled as a separate issue rather than be tied into an issue that is already being resolved. This would be very helpful in helping us meet the owner's schedule requirements for the project.

Sarah, I again thank you for your assistance last week and for the very professional manner in which you presented yourself.

P.O. Box 95 • 130 Bank Street
Landisville, PA 17538
E-Mail: spear@redrose.net

(717) 898-9053

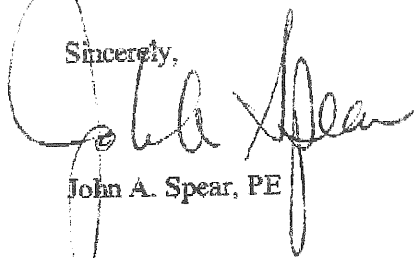
(717) 898-1888 Fax

SPEAR and Associates, LLC
Landisville, Pennsylvania

Please let me know if you need anything else. I sincerely look forward to working with you and the city on this project.

As we agreed, I will have the application and ten copies of the plans to you by January 30. If we are required to attend a workshop, you will schedule us for the February 13 session.

Sincerely,



John A. Spear, PE

CC: Zareh DerHagopian, John Severin



225 Douglass St. • P.O. Box 3553 • Portland, ME 04104-3553

(207) 774-5961
FAX (207) 761-8307
www.pwd.org

June 19, 2001

Sarah Hopkins
Portland Planning Department
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Barber Foods – St. John Street

Dear Sarah:

John Spear of Spear & Associates indicated to me that in reviewing their current project, you had a concern about the existing parking area located over our 20" water main easement. The District responded to that issue by letter of February 9, 1993 (copy enclosed) when the parking was installed. The District did not and still does not object to the location of the parking area over the 20" pipeline. The District would bring the area back up to grade and minimize the disturbance of the pavement if we ever had to excavate the pipeline for maintenance or repairs, but the District would not be responsible to replace the paving.

Hopefully this letter satisfies your concerns over the parking area. If you have any questions or need anything further of the District, do not hesitate to call me at 774-5961 ext. 3057.

Sincerely yours,

PORTLAND WATER DISTRICT

Norman V. Twaddel
Right of Way Agent

Cc: John Spear – Spear & Associates
P.O. Box 95 130 Bank Street
Landisville, PA 17538

Enclosure



225 Douglass St. • P.O. Box 3553 • Portland, ME 04104-3553

(207) 774-5961
FAX (207) 761-8307

February 9, 1993

Mr. James Thibodeau
Sebago Technics, Inc.
12 Westbrook Common
Westbrook, Maine 04092

Re: Barber Foods Driveway Pavement
20" Water Main Easement

Dear Jim:

Thank you for meeting with me last week and supplying plans of Barber Foods driveway expansion for our records. I have reviewed the drawing and the paved area in the field. The District has no objection to the approval of this project by the Portland Planning Board, except that the District will not be responsible for replacement of pavement within the easement area if it should become necessary to disturb the pavement in the process of making repairs to its water main.

If you have any questions or need anything further, do not hesitate to call me at 774-5961.

Sincerely yours,

PORTLAND WATER DISTRICT

Norman V. Twaddel

Norman V. Twaddel
Right of Way Agent



207 LARRABEE ROAD, WESTBROOK, MAINE 04092
POST OFFICE BOX 4821
PORTLAND, MAINE 04112
Telephone 207-856-1430
FAX (Customer Service) 207-856-1448
FAX (All Others) 207-856-1449

DATE: 2/5/01

TO: Penny

FROM: Zaven DeHogreano

PAGES: 2 (Does not include cover sheet)

COMMENTS: Layco Property Deal

Please call if you have
any questions 856 1430

0050822

QUITCLAIM DEED WITH COVENANT

KNOW ALL BY THESE PRESENTS, that Dewsy's Garage, Inc., a Maine corporation with a place of business in Portland, County of Cumberland and State of Maine, in consideration of one dollar (\$1.00) and other good and valuable consideration paid by St. John Street Associates Limited Partnership, whose mailing address is P.O. Box 4821, Portland, Maine 04112, the receipt whereof it does hereby acknowledge, does hereby give, grant, bargain, sell and convey, and forever quitclaim unto the said Grantee, its successors and assigns forever, a certain lot or parcel of land, with the buildings thereon, located at 108 St. John Street, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

A certain lot or parcel of land with the buildings and improvements thereon, situated in the City of Portland, in the County of Cumberland and State of Maine, and more particularly bounded and described as follows:

BEGINNING at the southeasterly corner of the premises herein described, at a point in the westerly line of St. John Street, at land now or formerly of Mabel K. Gorman, said point now marked by a drill hole; thence the line runs north 6°4' east by said St. John Street, two hundred (200) feet, to a point at other land now or formerly of Harris Distributors, Inc., said point now marked by an iron; thence north 83°56' west, forming an interior angle of ninety degrees (90°) with the line last mentioned, by said other land now or formerly of said Harris Distributors, Inc., one hundred eleven and forty-four hundredths (111.44) feet to an iron at land now or formerly of Portland Terminal Co.; thence south 6°30' west, forming an interior angle of ninety degrees and twenty-six minutes (90°26') with the line last mentioned, by said land now or formerly of Portland Terminal Co., ninety-two and thirty-four hundredths (92.34) feet to an iron at land now or formerly of Mabel K. Gorman; thence south 40°6' east, forming an interior angle of one hundred thirty-three degrees and twenty-four minutes (133°24') with the line last mentioned, by land now or formerly of Mabel K. Gorman, one hundred fifty-five and forty-five hundredths (155.45) feet to the point of beginning, and forming an interior angle of forty-six degrees and ten minutes (46°10') with the line first above mentioned.

Together with all the right, title and interest of the Grantor in and to all land lying in all streets, highways, rights of way and gores abutting on or appurtenant to said premises.

Subject to all covenants, conditions, restrictions, easements, provisions, exceptions, and reservations contained in instruments of record, if any, encumbering the premises as of the date of this deed.

MAINE REAL ESTATE TAX PAID



**ASSOCIATED DESIGN
PARTNERS INC.**

80 Leighton Road, Falmouth, Maine 04105

F A X M E M O

DATE: April 10, 2001

TO: Sarah Hopkins

FAX: 756-8259

FROM: Chris Brown

PHONE: (207) 878-1751

FAX: (207) 878-1788

RE: BARBER FOODS SITE PLAN
Number of pages including cover sheet 2

Message

Sarah,

The following letter is from Art Colvin
regarding the recent Barber Foods site.

An original letter is being forwarded
via mail.

Please let us know if there is any
additional info needed for this project.

Thanks,

Chris Brown

00188

LANDMARK SURVEYING & ENGINEERING

170 Grant Road Freeport, Maine 04032

Phone: 207-865-1695 Fax: 207-865-2158

April 10, 2001

Ms. Sarah Hopkins, City Planner
City of Portland
389 Congress Street
Portland, Me 04101

Re: Barber Foods Survey (Dewey's Garage)

Dear Ms. Hopkins,

This letter is being written to explain the slight differences in the dimensions on the "Dewey's Garage" parcel. In reconciling a deed there is a descending order of importance in the elements of that deed. The pertinent principals in the "Dewey's Garage" parcel are:

- A) Monuments govern over bearing or distance.
- B) Bearings govern over distance.

In the case of the Dewey's Garage parcel, pins were found and held, the actual measured distance between the pins often varies slightly from the deed calls, this is common and is not a cause of concern since the pin themselves are what property owners view as the actual corners. Deed and filed plan bearings were held relative to the monumented lines, therefore an intersection point was established, which when inversed back to the opposite lot corner, varies slightly from the deed and filed plan distances. Again this is common, most of the general public is not aware of these nuances of the surveying profession, but reconciliation of deeds is necessary in the majority of surveys.

I trust that this is a suitable explanation to the variations found between the retacement survey and the deed calls for the aforementioned property.

Sincerely,



Arthur J. Colvin PE, PLS

Cc: James A. Thibodeau PE



LANDMARK SURVEYING & ENGINEERING

170 Grant Road Freeport, Maine 04032 Phone: 207-865-1695 Fax: 207-865-2158

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389 Congress Street
Portland, Me 04101

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Sincerely,



Arthur J. Colvin PE, PLS

Cc: James A. Thibodeau PE



00188



ASSOCIATED DESIGN PARTNERS INC.
80 Leighton Road, Falmouth, Maine 04105

FAXED
5/10/01

F A X M E M O

DATE: April 10, 2001

TO: Sarah Hopkins

FAX: 756-8258

FROM: CHRIS Brown

PHONE: (207) 878-1751

FAX: (207) 878-1788

RE: BARBER FOODS SITE Plan
Number of pages including cover sheet 2

Message

Sarah,

The following letter is from Art Colvin regarding the recent Barber Foods site.

An original letter is being forwarded via mail.

Please let us know if there is any addition info needed for this project.

Thanks,

Chris Brown



Engineered Products
FOR STORMWATER TREATMENT

February 16, 2001

John Spear
Spear & Associates
130 Bank St
Landisville, PA 17538

Re: Barber Foods, Portland, ME

Dear John:

I am writing to confirm that I have reviewed the Vortechs™ Stormwater Treatment System design for this project, and found that it is in accordance with our sizing criteria for 80% net annual Total Suspended Solids (TSS) removal efficiency.

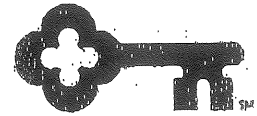
The removal efficiency calculations for the Vortechs Systems on this site follow the methodology described in Technical Bulletin No. 4. Please consult this publication for a more thorough explanation of how 80% removal efficiency is attained.

The Vortechs System will continue to operate at this removal efficiency as long as it is maintained properly.

Thank you very much for specifying our products. We look forward to working closely with you on this installation in the coming weeks. Please do not hesitate to call anytime you have any questions regarding this matter.

Sincerely,

Andrea Perley
Engineer
Vortech Inc.



KeyBank
One Canal Plaza
Portland, Maine 04101-4035

February 16, 2001

City of Portland, Maine
Attention: Sara Hopkins

Tel: (800) 452-8762

Dear Ms. Hopkins:

Barber Foods is a longstanding and highly valued client of KeyBank. We have had the opportunity to meet with management to review and discuss the company's planned capital expansion project. We have recently submitted a financing plan for management's consideration. Our financing proposal, coupled with Barber Foods' existing resources, fully covers the cost of the planned project.

I have every confidence that Barber Foods has the financial resources at its disposal to complete the considered project. If I can be of further assistance to you in this matter, please don't hesitate to call me at 874-7045.

