



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during November 2011
DISTRIBUTED: January 30, 2012

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report. The full text of most Administrative Consent Agreements is available on the Board of Environmental Protection's website at <http://www.maine.gov/dep/bep/agenda.htm>.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):

Air:

X Cafe LLC, Portland, Maine. X Cafe LLC ("X Cafe") violated provisions of its Department-issued air emission license by exceeding the license limit of 20% on a six minute block average for opacity. Specifically, a Visible Emission Observation conducted by Department staff documented that opacity from the coffee roaster stack was greater than 20% on a six minute block average. To resolve the violation, X Café paid \$350 as a civil monetary penalty.

Asbestos:

Portland Diversified Services, Inc., Bangor, Maine. Portland Diversified Services, Inc., ("PDS") violated the Department's *Asbestos Management Regulations* by engaging in an asbestos abatement activity without using a negative air machine or using a negative air machine and failing to vent to exhaust hose outside the work area without having obtained a variance. To resolve the violation, PDS paid \$2,000 as a civil monetary penalty.

Craig Wilson d/b/a ICON Environmental Consultants, Bangor, Maine. Craig Wilson d/b/a ICON Environmental Consultants ("ICON") violated the Department's *Asbestos Management Regulations* by failing to ensure that a project design was consistent with the requirements of the regulations and failing to conduct an asbestos abatement activity in compliance with generally-recognized state-of-the art professional services. Specifically, ICON engaged in an asbestos abatement activity, which includes asbestos associated activities such as design and monitoring of an asbestos abatement removal activity, without using a negative air machine or using a negative air machine and failing to vent to exhaust hose outside the work area without having obtained a variance. To resolve the violations, ICON will pay \$3,000 as a civil monetary penalty pursuant to the terms of a payment plan.

Land:

Brenda Gibson, Embden, Maine. Brenda Gibson ("Gibson") violated Maine's *Natural Resources Protection Act* by placing fill adjacent to a great pond, performing or causing to be performed construction of a permanent structure adjacent to a great pond, and placing fill in a great pond, all without first obtaining a permit from the Department. Specifically, during the construction of a play area fill was placed up to eleven feet from Embden Pond, a patio structure and two retaining walls were placed within seventy-five feet of the pond, and two stone steps were placed below the normal high water line of the pond. To resolve the violations, Gibson removed the two steps from the pond and submitted a permit by rule notification to conduct activities to restore the remainder of the site. The permit by rule application was approved by the Department. In addition, Gibson paid \$1,190 as a civil monetary penalty.