



Melanie Loyzim
Acting Commissioner

Department of
Environmental Protection
State of Maine

MEMORANDUM

TO: Mark Draper, Board Chair of the Board of Environmental Protection

Katherine Tierney, Assistant Attorney General

FROM: Melanie Loyzim, Acting Commissioner

James Pollock, BRWM, CMRO

SUBJECT: AMENDED ADMINISTRATIVE CONSENT AGREEMENT, LEWISTON-AUBURN
WATER POLLUTION CONTROL AUTHORITY (LAWPCA)

DATE: December 17, 2020

Statute and Rule Reference:

- Department’s Licensing Decision S-020780-CC-A-N (re-coded as S-020780-*CI*-A-N)
- Maine’s *General prohibition*, 38 M.R.S. § 1306(1)
- Department’s *Solid Waste Management Rules: Composting Facilities*, 06-096 C.M.R. ch. 410, §§ 1 and 4
- Department’s *Solid Waste Management Rules: Water Quality Monitoring, Leachate Monitoring, and Waste Characterization*, 06-096 C.M.R. ch. 405, § 2(D)(4).

Location: Penley Corner Road, Auburn, Maine

Violator: Lewiston-Auburn Water Pollution Control Authority (LAWPCA)

Description: The Department, Office of Attorney General, and the violator entered into an Administrative Consent Agreement (ACA) on August 12, 2019. The ACA addressed ongoing groundwater contamination issues related to the odor-control biofilter at the LAWPCA composting facility on Penley Corner Road in Auburn (see Appendix B of the attached Amended Administrative Consent Agreement [Amended ACA]).

Under the 2019 ACA, LAWPCA agreed to close and decommission the composting facility biofilter as a corrective action to address the ongoing groundwater contamination. The biofilter has since been fully decommissioned, closed, and capped. LAWPCA continues to monitor groundwater quality at the site in accordance with a Department-approved Environmental Monitoring Plan (EMP).



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As part of the ACA, LAWPCA agreed to fund a Supplemental Environmental Project (SEP) for a sediment-control catch basin installation project administered by the Lake Auburn Watershed Protection Commission (LAWPC). LAWPCA provided the LAWPC \$32,500.00 to partially fund the project which had an estimated total \$50,000.00 budget. Once the project was completed, LAWPCA submitted a report to the Department indicating that the overall project cost had been significantly lower than originally estimated. The total project cost invoiced to the LAWPC was \$12,329.07. The difference between the amount LAWPCA paid to the LAWPC (\$32,500.00) and the actual amount invoiced to the LAWPC (\$12,329.07) is \$20,170.93.

The Amended ACA includes a new SEP which is structured in a similar manner as the original, except that rather than providing for the installation of a single catch basin, the new project provides for the installation of five catch basins within the Lake Auburn watershed. The estimated project cost, based on the prior catch-basin installations, is in excess of \$30,000.00. The Amended ACA allows for the remaining SEP funds from the original ACA to be applied to the SEP included in the Amended ACA.

The Amended ACA maintains all the original findings of violations and remedies contained in the ACA. LAWPCA has submitted all SEP reports as required.

Environmental Issues: Groundwater near the facility biofilter, and to the outer extent of the monitoring network, remains contaminated. Discharges from the biofilter are the primary significant source of contamination. As stated above, the biofilter has now been closed and capped, and the site continues to be monitored in accordance with a Department-approved EMP.

Staff Recommendation: The Department recommends acceptance of this Amended Administrative Consent Agreement as proposed allowing for the funding of an additional SEP.

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: _____ Posting Date: _____ Expires: _____

PROCEED WITH SIGNATURE:

Enforcement Coordinator: _____ Date: _____