Yours truly,

Stephen Lubelczyk
Senior Vice President

Cc: Vicki Mann, Vice President of Finance and Administration



BARBER FOODS
POST OFFICE BOX 4821
PORTLAND, MAINE 04112-4821
(207) 856-1430
800-341-0451
FAX (207) 856-1449
www.barberfoods.com

ASSIGNMENT OF OPTION TO PURCHASE,
CONSENT TO ASSIGNMENT, EXERCISE OF OPTION
AND GUARANTY OF PURCHASE PRICE

THIS AGREEMENT made by and between BARBER FOODS, a Maine corporation with a principal place of business in Portland, Maine, ST. JOHN STREET ASSOCIATES LIMITED PARTNERSHIP, a Maine limited partnership, and Adele S. Aronson.

WHEREAS, Barber Foods is the Tenant under a certain Lease dated May 3, 1996, with Adele S. Aronson, as Landlord and relating to premises (the "Property") at 82 St. John Street, Portland, Maine (the "Lease"); and

WHEREAS, Barber Foods has an option to purchase (the "Option") said premises pursuant to the terms of paragraph 26 of Lease; and

WHEREAS, Barber wishes to assign the Option to St. John Street Associates Limited Partnership; and

WHEREAS, St. John Street Associates Limited Partnership wishes to accept said assignment and to exercise the Option; and

WHEREAS, Adele S. Aronson consents to such assignment and exercise so long as Barber Foods guarantees the payment of the purchase price for the Property.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other valuable considerations and in consideration of the mutual covenants herein contained, the parties hereby agree as follows:

1. Assignment. Barber Foods does hereby assign the Option to St. John Street Associates Limited Partnership.
2. Acceptance of Assignment. St. John Street Associates Limited Partnership does hereby accept the foregoing assignment and assumes and agrees to perform all of the obligations of Barber Foods with respect thereto.
3. Consent to Assignment. Adele S. Aronson does hereby consent to the foregoing assignment, on the condition that Barber Foods guaranty the payment of the purchase price for the Property.

"Real home-style goodness."



4. Exercise of Option. St. John Street Associates Limited Partnership hereby gives to Century Tire Co. notice of its election to exercise the Option, with a closing date on or about June 29, 2001, at the offices of Pierce Atwood, Portland, Maine, or such other time and place as the parties may agree.

5. Guaranty of Purchase Price. Barber Foods does hereby guaranty the payment of the purchase price by St. John Street Associates Limited Partnership and agrees to execute and deliver at closing a guaranty of St. John Street Associates Limited Partnership's promissory note in a form reasonably satisfactory to Adele S. Aronson.

IN WITNESS WHEREOF, the parties have executed and delivered this Agreement as of the 29th day of June, 2000.

Peggy Luce
Witness

BARBER FOODS

By: Stephen Barber
Print Name: Stephen Barber
Its: President + CEO

Peggy Luce
Witness

ST. JOHN STREET ASSOCIATES
LIMITED PARTNERSHIP

By: Stephen Barber
Print Name: Stephen Barber
Its: Authorized signature

Adele S. Aronson

Len@MNeil
Witness

By: Adele S Aronson
Print Name: ~~Adel~~
ADELE S ARONSON



BARBER FOODS
POST OFFICE BOX 4821
PORTLAND, MAINE 04112-4821
(207) 772-1934
FAX (207) 772-3938
www.barberfoods.com

February 16, 2001

Mrs. Sarah Hopkins
City of Portland
389 Congress Street
Portland, ME 04101

Subject: Barber Foods, Texaco Property, Portland, Maine

Sear Sarah:

A question came up at the workshop meeting this week regarding the status of the underground tanks at the former Texaco property now owned by Barber Foods. We stated then that the tanks had been removed and that the site had been cleaned up and was in compliance with regulations.

For the record, please be assured that the petroleum tanks have been removed and the site has been certified to meet the requirements of the appropriate government agencies. We have a full report outlining the work done at the site if you care to review it.

Thanks again for your assistance.

Sincerely,



Zareh DerHagopian
VP of Operations

ZD/nah

“Real home-style goodness.”

PLANNING REPORT #10-01

**BARBER FOODS EXPANSION
SITE PLAN REVIEW
BARBER FOODS, APPLICANT**

Submitted to:

Portland Planning Board
Portland, Maine
February 27, 2001

I. INTRODUCTION

Barber Foods has applied for Site Plan review for additions to its plant on St. John Street totaling approximately 9,833 square feet. The expansion is planned to increase efficiency and allow for the automation of portions of the food preparation process. The Barber Foods parcel is 4.45 acres and zoned I-Mb Industrial.

Project Description

Three building additions are proposed at the plant. The first addition is located along the southern portion of the building, as a second floor expansion, over the existing loading bays adjacent to the main driveway entrance to the site. This area will be used for food preparation. The second addition will be located to the rear of the site, along the west wall of the plant. This expansion will be used for the relocation of a freezer unit within the plant. Like the south addition, this west addition will consist of a second story structure on columns, and will be left open below. The third addition will be on the north side of the plant and will be a two-story addition. This construction will include a new two bay loading facility for finished product leaving the plant.

Site Description

The Barber Foods site is located along the west side of St. John Street, adjacent to the Veterans Bridge. The development parcel consists of three parcels: the Barber Foods parcel; the Century Tire parcel; and the Texaco site. Barber Foods proposes to locate staff parking on the Texaco site and also plans to retain the driveway which passes between Century Tire and Texaco. The applicant has provided an option to the Century Tire site but not for the Texaco site. Barber Foods will provide a deed for the Texaco site prior to the public hearing with the Planning Board

The site is dominated by the existing Barber Foods plant, which is a 59,054 square foot industrial building with office, freezer and processing areas. Loading bays are located along the St. John St. frontage of the site, as well as the southern side of the building, adjacent to the main driveway.

II. SUMMARY OF FINDINGS

Lot Size:	4.45 acres
Building Size:	
Barber Foods	
Existing	59,054 sq.ft.
Proposed Addition	9,833 sq.ft.
Century Tire	20,927 sq.ft.
Texaco	1,294 sq.ft.
Zoning:	IMb
Parking:	
Required	120 spaces
Proposed	200 spaces

III. SITE PLAN REVIEW

Representatives from the Planning, Public Works, and Fire Departments have reviewed the plans. Comments from these departments are incorporated into the Planning Board Report.

1. Traffic/Circulation

Circulation

The greatest change created by these additions will be in traffic circulation. With the proposed north side addition, all finished product leaving the plant will leave from the north loading dock. Finished product currently leaves the plant from the loading docks located along St. John Street. With the proposed expansion, the St. John Street loading docks will only be used for incoming product. These incoming deliveries are usually made during the third shift, and the proposed change will greatly decrease the congestion and conflict caused by tractor trailers accessing the St. John Street loading docks during the day.

Parking

To make up for the parking spaces lost to construction, the applicant is proposing to create 32 parking spaces on the existing pavement at the Texaco site. Barber Foods has requested a waiver from the Planning Board of the Technical Standards in order to provide stacked parking along one aisle of the lot. (See Attachment 1c.) Barber currently utilizes stacked parking within its main parking lot successfully, due to the nature of shift work. The Traffic Engineer supports the waiver request.

Both the Traffic Engineer and Reviewing Engineer have requested additional information regarding the Texaco lot related to drainage and construction. The Traffic Engineer has requested that a turnaround area be designed for cars attempting to leave the furthest parking spaces. Mr. Ash's memo is included as Attachment 7e.

A potential condition of approval may be:

- That prior to issuance of a building permit, that the applicant revise the site plan to include modifications to allow a turning area to the rear of the Texaco parking lot.

2. Bulk, Location, Height of Buildings

The addition will follow the roofline of the existing structure and ranges in height, depending on topography, from approximately 32 to 44ft. high. Like the main structure, the addition is an insulated metal-sided industrial building that is not anticipated to have negative impacts on neighboring properties. Building elevations are included as Attachment 8. The applicant will bring a sample of the siding material to the public hearing with the Board.

3. Utilities, Easements, Solid Waste

The site will be served from existing utilities on-site.

The site is subject to a 10 ft. underground drainage easement that runs along the westerly boundary of the site. The easement will not be impacted by the proposed development.

Both Steve Bushey and Tony Lombardo requested additional information of the applicant regarding details for drain manholes and pipe sizes and inverts. This information has been submitted by the applicant and is reflected on the most recent plans. Therefore, the comments raised in Mr. Lombardo's memo (Attachment 7d) have been addressed.

Solid waste is handled with existing dumpsters.

4. Landscaping

The applicant's plan indicates the addition of two columnar Maple trees within the esplanade in front of the Texaco lot.

5. Stormwater/Wetlands

The site is largely flat and currently drains southerly through an existing underground system which eventually outlets off-site into the Fore River. A 30 inch pipe collects stormwater from a series of catchbasins located throughout the western portion of the site. The pipe flows down toward the south truck access drive with a series of catch basins, turning southerly, eventually exiting the site and continuing to the separated City system which outfalls to the Fore River near the Veteran's Bridge.

There will be no additional stormwater generated by the proposed addition and no existing stormwater problems are apparent.

The applicant proposes to connect a new stormdrain line to the existing RCP drainage pipe in order to collect runoff from the new loading area. Additionally, a Vortechmics stormwater treatment device is being added to the system which will provide approximately 80% TSS removal. (See Attachment 3.)

Because the plant and most of the pavement at Barber Foods was in place prior to 1975, Site Location of Development review does not apply.

Steve Bushey has reviewed the plans and has recommended the following conditions of approval:

- That the applicant revise the site plan to reflect proposed grading and drainage of the Texaco parking lot.
- That the plans be revised to include the as-built grades of the access drive from the new loading area. (Mr. Bushey believes that the current plan is incorrect or misdrawn.)
- That the final plans be stamped by a registered engineer.

In Mr. Bushey's memo, several questions were raised regarding emergency access, sewer issues, and traffic circulation. These items have been addressed by the applicant and approved by the Traffic, Fire, and Public Works Departments.

6. Lighting

There is no additional lighting proposed for the site as part of this application.

7. Fire Safety

The Fire Department has reviewed the development proposal and finds the design acceptable for emergency access and fire safety. Lt. McDougal's comments are included as Attachment 7a.

8. Industrial Development

The proposed industrial development will not create any adverse environmental consequences, including any substantial diminution to the value or utility of neighboring structures. With the proposed additions, the applicant intends to greatly reduce both traffic congestion along St. John Street and odor intensity from the three fryer stacks.

