



Melanie Loyzim
Acting Commissioner

Department of
Environmental Protection
State of Maine

MEMORANDUM

TO: Mark C. Draper, Board Chair of the Board of Environmental Protection, and

Scott Boak, Assistant Attorney General

FROM: Melanie Loyzim, Acting Commissioner, and

Ian D. Isler, Bureau of Remediation and Waste Management, Petroleum Management Division

SUBJECT: ADMINISTRATIVE CONSENT AGREEMENT, ND PAPER INC.

DATE: December 17, 2020

Statute and Rule Reference:

A. *Oil Discharge Prevention and Pollution Control law*, 38 M.R.S. § 543. “The discharge of oil into or upon any coastal waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the State, or into or upon any lake, pond, river, stream, sewer, surface water drainage, ground water or other waters of the State or any public or private water supply or onto lands adjacent to, on, or over such waters of the State is prohibited.”

B. *Oil Discharge Prevention and Pollution Control law*, 38 M.R.S. § 548. “Any person discharging or suffering the discharge of oil in the manner prohibited by section 543 shall immediately undertake to remove that discharge to the commissioner's satisfaction.”

Location: 35 Hartford Street in Rumford, Maine

Violator: ND Paper Inc.

Description: On November 6, 2019, staff from the Department’s Division of Response Services received an anonymous report of a No. 6 oil release at the ND Paper Inc. facility. The complainant reported that the oil had not been cleaned up completely and that white foam was observed discharging into the Androscoggin River from an unspecified drain at the Site.

According to the ND Paper Inc. investigation report received by the Department on December 17, 2019, the level began to drop in the No. 6 oil bulk Aboveground Storage Tank (“AST”) at a rate of 0.188 inches per hour between October 18, 2019 and October 20, 2019 with a total change in inventory of 14,014 gallons. Of this quantity, a discharge of approximately 8,628



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gallons to secondary containment was caused by a steam coil failure located inside the bulk AST's secondary containment earthen berm that resulted in a discharge of No.6 oil from condensate drains located within that structure. ND Paper Inc. reported the existence of two additional prior discharges within the facility's secondary containment concrete structures. An additional prior discharge of approximately 157 gallons occurred in a blockhouse next to the bulk AST due to a pressure gauge failure.

ND Paper Inc. failed to immediately initiate removal of the prohibited oil discharges to the Commissioner's satisfaction. The Department did not receive a notification within two hours of discovery of a spill from ND Paper Inc. and was unable to assist in cleanup activities and investigation until 3 weeks after the discharges.

According to the investigation report, ND Paper Inc.'s subsequent investigation determined that approximately 9,291 gallons were recovered in total from all three discharges. ND Paper Inc. has completed corrective actions including spill response and training to employees, equipment repairs, enabling alarms, and video surveillance monitoring to prevent future discharges.

Environmental Issues: Due to ND Paper, Inc.'s failure to timely notify the Department of the spill, it is currently unknown to what extent petroleum products were discharged to the soil, groundwater or river, or the potential impact of said discharges.

Staff Recommendation: The Department recommends acceptance of this Administrative Consent Agreement as proposed stipulating a monetary penalty of ninety thousand dollars (\$90,000.00), immediately paid to the *Treasurer, State of Maine c/o the Maine Ground and Surface Waters Clean-up and Response Fund.*

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: _____