



JANET T. MILLS
GOVERNOR



GERALD D. REID
COMMISSIONER

MEMORANDUM

TO: Mark Draper, Board Chair of the Board of Environmental Protection,
Kate Tierney, Assistant Attorney General

FROM: Scott Belair, Bureau of Land Resources, Northern Maine Regional Office

SUBJECT: Administrative Consent Agreement, Daniel Delucca, Houlton, Maine

DATE: February 6, 2020

Statute and Rule Reference:

Natural Resources Protection Act, 38 M.R.S. § 480-C, removing vegetation and placing fill within a protected natural resource without a permit.

Erosion and Sedimentation Control law, 38 M.R.S. § 420-C, removing vegetation, disturbing soil and placing fill without taking appropriate measures to prevent unreasonable erosion of soil or other earthen materials.

Stormwater Management Law, 38 M.R.S. § 420-D, constructing, or causing to be constructed, a project that includes one acre or more of disturbed area without prior approval from the department.

Location: Daniel Delucca, 188 Ludlow Road, Houlton, Maine

Description: On May 22, 2019, Department staff observed that vegetation had been removed and a large amount of gravel fill had been placed on a parcel of land

On May 22, 2019, Department staff observed a parcel of land on the Ludlow Road in Houlton where vegetation had been removed from a forested wetland and approximately 50,000 square feet of fill had been placed within the wetland area. Staff also observed that approximately 3.75 acres had been disturbed and that there were no erosion and sedimentation controls in use on the site at the time of the visit. After further investigation, it was determined that Daniel Delucca was the property owner and that he was completing the project without having obtained any permits from the Department.

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



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Environmental Issues: The functional values of the wetland including water storage, flood conveyance, groundwater recharge and discharge, and improving water quality were diminished by the placement of fill. The project also involved a large area of soil disturbance where no effort had been made to control erosion and sedimentation resulting in uncontrolled discharge from the site.

Staff Recommendation: The Department recommends acceptance of this Administrative Consent Agreement as proposed stipulating a monetary penalty of three thousand four hundred and one dollars (\$3,401.00).

Is the agreement subject to 30-day public comment pursuant to 38 M.R.S. § 347-A(6)?

Yes No

POSTED FOR 30-DAY PUBLIC COMMENT:

Enforcement Coordinator: ___N/A___ Posting Date: ___N/A___ Expires:
___N/A___

PROCEED WITH SIGNATURE:

Enforcement Coordinator: _____ Date: _____