9. Environmental Impact

Barber Foods is a participant in the Industrial Pretreatment Program administered by Public Works. As such, the applicant's wastewater discharges are regularly monitored. Any changes in wastewater flows are monitored and regulated by the Public Works Department.

During the review of the proposal, a question was raised as to the removal of the underground fuel tanks on the Texaco site, now owned by Barber Foods. Barber Foods has confirmed that the tanks have been removed. See Attachment 1e.

10. Odor

As discussed during the previous workshop on this item, odor has been an issue for Barber Foods and its neighbors over the past several years. As the Board will recall, the City instituted a revised odor ordinance four years ago to rate odor intensity on an eight point n-butanol scale. The ordinance was drafted as a complaint-driven ordinance, requiring the rating of an odor after a requisite number of odor complaints are logged. While the odor ordinance test has not been triggered, there has been an ongoing dialog between the West End and Western Promenade neighborhoods, Barber, and the City to investigate odor reduction technology and testing. Martha O'Brien, of Odor Science and Engineering, has been working with Barber and the City to gauge odor levels, train new odor inspectors, and recommend technologies to mitigate the odor problems along St. John Street.

Over the past three weeks, Barber Foods has installed two Rotoclone devices on two of the plant's stacks. As discussed during the previous workshop, a rotoclone is a device through which emissions are passed that acts as a turbine, blasting the emissions with air and water jets. These air and water jets "weigh down" the oil and food particles that then drop out of the emission stream and are collected and discharged with wastewater. It is the release of oil and food particles within the emissions that is the greatest cause of odor experienced in the neighborhood.

Two weeks ago, Ms. O'Brien conducted air samples and tested for air concentrations before and after the first rotoclone installation and her findings were encouraging: her firm detected a 60% reduction in odor with the installation of the rotoclone. Further reductions are also anticipated with the additional installation of an atomizer, which sprays a neutralizing chemical on exhaust emissions as they leave the stack. (At this time, Barber Foods is investigating methods for the installation of the neutralizing atomizer above the rotoclones. Also, Barber has on order, and will soon be installing, the third and final rotoclone for the remaining stack at the plant.

Included as Attachment 6, are the latest findings as reported by Ms. O'Brien during her visit.

During the installation of the rotoclones, there has been a consistent flow of information passed back and forth between Barber Foods and the neighborhood. At Barber's and the Neighborhood Association's request, specific odor complaints and descriptions have been sent directly to Barber Foods in order for Barber to identify the cause of the odor immediately. Over the past three weeks, has been caused by the installation of the rotoclones, the production of Italian chicken fingers, the resulting odor from a stack which did not yet have a rotoclone, and finally, a cold start up of a rotoclone after an extended extreme cold snap during the President's weekend.

IV. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and information submitted by the applicant and on the basis of information contained in Planning Report #10-01, the Planning Board finds:

- A. That the site plan is in conformance with the Site Plan Ordinance of the Land Use Code; subject to the following conditions of approval:
- That prior to issuance of a building permit, that the applicant revise the site plan to include modifications to allow a turning area to the rear of the Texaco parking lot.
 - That the applicant revise the site plan to reflect proposed grading and drainage of the Texaco parking lot.
 - That the plans be revised to include the as-built grades of the access drive from the new loading area.
 - That the final site plans be stamped by a registered engineer.
 - That the applicant submit title to the Texaco lot.

For the granting of the waiver to allow stacked parking:

- a. Extraordinary conditions [**do/do not exist**] (if yes, please specify those conditions); or
- b. Undue hardship [**will/will not result**] (if yes, please specify the hardship).

The Board further finds that the granting of the waiver [**will/will not**] create potentially hazardous vehicle and pedestrian conflict or that it will/will not nullify the intent and purpose of the land development plan and the City ordinances.

As a result, the Board does/does not grant the request for a waiver parking requirements to allow stacked parking in the Texaco parking lot along St. John Street.

Attachments:

1. Applicant's Written Statements
 - a. Project Description
 - b. Updated Plans
 - c. Waiver Request for Stacked Parking
 - d. Parking Calculation
 - e. Texaco Fuel tank Removal
2. Barber's Option of the Century Tire Property
3. Vortechincs Stormwater Treatment Device
4. Industrial Wastewater Discharge Permit
5. Letter of Financial Capability
6. Odor Evaluation of Fryer Emissions
7. Staff Comments
 - a. Fire Department
 - b. Zoning Administrator
 - c. Reviewing Engineer
 - d. Public Works
 - e. Traffic Engineer
8. Building Elevations
9. Site Plans/Details

Spear & Associates, LLC

Attachment 1a

January 29, 2001

Mrs. Sarah Greene Hopkins
City of Portland
389 Congress Street
Portland, Maine 04101

Subject: Barber Foods
Portland, Maine

Dear Sarah:

Enclosed please find an application and 10 copies of the site plan for your review of the proposed Barber Foods expansion. I am also enclosing 10 copies of the elevation drawing of the three areas of expansion.

I am responding to Section 14-525(c) of the City of Portland Code of Ordinances as follows:

Barber Foods owns all of the property involved or has agreements of sale for the properties. We assume that the cost of development referred to in the ordinance is for new developments only. The financing of this project is addressed in item (9) below.

I have combined the existing Barber Foods property and the recently purchased Century Tire and Texaco properties on the plan and in my responses to Section 14-525(c) below.

- (1) The proposed uses on the Barber Foods site will remain the same as now, that is the receipt and further processing of chicken products for consumer purchasing. Barber Foods plans to automate its present process lines in order to provide a more efficient method of production. This automation requires the use of new equipment that is larger than the existing equipment and requires the additional upper floor processing space.

The finished product from the upper floor will be conveyed to the lower floor below the northernmost expansion to a new shipping dock. Barber Foods plans for nearly all of its shipping to be from this new dock. This will greatly relieve the traffic problems at the existing dock on St. John Street.

- (2) The total land area of the existing property is as follows

Barber Foods property	3.22 Acres
Century Tire property	0.89 Acres
Texaco property	<u>0.34 Acres</u>
Total property	4.45 Acres

P.O. Box 95 #130 Bank Street
Landisville, PA 17538
E-Mail: spear@redrose.net

(717) 898-2053

(717) 898-1888 Fax

The total building coverage of the properties is as follows:

Barber Foods existing	59,054 Square Feet
Century Tire existing	20,927 Square Feet
Texaco existing	<u>1,294 Square Feet</u>
Total existing	81,275 Square Feet
Barber Foods proposed	<u>9,833 Square Feet</u>
New Total	91,108 Square feet

- (3) There are no new easements on the properties. The existing easements are shown on the site plan.
- (4) The solid wastes to be generated on the site are the same as now: cardboard and other dry wastes, and some process wastes. These will be handled in the same manner and by the same people as is presently being done. The existing dumpsters will be used. The quantities will increase only slightly.
- (5) The proposed expansions will connect to the same utilities that handle the present operations.
- (6) We will have no additional runoff from the expansions because they are located on surfaces that are already impervious. The new roof areas will flow to existing on-site drains. We have included a stormwater treatment facility at the lower end of the existing storm drain to meet the City's requirements for the on-site treatment of stormwater runoff.
- (7) Barber Foods plans to start construction of the additions in March 2001. Completion is expected by the end of August 2001.
- (8) To the best of our knowledge, there are no state and federal approvals required.
- (9) Barber Foods has made arrangements for the financing of the project and will respond to this matter in a separate letter.
- (10) Barber Foods has clear title to their present property and has an agreement of sale for the Century Tire and Texaco properties. We will produce evidence of this if required.
- (11) To the best of our knowledge there are no natural areas, wildlife or fishery habitats, or archeological areas on the properties.

SPEAR and Associates, LLC
Landisville, Pennsylvania

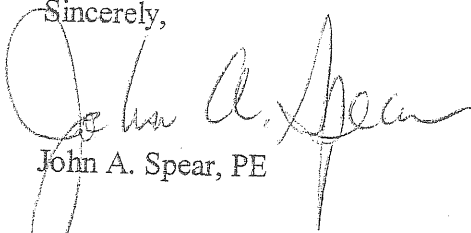
(12) We will submit electronic copies of the site plan and any other plans to the City as soon as we have the plans in their final form.

(13) Not applicable since this is not a new development.

Regarding parking, please note that there will be a loss of 38 parking places along the west side of the existing Century Tire building for the construction of the North Addition. We will also lose 15 parking spaces along the west side of the Barber Foods facility to permit truck traffic to pass along the West Addition. These will be replaced in part by the additional 37 parking spaces on the Texaco site. Although this is a net loss of 16 parking spaces, the reduction in personnel as a result of the proposed automation of the production lines will more than offset this loss.

Sarah, please let me know if there is any other information that you need. Thanks again for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "John A. Spear". The signature is written in dark ink and is positioned above the printed name.

John A. Spear, PE

CC w/Encl.: Zareh DerHagopian, John Severin

Spear & Associates, LLC

February 16, 2001

FAX LETTER

(207) 756-8268

Mrs. Sarah Greene Hopkins
City of Portland
389 Congress Street
Portland, Maine 04101

Subject: Barber Foods
Portland, Maine

Dear Sarah:

This is in response to your e-mail letter of February 14, 2001 regarding the Planning Board meeting of February 13. The items listed match those in your letter.

1. I have asked the surveyor, Associated Design partners Inc. to send you a copy of their boundary plan of the entire property which they recently completed.
2. Because of the size and shape of the property we were not able to make the scale any larger and still be able to get it on the plans. I have asked that the plan not be produced in color when it is sent to you so it will be easier to read this time.
3. Barber Foods owns their site and the Texaco outright. They have an agreement of sale for the Century Tire site, so they are the equitable owner of that property as well. I have asked Zareh to send you a copy of the agreement for your files.
4. We have revised the plan to show the existing truck driveway near the Texaco property.
5. We have added one tree along the site at the tree well that is empty. There is already one existing tree to the north of the new tree. If this is not satisfactory or if the existing tree does not survive, we will plant a second tree.
6. The underground tanks have been removed. I have asked Zareh to provide a letter to this effect.
7. Zareh will provide a letter regarding the financial viability of the project.
8. We have added details for the manhole, curbing, retaining wall and Vortech device on a second sheet. Copies will be sent with the revised Site Development Plan.
9. I have addressed Steve Bushey's comments below.
10. We will bring a sample of the panel to the meeting on February 27.
11. We will send you 11 X 17 copies of the drawing with the full-size copies.

