



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAVID P. LITTELL  
COMMISSIONER

MEMORANDUM

TO: The Board of Environmental Protection  
FROM: Christina Stacey, Bureau of Land & Water Quality, Augusta  
RE: Consent Agreement for Glen Dube Excavation, Inc.

DATE: January 7, 2010

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**Statute and Rule Reference:** *The Site Location of Development Act* (Site Law), 38 M.R.S.A. § 484-A and the *Performance Standards for Excavations*, 38 M.R.S. § 490-C, state, in pertinent part, that a "Notice of Intent to Comply" must first be submitted to the Department of Environmental Protection prior to expanding a gravel pit by more than 5 acres.

**Location:** Sabattus

**Description:** On August 20, 2008, Department staff inspected the property of Glen Dube Excavation, Inc. on Littlefield Road in Sabattus. Through the use of aerial photographs and ground survey equipment, staff determined that the gravel pit and topsoil excavation located on the property had been expanded by approximately 7.3 acres since 1970. Glen Dube Excavation, Inc. did not file a Notice of Intent to Comply pursuant to the Department's *Performance Standards for Excavations* prior to exceeding the 5-acre threshold.

**Environmental Issues:** Gravel pits have the potential to create erosion and sedimentation problems from uncontrolled runoff, ground water pollution from fuel spills and equipment leaks, air pollution from uncontrolled dust sources, noise pollution, and safety concerns from steep slopes. These concerns are addressed by operating a pit in compliance with the Department's *Performance Standards for Excavations*.

On December 16, 2008, Glen Dube Excavation, Inc. submitted an after-the-fact Notice of Intent to Comply pursuant to the Department's *Performance Standards for Excavations*, which was approved by Department staff on December 19, 2008.

**Department Recommendation:** The Department recommends acceptance of this Consent Agreement stipulating that Glen Dube Excavation, Inc. pay a monetary penalty of \$2,500.00, which has been paid. The penalty is based on the Department's penalty policy reflecting the size of the violation, knowledge of the violator, and that the violation could have been avoided.

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AUGUSTA, MAINE 04333-0017  
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STATE OF MAINE
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IN THE MATTER OF

GLEN DUBE EXCAVATION, INC. ) ADMINISTRATIVE CONSENT
SABATTUS, ANDROSCOGGIN, ME ) AGREEMENT
MINING ) (38 M.R.S.A. §347-A)
EIS #2008-151-L )

This Agreement by and among Glen Dube Excavation, Inc., the Maine Department of Environmental Protection ("Department"), and the Maine Office of the Attorney General, is entered into pursuant to the laws concerning the Department's Organization and Powers, 38 M.R.S.A. § 347-A(1).

The parties agree as follows:

- 1. Glen Dube Excavation, Inc. owns a parcel of land located adjacent to Littlefield Road in Sabattus, Maine as described and recorded in Book 7232 on Page 148 of the Androscoggin County Registry of Deeds.
2. Glen Dube Excavation, Inc., P.O. Box 819, Sabattus, Maine 04280, is a Maine corporation in good standing to conduct business in Maine and which operates a gravel pit and topsoil operation on the property described in Paragraph 1 of this Agreement. Glen E. Dube is the President of Glen Dube Excavation, Inc.
3. On August 20, 2008, Department staff determined through the use of aerial photographs and ground survey equipment that the gravel pit and topsoil excavation located on the property described in Paragraph 1 of this Agreement has been expanded by approximately 7.3 acres since 1970. A review of Department records revealed that a "Notice of Intent to Comply" had not been obtained for this activity as required by Maine's Performance Standards for Excavations, 38 M.R.S.A. § 490-C.
4. By expanding a gravel pit by more than five acres since 1970 without first filing a "Notice of Intent to Comply" pursuant to the Department's program of Performance Standards for Excavations, Glen Dube Excavation, Inc. violated the Performance Standards for Excavations, 38 M.R.S.A. § 490-C.
5. On September 10, 2008, the Department issued a Notice of Violation to Glen Dube Excavation, Inc. for the violations described in Paragraphs 3 and 4 of this Agreement in accordance with 38 M.R.S.A. § 347-A(1)(B).

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SABATTUS, ANDROSCOGGIN COUNTY, ME ) AGREEMENT  
MINING ) (38 M.R.S.A. §347-A)  
EIS #2008-151-L

6. This Agreement shall become effective only if approved by the Board and the Office of the Attorney General.
7. On December 16, 2008 Glen Dube Excavation, Inc. submitted an after-the-fact "Notice of Intent to Comply" pursuant to the *Performance Standards for Excavations*, which was approved by Department staff on December 19, 2008.
8. To resolve the violations referred to in Paragraphs 3 and 4 of this Agreement, Glen Dube Excavation, Inc. agrees to pay the Treasurer, State of Maine, upon signing this Agreement, the sum of two thousand five hundred dollars (\$2,500.00) as a civil monetary penalty.
9. The Department and the Maine Office of the Attorney General grant a release of their causes of action against Glen Dube Excavation, Inc. for the specific violations listed in Paragraphs 3 and 4 of this Agreement on the express condition that all actions listed in Paragraph 8 of this Agreement are completed in accordance with the express terms and conditions of this Agreement. The release shall not become effective until this condition is satisfied.

IN WITNESS WHEREOF the parties hereto have executed this Agreement consisting of two (2) pages.

GLEN DUBE EXCAVATION, INC.

BY:   
GLEN E. DUBE, PRESIDENT

DATE: 12-3-09

BOARD OF ENVIRONMENTAL PROTECTION

BY: \_\_\_\_\_  
SUSAN M. LESSARD, CHAIR

DATE:

MAINE OFFICE OF THE ATTORNEY GENERAL

BY: \_\_\_\_\_  
MARGARET A. BENSINGER, ASSISTANT ATTORNEY GENERAL