I am responding to Steve Bushey's comments as follows:

1. We understand that we do not fall under this provision because of the dates of construction of the facility.

SPEAR and Associates, LLC
Landisville, Pennsylvania

2. We have no plans for any construction on the Texaco site. We will merely re-stripe the parking lot for the new parking arrangement. We have been in contact with Larry Ash and have revised the curbs on the plan as he requested.
3. We have verified in the field that the construction will not be a problem. There is also enough space for equipment to maintain any storm drainage piping in the right-of-way.
Regarding the intrusion into the south right-of-way, this was an oversight on our part. We have moved the new manhole out of the right-of-way.
4. Current Barber Foods personnel are not aware of any proposals to change the location of the sampling manholes. This may have been suggested by someone who is no longer at Barber Foods, but there are no plans for this now. We would obtain the permission of the City before any changes like this would be made.
Regarding the sanitary sewers flowing into the storm sewers, we have revised the plans to reflect the actual condition.
5. We have been advised that the Fire Department has no problem with the plan.
6. We agree with Steve and have revised the plans to include a trench drain instead of the inlets.
7. We have included a section showing the concrete retaining wall on the plans.
8. We revised the plans per Larry Ash's directions as noted above.
9. Barber Foods has been working closely with Steve Harris at the City regarding the sewage flows to the City's system. In fact, we fully expect that the planned addition will reduce the sewage flow from the Barber Foods plant. In any event, the only impact on the present sewage connection to the City system from this expansion will be a positive one.
10. Our new structure will miss the existing tanks and temporary offices. We will likewise make no changes to the dumpster at the east side of the existing south truck dock.
11. I have enclosed a copy of a letter from Vortech stating that their Model 7000 that we have specified will meet the City's requirements.
12. The site contractor will provide this prior to has starting work on the project. We ask for conditional approval until this is received by the City.

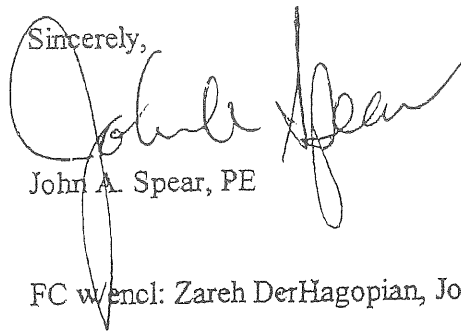
Regarding the comments from Tony Lombardo, we respond as follows:

1. Details of the Vortech facility have been added to the plans.
2. I have been in contact with Carol Merrit and have estimated that the fee will be \$842.00. Barber Foods will send a check in this amount to the City.

SPEAR and Associates, LLC
Landisville, Pennsylvania

Sarah, please let me know if there is any other information that you need. Thanks again for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Spear". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

John A. Spear, PE

FC w/encl: Zareh DerHagopian, John Severin

lc

Spear & Associates, LLC

February 15, 2001

FAX LETTER

Mrs. Sarah Greene Hopkins
City of Portland
389 Congress Street
Portland, Maine 04101

Subject: Barber Foods
Parking
Portland, Maine

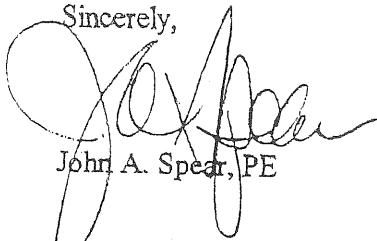
Dear Sarah:

You had mentioned during one of our conversations that the double-stacked parking presently on the site and anticipated for the Texaco property technically does not meet the City's standards. You had suggested that we request a variance for this in order to be within code compliance.

Accordingly, I am requesting on behalf of Barber Foods that they be given a waiver for the use of the existing and proposed double-stacked parking. You had indicated that this should not be a problem.

Thanks again for your assistance.

Sincerely,



John A. Spear, PE

FC: Zareh DerHagopian, John Severin

12

Spear & Associates, LLC

February 12, 2001

FAX LETTER

Mrs. Sarah Greene Hopkins
 City of Portland
 389 Congress Street
 Portland, Maine 04101

Subject: Barber Foods
 Portland, Maine

Dear Sarah:

I have been in contact with Marge Schmuckal as you suggested regarding the parking requirements on the site. She was kind enough to send me the Portland requirements.

According to those requirements we are required to have one parking space for each 1,000 square feet of manufacturing area and one parking space for each 400 square feet of office space. A breakdown of the spaces in the Barber Foods portion of the site is listed below. For convenience, we have not included the area of the Century Tire building because it is still being used for that purpose. It would not materially effect the parking requirements for the Barber Foods site, however, because the Century Tire site itself would have more than enough spaces to meet the requirements. We also did not include the floor area of the Texaco site because of the small size of the building and the fact that it will no longer be permanently used.

The parking requirements for the Barber Foods site are as follows:

Manufacturing Area

Existing First Floor	29,049 SF	
Existing Second Floor	56,294 SF	
New First Floor	4,460 SF	
New Second Floor	<u>9,833 SF</u>	
Total	99,636 SF	@ 1,000 SF/Parking Space = 100 Spaces

Office Area

Existing Space	2,760 SF @ 400 SF/Parking Space =	7 Spaces
Temporary Office Trailers	4,924 SF @ 400SF/Parking Space =	<u>13 Spaces</u>
	Total Requirements	120 Spaces

SPEAR and Associates, LLC
Landisville, Pennsylvania
February 12, 2001

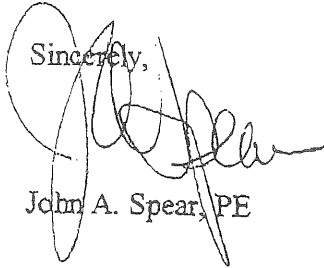
This compares as follows to the parking space information on the Site Development Plan submitted earlier to you:

Existing Barber Foods parking spaces	220 Spaces
Lost by building expansion	<u>53 Spaces</u>
Net Barber Foods Proposed	167 Spaces
Additional Texaco Spaces	<u>37 Spaces</u>
Total Spaces	204 Spaces

This, of course is far in excess of the above requirement of 120 spaces.

Sarah, please let me know if there is any other information that you need. Thanks again for your assistance.

Sincerely,



John A. Spear, PE

FC: Zareh DerHagopian, John Severin



BARBER FOODS
POST OFFICE BOX 4821
PORTLAND, MAINE 04112-4821
(207) 772-1934
FAX (207) 772-3938
www.barberfoods.com

1-e

February 16, 2001

Mrs. Sarah Hopkins
City of Portland
389 Congress Street
Portland, ME 04101

Subject: Barber Foods, Texaco Property, Portland, Maine

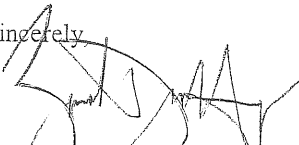
Sear Sarah:

A question came up at the workshop meeting this week regarding the status of the underground tanks at the former Texaco property now owned by Barber Foods. We stated then that the tanks had been removed and that the site had been cleaned up and was in compliance with regulations.

For the record, please be assured that the petroleum tanks have been removed and the site has been certified to meet the requirements of the appropriate government agencies. We have a full report outlining the work done at the site if you care to review it.

Thanks again for your assistance.

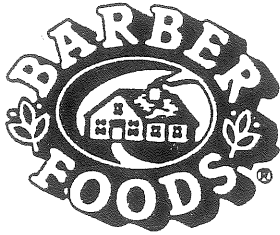
Sincerely,



Zareh DerHagopian
VP of Operations

ZD/nah

“Real home-style goodness.”



BARBER FOODS
POST OFFICE BOX 4821
PORTLAND, MAINE 04112-4821
(207) 856-1430
800-341-0451
FAX (207) 856-1449
www.barberfoods.com

Attachment 2

ASSIGNMENT OF OPTION TO PURCHASE,
CONSENT TO ASSIGNMENT, EXERCISE OF OPTION
AND GUARANTY OF PURCHASE PRICE

THIS AGREEMENT made by and between BARBER FOODS, a Maine corporation with a principal place of business in Portland, Maine, ST. JOHN STREET ASSOCIATES LIMITED PARTNERSHIP, a Maine limited partnership, and Adele S. Aronson.

WHEREAS, Barber Foods is the Tenant under a certain Lease dated May 3, 1996, with Adele S. Aronson, as Landlord and relating to premises (the "Property") at 82 St. John Street, Portland, Maine (the "Lease"); and

WHEREAS, Barber Foods has an option to purchase (the "Option") said premises pursuant to the terms of paragraph 26 of Lease; and

WHEREAS, Barber wishes to assign the Option to St. John Street Associates Limited Partnership; and

WHEREAS, St. John Street Associates Limited Partnership wishes to accept said assignment and to exercise the Option; and

WHEREAS, Adele S. Aronson consents to such assignment and exercise so long as Barber Foods guarantees the payment of the purchase price for the Property.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other valuable considerations and in consideration of the mutual covenants herein contained, the parties hereby agree as follows:

1. Assignment. Barber Foods does hereby assign the Option to St. John Street Associates Limited Partnership.
2. Acceptance of Assignment. St. John Street Associates Limited Partnership does hereby accept the foregoing assignment and assumes and agrees to perform all of the obligations of Barber Foods with respect thereto.
3. Consent to Assignment. Adele S. Aronson does hereby consent to the foregoing assignment, on the condition that Barber Foods guaranty the payment of the purchase price for the Property.

"Real home-style goodness."



4. Exercise of Option. St. John Street Associates Limited Partnership hereby gives to Century Tire Co. notice of its election to exercise the Option, with a closing date on or about June 29, 2001, at the offices of Pierce Atwood, Portland, Maine, or such other time and place as the parties may agree.

5. Guaranty of Purchase Price. Barber Foods does hereby guaranty the payment of the purchase price by St. John Street Associates Limited Partnership and agrees to execute and deliver at closing a guaranty of St. John Street Associates Limited Partnership's promissory note in a form reasonably satisfactory to Adele S. Aronson.

IN WITNESS WHEREOF, the parties have executed and delivered this Agreement as of the 29th day of June, 2000.

Peggy Luice
Witness

BARBER FOODS

By: Stephen Barber
Print Name: Stephen Barber
Its: President + CEO

Peggy Luice
Witness

ST. JOHN STREET ASSOCIATES LIMITED PARTNERSHIP

By: Stephen Barber
Print Name: Stephen Barber
Its: Authorized signatory

Adele S. Aronson

Len@MNL
Witness

By: Adele S Aronson
Print Name: ~~Adelle~~
ADELE S ARONSON

FROM : SPEAR & Associates
02/15/2001 14:29 2078788507

PHONE NO. : 717 898 1888
VORTECHNICS INC.

Feb. 16 2001 02:41PM P4
PAGE 02/02



Attached 3

Engineered Products
FOR STORMWATER TREATMENT

February 16, 2001

John Spear
Spear & Associates
130 Bank St
Landisville, PA 17538

Re: Barber Foods, Portland, ME

Dear John:

I am writing to confirm that I have reviewed the Vortechs™ Stormwater Treatment System design for this project, and found that it is in accordance with our sizing criteria for 80% net annual Total Suspended Solids (TSS) removal efficiency.

The removal efficiency calculations for the Vortechs Systems on this site follow the methodology described in Technical Bulletin No. 4. Please consult this publication for a more thorough explanation of how 80% removal efficiency is attained.

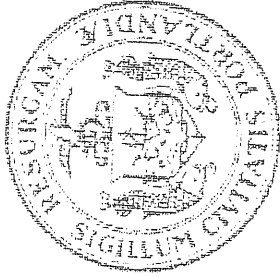
The Vortechs System will continue to operate at this removal efficiency as long as it is maintained properly.

Thank you very much for specifying our products. We look forward to working closely with you on this installation in the coming weeks. Please do not hesitate to call anytime you have any questions regarding this matter.

Sincerely,

Andrea Perley
Engineer
Vortech Inc.

CITY OF PORTLAND



DEPARTMENT OF PUBLIC WORKS

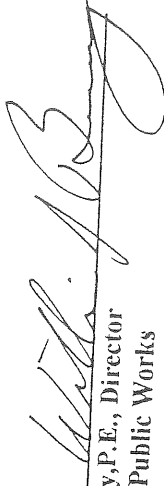
AUTHORIZATION TO DISCHARGE INDUSTRIAL WASTEWATER TO THE CITY OF PORTLAND TREATMENT FACILITIES

Company Name: Barber Foods
Mailing Address: P. O. Box 4821 DTS
Portland ME 04112

Effective Date: May 1, 1999
Expiration Date: May 1, 2002

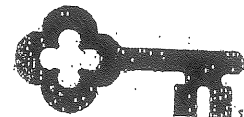
Barber Foods is hereby authorized by the City of Portland to discharge wastewater from 70 St. John Street into the City of Portland wastewater collection and treatment facilities subject to the general and specific conditions attached hereto, Section 24 of the City's Code of Ordinances and the Rules & Regulations for the Use of the Wastewater System, and applicable Federal and State laws.

Date: May 7, 1999

Approved by: 
William J. Bray, P.E., Director
Department of Public Works

Attachment 9

Attachment 5



KeyBank
One Canal Plaza
Portland, Maine 04101-4035

February 16, 2001

City of Portland, Maine
Attention: Sara Hopkins

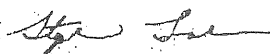
Tel: (800) 452-8762

Dear Ms. Hopkins:

Barber Foods is a longstanding and highly valued client of KeyBank. We have had the opportunity to meet with management to review and discuss the company's planned capital expansion project. We have recently submitted a financing plan for management's consideration. Our financing proposal, coupled with Barber Foods' existing resources, fully covers the cost of the planned project.

I have every confidence that Barber Foods has the financial resources at its disposal to complete the considered project. If I can be of further assistance to you in this matter, please don't hesitate to call me at 874-7045.

Yours truly,


Stephen Lubelczyk
Senior Vice President

Cc: Vicki Mann, Vice President of Finance and Administration

*Attachment***Odor Science & Engineering, Inc.**

1350 Blue Hills Avenue, Bloomfield, CT 06002

(860) 243-9380 Fax: (860) 243-9431

February 7, 2001

Mr. Roger McRae
Barber Foods
70 St. John Street
Portland, ME 04102

FAX: (207) 772-3938

RE: Odor Evaluation of Fryer Emissions
OS&E Project No. 1108-M-00

Dear Roger:

This letter presents the results of the recent odor sampling and analysis conducted by Odor Science & Engineering, Inc. (OS&E) for Barber Foods. Odor emission sampling was conducted by OS&E at the request of Barber Foods to determine the effectiveness of a Rotoclone air cleaning unit that has recently been installed on the Fryer 2 emission stack.

OS&E collected a total of five (5) odor emission samples from the fryer stacks on February 1, 2001. Simultaneous samples were collected at locations before and after the Rotoclone unit on Fryer 2. Two additional samples were collected from the Fryer 2 exhaust after the Rotoclone both with and without an odor neutralizer spray being applied upstream of the Rotoclone. The fifth sample was collected from the exhaust of Fryer No. 1 which currently does not have a Rotoclone unit.

Samples were collected into Tedlar sampling bags using the evacuated drum technique. Following sample collection, the bags were returned to OS&E's Olfactory Laboratory in Bloomfield, CT for sensory evaluation. Upon arrival the samples were analyzed by dynamic dilution olfactometry using a trained and screened odor panel of 8 members. The odor panelists were chosen from OS&E's pool of panelists from the Greater Hartford area who actively participate in ongoing olfactory research and represent an average to above average sensitivity when compared to a large population. The samples were quantified in terms of dilution-to-threshold (D/T) ratio and odor intensity in accordance with ASTM Methods E-679-91 and E-544-99, respectively. The odor panelists were also asked to describe the odor character of the samples at varying dilution levels. The odor measurement methodology is further described in Attachment A.

The results of the odor panel tests are summarized in Table 1. The results indicate that the Rotoclone unit is effective in reducing the odor concentration of the Fryer 2 emissions. An odor reduction of 60% was seen based on the results of the samples collected simultaneously from before and after the Rotoclone. The results indicate that a further reduction (in this case approximately 35%) was due to the application of the odor

neutralizer spray upstream of the Rotoclone. Although limited to this one test, it certainly appears that the installation of the Rotoclones will be effective in reducing odor emission from the fryer stacks. Additional odor reduction may be achieved with an odor neutralizer being applied upstream of the Rotoclone.

I am not sure what accounts for the odor level of Fryer 2 being approximately 60% higher than that Fryer 1. Is this typical due to the different fryer designs – or was it due to a difference in process operating parameters, oil sources, product runs, etc.

We appreciate the opportunity to be of service to Barber Foods. Please feel free to call me if you have any questions concerning these results.

Sincerely,

ODOR SCIENCE & ENGINEERING, INC.



Martha O'Brien
Principal



**Table 1. Results of olfactometric analysis
Barber Foods
OS&E Project No. 1108-M-00**

Date		Time	Sample ID	Odor Conc. D/T(1)	Odor Character
2/1/01	11:55		Fryer No. 1 exhaust	4,545	fat/lard/grease, cooking oil, grass, paint, plastic, paint remover
2/1/01	11:25		Fryer No. 2 exhaust inlet to rotoclone	11,295 10,706 repeat	oily/lard, old frying grease, cooking oil, bacon cooking, rancid oil, chalk, paint remover, woody
2/1/01	11:25		Fryer No. 2 exhaust after rotoclone	4,539	cooking oil, grease, plastic, woody
2/1/01	11:40		Fryer #2 exhaust after rotoclone w/o neutralizer	3,519	cooking oil, grease, spicy, woody, plastic
2/1/01	11:45		Fryer #2 exhaust after rotoclone w/neutralizer spray	2,295	frying grease, cooking oil

1) D/T = dilutions to threshold

ATTACHMENT A

Measurement of Odor Levels by Dynamic Dilution Olfactometry

Odor concentration is defined as the dilution of an odor sample with odor-free air, at which only a specified percent of an odor panel, typically 50%, will detect the odor. This point represents odor threshold and is expressed in terms of "dilutions-to-threshold" (D/T).

Odor concentration was determined by means of OS&E's forced choice dynamic dilution olfactometer. The members of the panel who had been screened for their olfactory sensitivity and their ability to match odor intensities, have participated in on-going olfactory research at OS&E for a number of years.

In olfactometry, known dilutions of the odor sample were prepared by mixing a stream of odor-free air with a stream of the odor sample. The odor-free air is generated in-situ by passing the air from a compressor pump through a bed of activated charcoal and a potassium permanganate medium for purification. A portion of the odor free air is diverted into two sniff ports for direct presentation to a panelist who compares them with the diluted odor sample.

Another portion of the odor-free air is mixed in a known ratio with the odor from the sample bag and is then introduced into the third sniff port. A panelist is thus presented with three identical sniff ports, two of which provide a stream of odor-free air and the third one a known dilution of the odor sample. Unaware of which is which, the panelist is asked to identify the sniff port which is different from the other two, i.e., which contains the odor.

The analysis starts at high odor dilutions. Odor concentration in each subsequent evaluation is increased by a factor of 2. Initially a panelist is unlikely to correctly identify the sniff port which contains an odor. As the concentration increases, the likelihood of error is reduced and at one point the response at every subsequently higher concentration becomes consistently correct. The lowest odor concentration at which this consistency is first noticed, represents the **detection odor threshold** for that panelist.

As the odor concentration is increased further in the subsequent steps, the panelist becomes aware of the odor character, i.e. becomes able to differentiate the analyzed odor from other odors. The lowest odor concentration at which odor differentiation first becomes possible, represent the **recognition odor threshold** for the panelist. Essentially all of OS&E's work is done with recognition odor threshold. By definition the threshold odor is equal to 1 D/T (i.e. the volume of odorous air after dilution divided by the volume before dilution equals one).

The panelists typically arrive at threshold values at different concentrations. To interpret the data statistically, the geometric mean of the individual panelist's thresholds is calculated.

The olfactometer and the odor presentation procedure meet the recommendations of ASTM Standard Practice for Determination of Odor and Taste Thresholds by a Forced-Choice Ascending Concentration Series of Limits (ASTM E679-91). The analysis was carried out in the OS&E Olfactory Laboratory in Bloomfield, Connecticut.



Odor Intensity

Odor intensity is determined using reference sample method with n-butanol as the reference compound. The now widely used n-butanol odor intensity scale is based on n-butanol vapor as odorant at eight concentrations. The concentration increases by a factor of two at each intensity step, starting with approximately 15 ppm at step 1 and ending at approximately 2,000 ppm at step 8.

Odors of widely different types can be compared on that scale just like the intensities of the lights of different colors can be compared to the intensity of standard, e.g. white light. Odor character and hedonic tone are ignored in that comparison. The OS&E odor scientists use the n-butanol scale in their work daily, both in the field and in the laboratory. In the process they have memorized the scale which makes its use quite convenient in the field.

Odor intensities are also routinely measured as part of the dynamic dilution olfactometry measurements. The n-butanol vapor samples are presented to the panelists in closed jars containing the standard solutions of n-butanol in distilled water. The vapor pressure above the butanol solutions corresponds to the steps on the n-butanol scale. To observe the odor intensity, a panelist opens the jar and sniffs the air above the liquid. The panelist then closes the jar so that the equilibrium vapor pressure of butanol can be re-established before the next panelist uses the jar. The odor in the jar is compared with unknown odor present at the olfactometer sniff port.

The relationship between odor concentration and intensity can be expressed as a psychophysical power function also known as Steven's law. The function is of the form:

$$I = aC^b$$

where:

I = odor intensity on the butanol scale

C = the odor level in dilution-to-threshold ratio (D/T)

a,b = constants specific for each odor

The major significance of the psychophysical function in odor control work is that it determines the rate at which odor intensity decreases as the odor concentration is reduced (either by atmospheric dispersion or by an odor control device). The function can therefore be used in predicting the reduction in odor concentration which is required to bring the odor intensity down to a desired level, judged not objectionable.



Attachment 7a

From: Gaylen McDougall
To: Sarah Hopkins
Date: Wed, Feb 21, 2001 7:07 AM
Subject: Barber Foods

I have reviewed the plans for the above property. The plans meet the fire departments site plan requirements.

Mac

Zoning Division
Marge Schmuckal
Zoning Administrator



76
Department of Urban Development
Joseph E. Gray, Jr.
Director

CITY OF PORTLAND

February 15, 2001

TO: Sarah Hopkins, Planning Division
FROM: Marge Schmuckal, Zoning Administrator
SUBJECT: Barber Foods processing addition -54 Saint John Street - 070-A-005- I-Mb zone

This property is located in the I-Mb, moderate industrial zone. The use is a permitted use. There is no minimum lot size requirement. The impervious ratio is 100 %. The maximum building height is 75 feet. The proposed additions are well under this height requirement at approximately 38 feet. This property does not abut a residential zone. There are no building setback requirements in the I-Mb zone. The minimum sixty foot street frontage is more than being met with well over 500 foot of street frontage. There is a requirement that pavement be setback at least 10 feet from boundary lines. My submitted plans do not show that any new pavement is being added. Currently there is pavement that is legally non conforming as to this pavement setback requirement. If there is any new pavement to be added that is not indicated on the current plans, it shall be required to meet the requirements of the 10 foot setback from boundary lines.

A review of the parking as submitted by the applicant, shows that 120 parking spaces are required. The submitted plans show that over 200 parking spaces are to be provided. Some of the parking spaces are shown to be on a Portland Water District easement. It is my suggestion that we confirm that the Portland Water District has allowed this parking on their easement. It is also my understanding that the Planning Authority will review and approve the stacking of the vehicles.

Of course all other performance standards of the I-Mb zone shall also be met. It is also one of my conditions that the illegal, temporary, mobile sign be permanently removed from the premises.

Attachment 7

From: "stephen bushey" <bbushey@maine.rr.com>
To: Portland.CityHall(SH)
Date: Fri, Feb 23, 2001 10:37 AM
Subject: barber foods

Sarah,

I have reviewed the latest plans for the Barber Foods project. My latest package did not contain any supporting discussion or narratives therefore I am not sure if the applicant has addressed all my earlier comments. I offer the following comments on the current plans:

1. The plans remain incomplete as to the design for grading, drainage, lighting and other measures for the parking on the Texaco lot. The applicant should provide revised plans showing these details. You will note that the proposed parking on the texaco lot is very close to the property line and grading etc may be problematic. Without any contours etc. on the plan it is difficult to tell.
2. The plans should be revised to include the appropriate grading of the access drive from the new loading area to St. John st. nest to Century Tire. The current plan grading is incorrect or misdrawn.
3. My earlier comments regarding Public Works review of the sewer issues, sampling MH relocation, and work within existing easements still apply. Steve Harris of the PWD should be in contact with you to discuss.
4. I remain concerned that there is not adequate manuevering area near the west addition for semitrailer trucks to pass if cars are parked in the current plan formation. Has The fire Dept. signed off for emergency vehicle access?
5. The applicant should provide plans stamped by a Professional Engineer licensed in the State of Maine.

At this time I recommend any conditions of approval include the items discussed in the first memo as well as this memo. I will leave it up to staff to determine if the plans as currently presented are satisfactory for approval.

If you have any questions please call.

Steve Bushey Technical Reviewer

CC: Portland.CityHall(AWL)

7d

From: Anthony Lombardo
To: Sarah Hopkins
Date: Tue, Feb 6, 2001 3:53 PM
Subject: Barber Foods Expansion

Sarah,
I've reviewed the preliminary submittal and offer the following comments:

1. The only portion of this project that impacts public facilities is the outfall of the Vortech Stormwater treatment device. The applicant proposes the installation of a new drain manhole within the City's utility right of way. As a result, the next submittal of plans should provide a detail of a drain manhole and the plans should also clearly specify more detailed information related to pipe sizes, inverts, rims, etc. within the this right of way (both existing and proposed).
2. The applicant should also contact Carol Merrit, Public Works Street Openings Clerk to determine if there are required fees for working within the City's utility right of way.

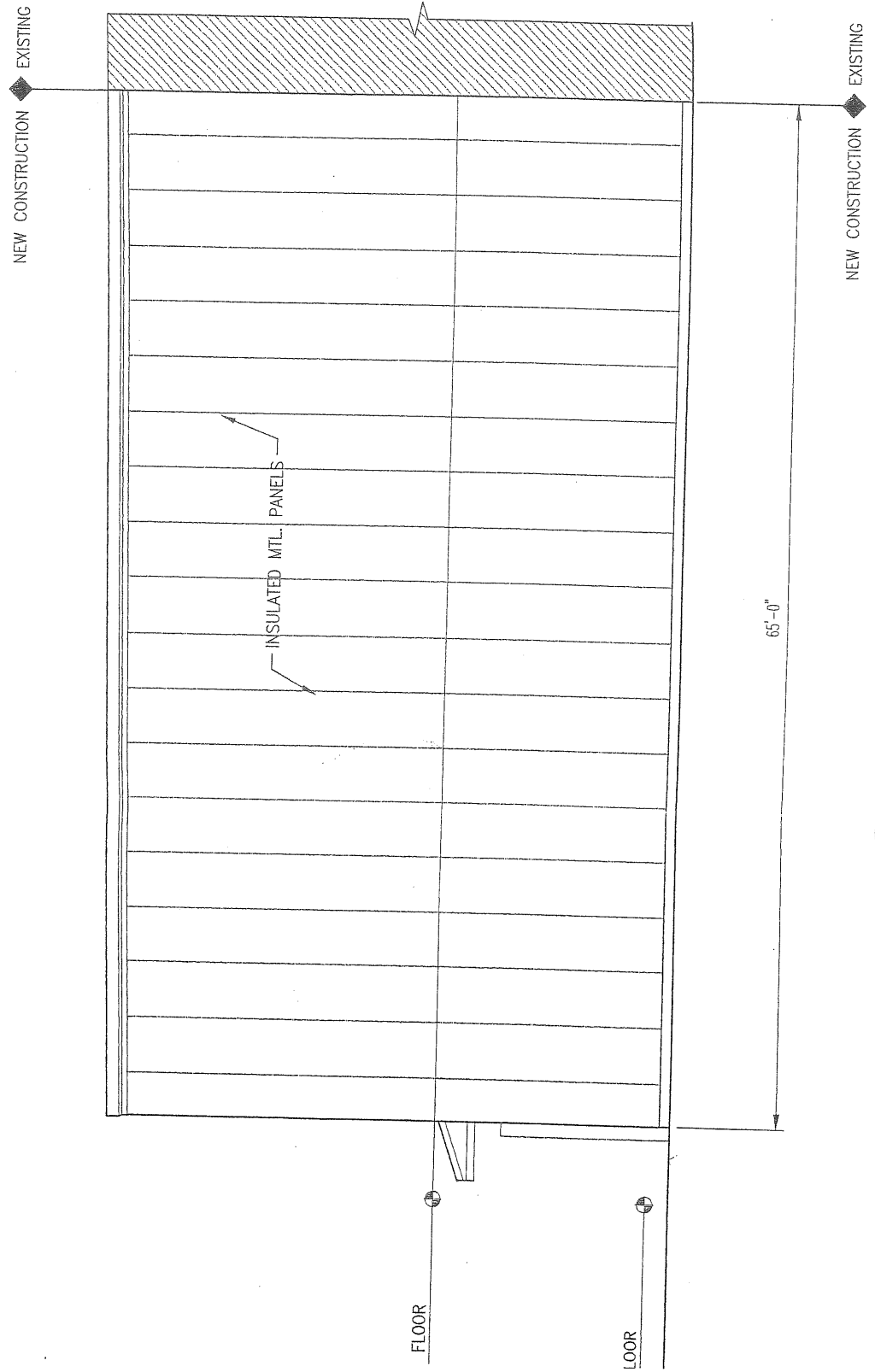
**City of Portland, Maine
Memorandum**

To: Sarah Hopkins, Development Review Services Manager
From: Larry Ash, Traffic Engineer
Date: February 20, 2001
Subject: Barber Foods

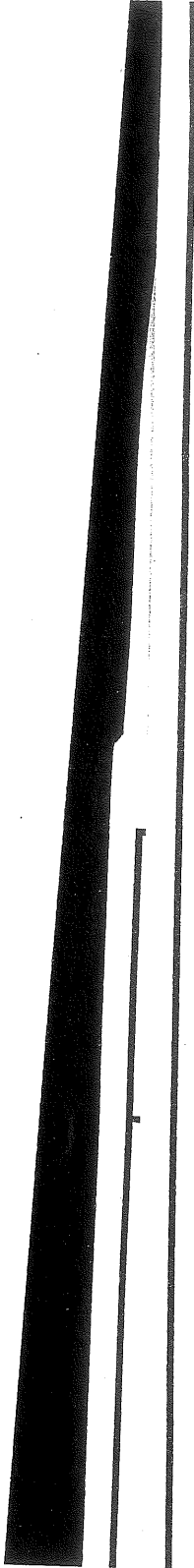
The proposed parking lot adjacent to the abandoned Texaco building needs further modification. As proposed, there is no way for a vehicle at the inside end to turn around which would result in vehicles having to back out onto St. John Street. The parking lot needs to provide a turnaround area.

Curb cuts, as proposed, are acceptable.

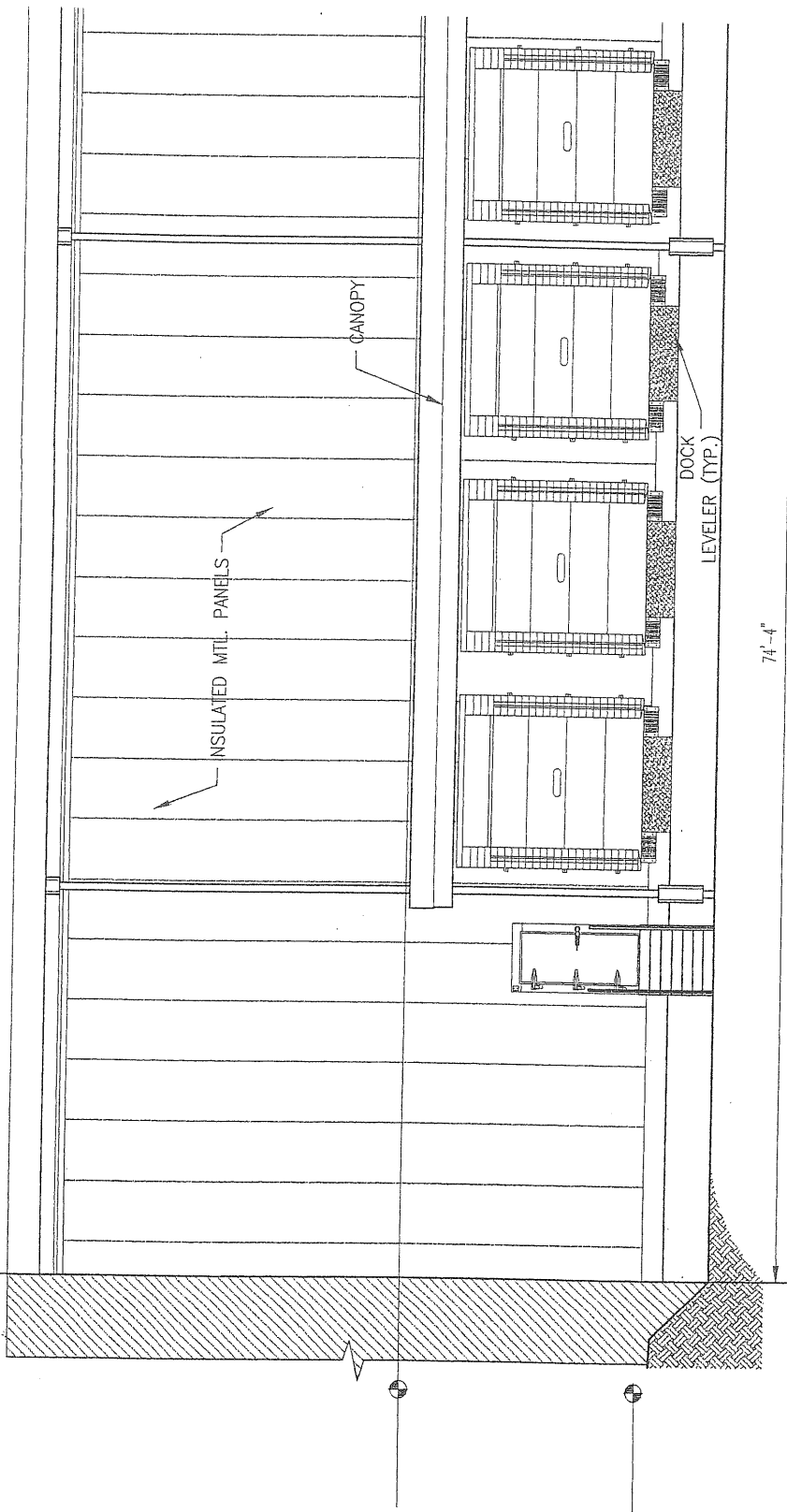
Also, I recommend approval of the waiver of the parking requirement to allow for double stacked parking. Barber Foods has been using stacked parking successfully through the years.



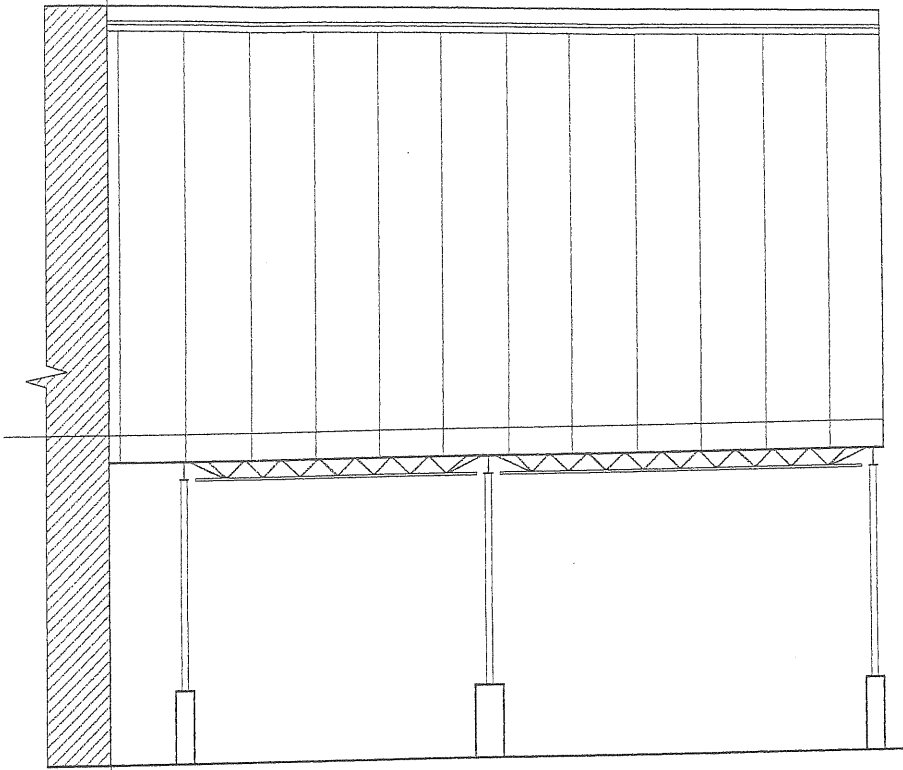
2 NORTH ADDITION - WEST ELEV.
B-1 1/8"=1'-0"



EXISTING  NEW CONSTRUCTION

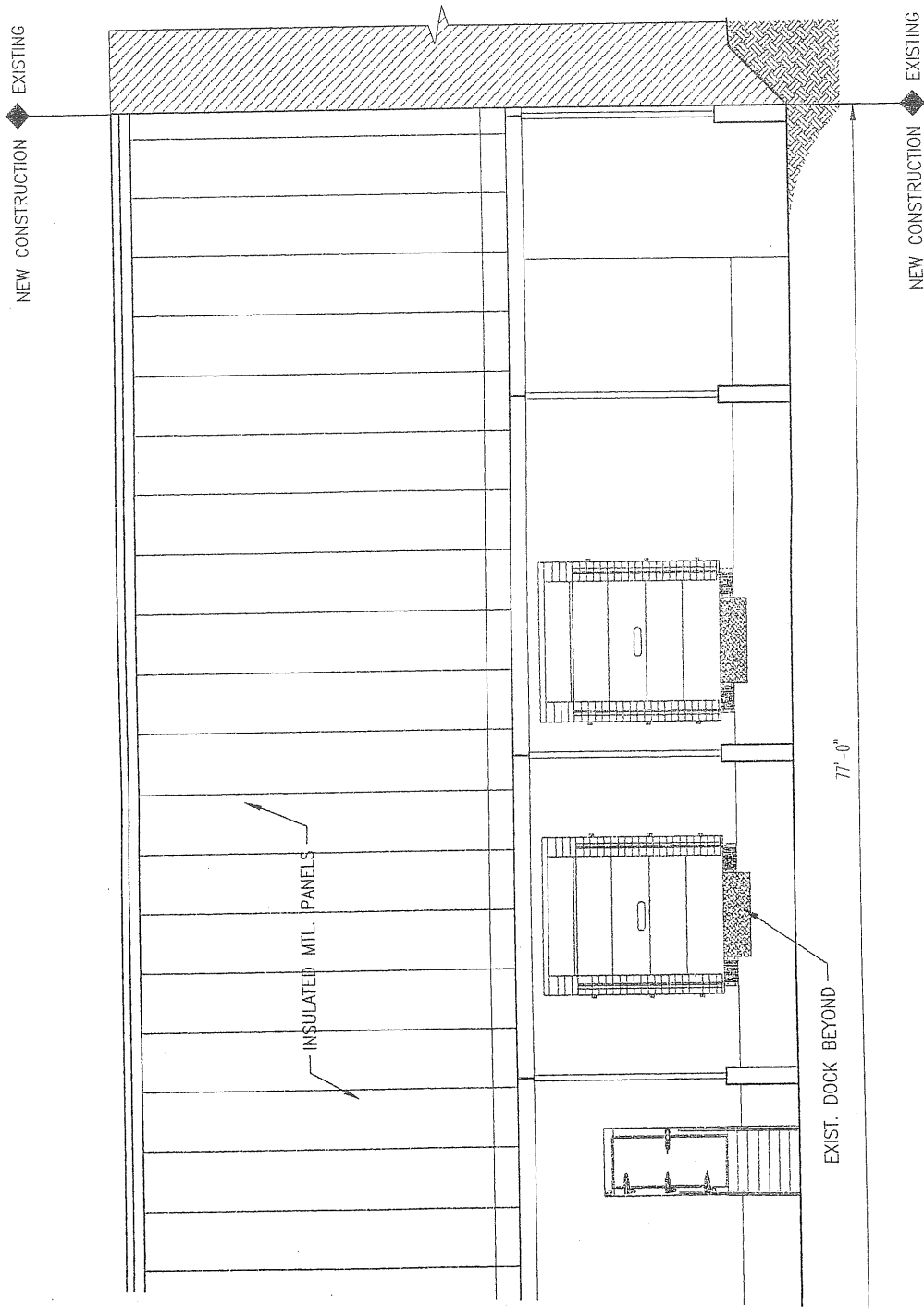


EXISTING ◆ NEW CONSTRUCTION



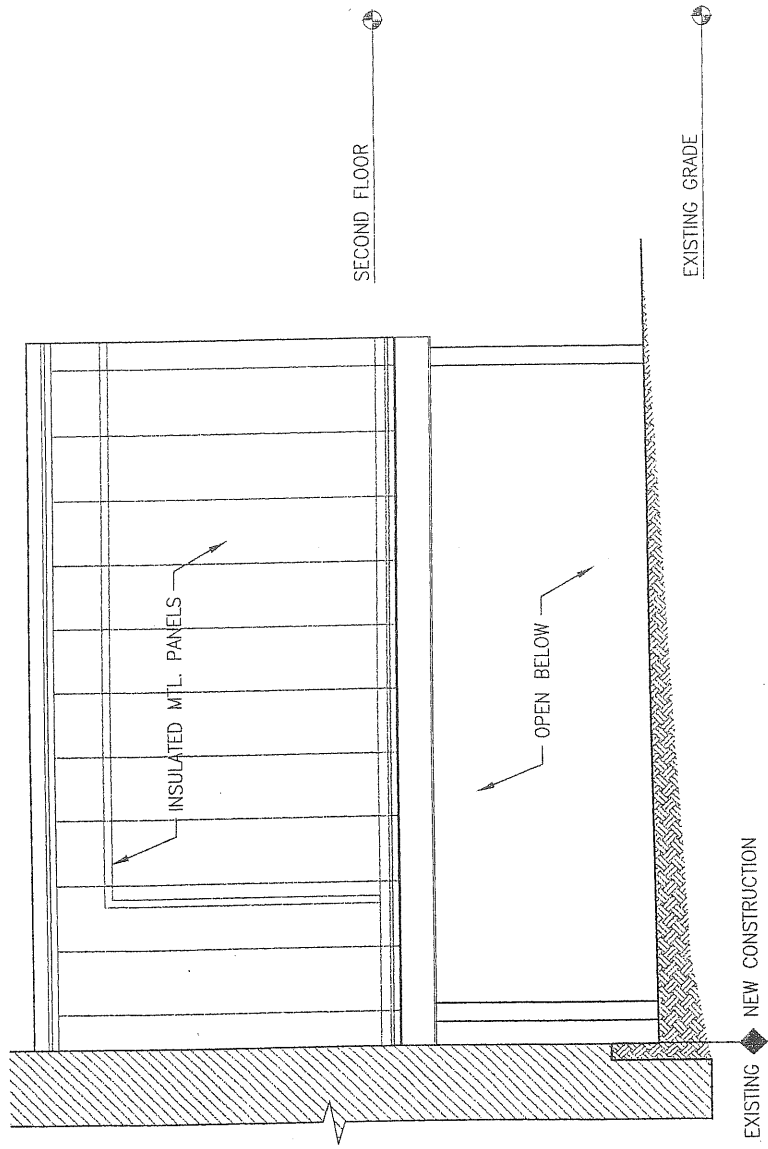
EXISTING ◆ NEW CONSTRUCTION

5 SOUTH ADDITION—WEST ELEV.
B-1 $1/8''=1'-0''$

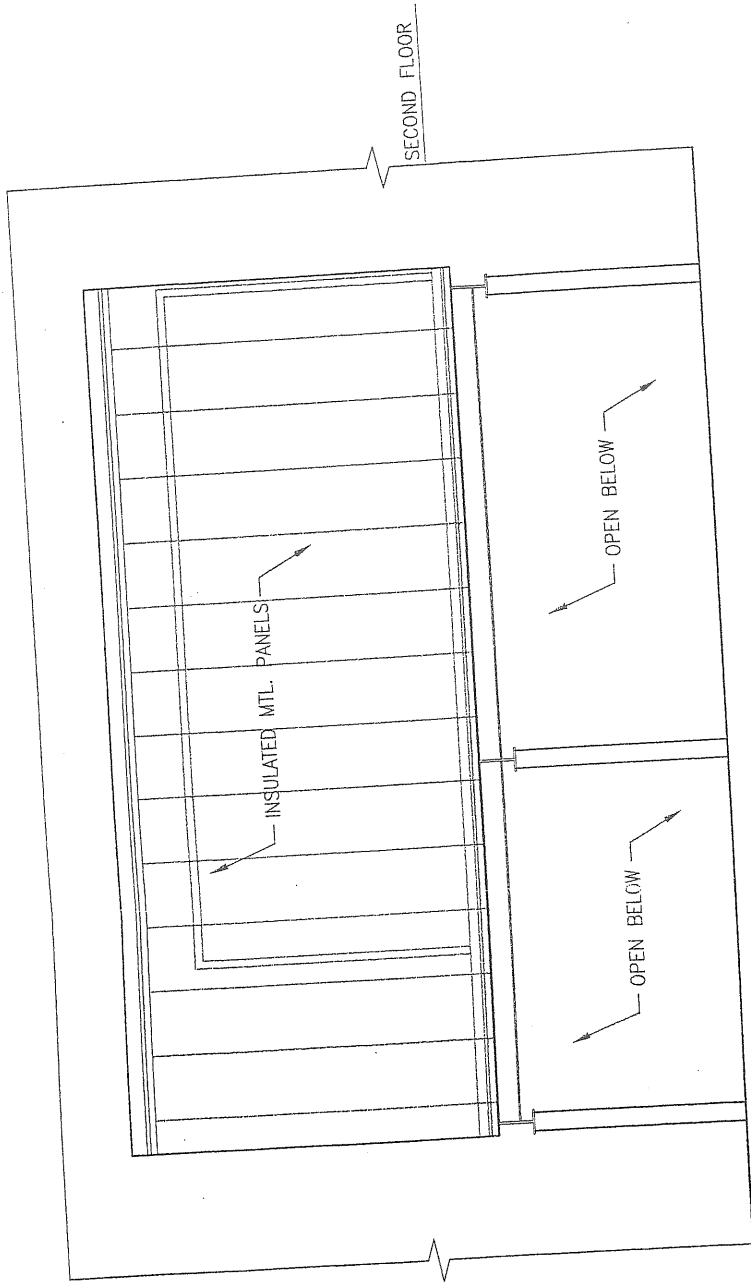


5 SOUTH ADDITION - SOUTH ELEV.

5
B-1
1/8"=1'-0"



3 WEST ADDITION - NORTH ELEV.
 B-1 1/8"=1'-0"



4 WEST ADDITION - WEST ELEV.
B-1 1/8"=1'-0"



CITY OF PORTLAND

May 2, 2001

Mr. Ron Burt, Project Manager
Alliance Construction
160 Pleasant Hill Road
Scarborough, ME 04074

Re: Redlon Johnson storm water amendments

Dear Mr. Burt:

The Planning office is in receipt of your request, on behalf of Redlon Johnson Co., to amend the storm water management system for the approved site plan at 172-174 St. John Street. It is our understanding that Redlon Johnson wishes to share a downstream storm water treatment structure with Barber foods as means to satisfy the Site Plan and Site Location of Development requirements for storm water quality. As you have been informed, this amendment to the storm water management system would require Planning Board approval.

The Planning Office requires the following additional information in order to proceed with the review and approval of this proposal:

1. **A shared storm water maintenance agreement, structured to the approval of City Corporation Counsel, between Redlon Johnson, Barber Foods, and the City of Portland.** This agreement will clarify the responsibility and ability of both Redlon Johnson and Barber Foods for the continued maintenance of the shared storm water quality structure.
2. **Storm water management supporting information.** The applicant must affirmatively show, to the satisfaction of the City's consulting engineer, that the proposed amendment will achieve the intended storm water quality results. While the City technical staff has indicated comfort with the direction of this amendment, the applicant must provide the supporting technical information for review and approval.
3. **Expanded drainage easement.** The applicant must provide evidence of rights to enter the Barber Foods property to exercise their responsibility to maintain the shared system.



CITY OF PORTLAND

April 6, 2001

Stephen Barber
Barber Foods
54 St. John Street
Portland, ME 04102

re: Barber Foods Expansion CBL# 070 A005001

Dear Mr. Barber:

The Planning Office supports the granting of a foundation permit to Barber Foods in order to start pile driving for the proposed building additions. Prior to a full building permit being issued, we will require a revised letter of credit from your bank to be approved by the City's Corporation Counsel. The most recent letter of credit contained language that did not adhere to our form and was therefore not acceptable.

If by Friday, April 13, 2001, we have not come to an agreement regarding the performance guarantee language, we will require that all work be stopped on the site until an agreement can be reached.

Please have your contractor follow up with the Inspections Department for your permits.

Sincerely,

✓ Sarah Hopkins
Development Review Services Manager

Cc.: Alexander Jaegerman, Chief Planner
Penny Littell, Associate Corporation Counsel
Michael Nugent, Inspections Services Manager

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CITY OF PORTLAND, MAINE

PLANNING BOARD

March 23, 2001

Stephen Barber
Barber Foods
54 St. John Street
Portland, ME 04102

Jaimey Caron, Chair
Deborah Krichels, Vice Chair
Kenneth M. Cole III
Cyrus Y. Hagge
Erin Rodriguez
Mark Malone
Orlando E. Delogu

re: Barber Foods Expansion CBL# 070 A005001

Dear Mr. Barber:

On February 27, 2001, the Portland Planning Board voted unanimously (6-0; Cole absent) to approve the site plan application for the expansion of the Barber Foods plant. The Board found that the application met the standards of the Site Plan ordinance of the Land Use Code.

The approval was granted for the project with the following conditions:

- i. That prior to issuance of a building permit, the applicant revise the site plan to include
- ii. modifications to allow a turning area to the rear of the Texaco parking lot.
- iii. That the applicant revise the site plan to reflect proposed grading and drainage of the Texaco parking lot.
- iv. That the plans be revised to include the as-built grades of the access drive from the new loading area.
- v. That the final site plans be stamped by a registered engineer and
- vi. That the survey and legal description for the Texaco lot be reconciled.
- vii. That the ability to permit parking on the Portland Water District easement be confirmed.
- viii. That illegal mobile temporary sign be removed from the site.

The Planning Board also granted a waiver of the technical standards, finding that extraordinary conditions do exist, ie. the nature of shift work at the Barber Foods plant to allow stacked parking:

The Board further found that the granting of the waiver will not create potentially hazardous vehicle and pedestrian conflict or that it will/will not nullify the intent and purpose of the land development plan and the City ordinances.

The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report #10-01, which is attached.

Please note the following provisions and requirements for all site plan approvals:

1. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

2. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. Prior to construction, a preconstruction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the preconstruction meeting.
5. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection (874-8632) Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact the Planning Staff.

Sincerely,



Chair
Portland Planning Board

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
✓ Sarah Hopkins, Development Review Program Manager
P. Samuel Hoffses, Building Inspector
Marge Schmuckal, Zoning Administrator
Tony Lombardo, Project Engineer
Development Review Coordinator
William Bray, Director of Public Works
Nancy Knauber, Associate Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention

Inspection Department
Lee Urban, Director of Economic Development
Don Hall, Appraiser, Assessor's Office
Susan Doughty, Assessor's Office
Approval Letter File